

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 285
Tuesday, February 17, 2004, 1:30 p.m.
Aaronson Auditorium
Tulsa Central Library
400 Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Walker, Chair	Hutson, Vice Chair	Butler	West, Co. Inspector
Dillard, Secretary		Beach	
Tyndall		Alberty	
Charney			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, February 12, 2004 at 10:57 a.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Walker called the meeting to order at 1:30 p.m.

MINUTES

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** the Minutes of January 20, 2003 (No. 384).

Case No. 2082

Action Requested:

Special Exception to permit a dance hall in an IM district. SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19a, located: SE/c E. 61st Street and N. Mingo Road.

Presentation:

Blas Gaytan, 9012 E. 89th, presented his case for a cultural center mainly for festivals and dance/concert hall. The two festivals would be in May and September and there would be ten other events through out the year. The plans include an amphitheater and an enclosed building. He provided a site plan (Exhibits A-1a and A-1b).

Comments and Questions:

Mr. White asked about the square footage of the building. Mr. Gaytan responded that the dance hall would be 28,500 sq. ft. Mr. Beach informed the Board the parking space requirement would be 285; and the applicant applied for a lot split from the northwest corner of the property. He added that water and sewer must be obtained before the lot split would be granted. Mr. Gaytan stated he has a contract with an engineer for water and sewer connections. Mr. White asked how many people they expect at the events. Mr. Gaytan indicated anywhere from 1,000 to 5,000 at any one event. He also informed the Board they would use port-a-johns for events; and they would serve alcoholic beverages. Mr. Gaytan is the property owner. The proposed hours of operation are noon to midnight for festivals and noon to 2:00 a.m. for the concerts. Mr. Beach noted that the users of neighboring property would be gone during the hours of the events. He added that lighting and speakers probably need to be turned away from abutting developed properties, perhaps toward the north and east. Mr. Tyndall suggested approval for a limited time.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Dillard**, the Board voted 4-0-0 (Walker, Dillard, Tyndall, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Special Exception** to permit a dance hall in an IM district, with conditions for: water and sewer connections per TMAPC; and to meet parking and lighting requirements, as presented, on the following described property:

The N 1,156.90' of Block 1, Northeast Tulsa Industrial District, Tulsa County, State of Oklahoma, less and except the E 350.00' of the N 700.00' of said Block 1.

Case No. 2083

Action Requested:

Special Exception to permit a single-family dwelling in a CS district; and a Special Exception to expand mini-storage use in a CS district, located: Northwest Corner West 41st Street and South 129th West Avenue.

Presentation:

Doyle E. Lee, Jr., 4024 S. 129th W. Ave., Sand Springs, Oklahoma, stated they would like to expand the mini-storage on the north side of the property. They plan to remove an existing house and replace it with another house on the south property.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Tyndall**, the Board voted 4-0-0 (Walker, Dillard, Tyndall, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Special Exception** to permit a single-family dwelling in a CS district; and a **Special Exception** to expand mini-storage use in a CS district, per plan, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 1, Block 1, Sooner Mini-Storage, Tulsa County, State of Oklahoma.

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Case No. 2084

Action Requested:

Special Exception to allow U.U. 5 (a church and church uses) in an AG zoned district. SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS – Use Unit 5, located: NE/c E. 161st St. and S. Yale

Presentation:

Darrell Barnes, submitted a preliminary site plan (Exhibit C-1) for a church on the subject property. Mr. Beach stated the need for the square footage of the sanctuary to determine the number of required parking spaces. He added that if it is less than 3,000 sq. ft., which would require 87 parking spaces, then there would be no problem.

Comments and Questions:

Mr. Tyndall asked if they foresee any drainage problems. Mr. Barnes responded that the engineer has planned for a berm to help direct drainage flow.

Interested Parties:

Walter Black, 5015 E. 161st St., stated there is poor soil percolation in this area. He was interested in the type of sewage system they planned to use.

Virginia Howell, 15943 S. Yale, was opposed to a parking lot next to her property and the increased traffic the church would generate. She expressed concern regarding drainage and sewage problems it may cause. She did not want to lose the rural atmosphere of the area.

Alvin Penn, Box 657, Bristow, Oklahoma, stated he is the engineer consulting on this project. He informed the Board, the sanctuary would be 2,310 sq. ft. They plan to put in an aerobic sewage system. There will not be a large daily usage of the facilities. The regular church meetings will be on Sundays, Tuesdays and

Thursdays. They plan to build a large sloping swale with a slight berm on the north, directing drainage to the road. They would make any adjustments needed to re-shape the bar ditch as necessary. The closest parking to the neighbor on the north is about 35'. The access is on Yale and if needed they would be willing to open an access to 161st Street.

