

COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 288

Tuesday, May 18, 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
Dillard, Secretary
Tyndall
Charney

Butler
Beach
Alberty

West, Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Friday, May 14, 2004 at 3:01 p.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.

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MINUTES

On **MOTION** of **Tyndall**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of April 20, 2004 (No. 287).

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Case No. 2096

Action Requested:

Variance of allowable square footage for accessory building from 750 sq. ft. to 2,760 sq. ft. SECTION 240.2.E. PERMITTED YARD OBSTRUCTIONS, located: 3701 West 59th Street South.

Presentation:

Charles Elliott, 3701 W. 59th S., stated he is the property owner. He proposed to build an accessory building to store his antique vehicles and motorcycle. He added it would be a hobby shop with no commercial activity.

Comments and Questions:

Mr. Walker asked what kind of hobby and why it needs to be four times bigger than allowed. Mr. Elliott replied that he just likes to do things on a bigger scale. He has

several antique vehicles, some are military vehicles. He explained that he wants to keep them out of the weather. Mr. Walker asked if there were other outbuildings on the property. Mr. Elliott replied that there is a garage that was left off of the site plan, about 20' x 24'. Mr. Walker noted photographs (Exhibit A-2) provided by the building inspector. He questioned Mr. Elliott as to what he does with these vehicles. Mr. Elliott explained that he restores them to keep, though he has sold some at a car auction. He added that he has a machine shop business at another location.

Mr. Walker stated the Board received letters of opposition. There was concern that the building would be used commercially after a time. A letter mentioned the existing storm water drainage problem. A letter also indicated that the concrete pad has already been poured for the new building. There was concern for multiple vehicles, including military vehicles, which come and go frequently from the property.

Mr. Walker asked for the hardship. Mr. Elliott responded that the house and garage take up the front of the property. It is land-locked in the rear. He stated he is in the low area of the neighborhood. He added that he plans to dig a trench down the side of his driveway for drainage.

Mr. Beach asked if the applicant planned to remove the existing garage when the new building is built. Mr. Elliott replied that he did not intend to remove the garage. Mr. Beach informed the Board the applicant was not advertised for enough relief with both accessory buildings.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of allowable square footage for accessory building from 750 sq. ft. to 2,760 sq. ft., finding a lack of hardship, on the following described property:

The W/2 of a tract of land described as follows: to-wit: Beg. at a point 1,270.00' W of the NE/c of the SE/4 SE/4 of Section 33, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; thence W along the N line of the SE/4 SE/4 a distance of 300.00' to a point; thence S parallel with the E line of said Quarter of distance 368.50' to a point; thence E parallel with the N line of said Quarter a distance 300.00' to a point; thence N parallel with the E line of said Quarter a distance of 568.50' to the POB, less and except the N 25' thereof.

Case No. 2097

Action Requested:

Special Exception to allow storage of houses in transit in a CG zoned district. SECTION 710. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 23, located: 6606 North Peoria.

Presentation:

Claude Stamper, Rt. 1, Box, 16, Locust Grove, OK, stated he moves houses and he has run into a problem of having a place to park them. They need temporary parking for mobile homes that they buy and sell.

Comments and Questions:

Mr. Charney asked for an average storage time. Mr. Stamper responded from one week to one month. Mr. Beach asked if they were secured, to which Mr. Stamper replied in the affirmative. Mr. Hutson asked how many are stored at one time. He stated he has had as many as six at one time. Mr. Hutson asked how long he has been storing homes there. Mr. Stamper stated he has been using the property about two months.

Interested Parties:

Jim Davidson, 3336 E. 32nd St., Ste. 212, stated he represented the 1st Bank of Turley. They oppose the application, as the subject property is directly across the street from the bank. The homes appear to be older homes and many are not secured, easily accessible to vagrants.

Joseph Harris, 4867 S. Sheridan, Ste. 704, stated he represented the owners of the property. The owners informed him they were not notified of this use until they were notified of this meeting; and they were not in support. He submitted photographs (Exhibit B-1). They did not give permission for this use. They have signs up for no trespassing. Mr. Beach asked the name of the property owner. Mr. Harris stated it is Gail and Doris Ballard. Mr. Beach explained that the application requires the owners' names and that they consent to the relief requested. The applicant indicated that he does have consent of the land owners.

Applicant's Rebuttal:

Mr. Stamper responded that he has been friends with the Ballard's for years. He personally talked with them and even discussed purchasing the property. They gave him permission to use the property for storing the homes.

Board Action:

On **Motion** of **Charney**, the Board voted 4-0-1 (Walker, Tyndall, Hutson and Charney "aye"; no "nays"; Dillard "abstained"; no "absences") to **DENY** a **Special Exception** to allow storage of houses in transit in a CG zoned district, finding it is not a conforming use and not appropriate in this location, on the following described property:

Beg. 376.00' W and 30.00' N SE/c SE thence NE 124.00' W 10.00' NEly 94.00' W 529.00' SWly 197.00' E to PT 543.00' W of EL thence SEly 182.04', N 5.00' E 167.00' to POB, Tulsa County, State of Oklahoma.

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Case No