Mr. West stated there needs to be a determination of the required front yard because there cannot be any parking or other structures in the required front yard. The Yale side was decided to be the front yard.

Board Action:

On **Motion** of **Tyndall**, the Board voted 4-0-0 (Walker, Dillard, Tyndall, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Special Exception** to allow U.U. 5 (a church and church uses) in an AG zoned district, with conditions for: DEQ approval, building permit, and other requirements, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

All that part of the SW/4 of Section 22, T-17-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit: Beg. at the SW/c of said SW/4; thence N and parallel to the W line of said SW/4, a distance of 445'; thence E and parallel to the S line of said SW/4, a distance of 325'; thence S and parallel to the W line of said SW/4 a distance of 445'; thence W and parallel to the S line of said SW/4 a distance of 325' to the POB.

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Case No. 2085

Action Requested:

Variance of allowable accessory building in an R zoned district from 750 sq. ft. to 4,150 sq. ft., located: 16501 West 19th Place.

Presentation:

Marilyn Ash, 16501 W. 19th Pl. Sand Springs, Oklahoma, submitted photographs and a petition of neighbors in support (Exhibits D-1 and D-2). When they purchased the property it was their understanding they could build as they pleased. When they began construction on the newest accessory building, they were informed of the requirements and limitations for building.

Comments and Questions:

Mr. Walker asked if the other structures were on the property when they purchased it. Ms. Ash replied that they had built them.

James C. Ash, 16501 W. 19th Pl. Sand Springs, Oklahoma, stated he needs a place to store his antique cars.

Mr. Walker asked the applicants for a hardship. Ms. Ash replied they lost the use of a corner of their property for roadway.

Mr. Beach commented that the lot is larger than usual at 6.8 acres.

Interested Parties:

Charley Choate, 1800 S. 165th W. Ave., Sand Springs, Oklahoma, stated that flooding in the area and the close proximity of the railroad are hardships.

Pat Buntin, 16401 W. 19th Pl., Sand Springs, Oklahoma, **Jim Boyles**, 1604 S. 167th W. Ave., Sand Springs, Oklahoma, and **Melton Morrow**, 16405 W. 17th, Sand Springs, Oklahoma, stated their support of the application.

Board Action:

On **Motion** of **Dillard**, the Board voted 4-0-0 (Walker, Dillard, Tyndall, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Variance** of allowable accessory building in an R zoned district from 750 sq. ft. to 4,150 sq. ft., finding the oversized lot, and the taking of footage for road easement, with condition for no commercial usage, on the following described property:

Beg. 1244.08' S and 11.12' W NW/c NE SE W 252.87' S 164.19' to RR SE 216.73' NE 213.42' to Beg. less S 50.00' and E 25.00' for road, Section 7, T-19-N, R-11-E, Tulsa County, State of Oklahoma.

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Case No. 2086

Action Requested:

Special Exception to allow a manufactured home in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located: 5706 North Norfolk.

Presentation:

William Reed, 6231 N. Gillette, stated they purchased the land with the understanding that mobile homes were permitted as there are several in the neighborhood. There are two creeks that run on either side of the property. They purchased the mobile home before they discovered they needed a special exception. He submitted photographs (Exhibit E-1). They plan to demolish the existing house that was destroyed by fire. He commented that the mobile would not be visible from the street.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Tyndall**, the Board voted 4-0-0 (Walker, Dillard, Tyndall, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Special Exception** to allow a manufactured home in an RS zoned district, with conditions for: DEQ approval, skirting, tie-downs, and building permit, on the following described property:

Beg. 753.00' W and 468.7' N SE/c of Section 1, T-19-N, R-12-E, , thence W 430.30' to the E line of the Midland Valley Railroad right-of-way, thence NEly along the E line of the Midland Valley Railroad right-of-way to a point which is 356.80' N and 285.99; W of the POB, thence E 285.00'; thence S 356.80' to the POB, all in Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

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Case No. 2088

Action Requested:

This application was withdrawn and a refund was requested for fees paid for multiple variances before the application was processed.

Presentation:

Mr. Beach informed the Board that staff recommended a full refund as the case was withdrawn before the application was processed.

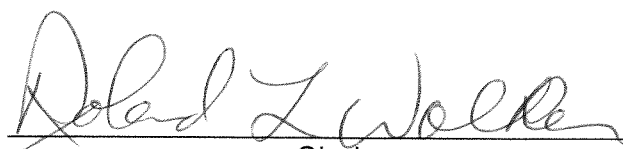
Board Action:

On **Motion** of **Charney**, the Board voted 4-0-0 (Walker, Dillard, Tyndall, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a full refund on Case No. 2088, per staff recommendation.

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There being no further business, the meeting was adjourned at 2:42 p.m.

Date approved: 3-16-04


Chair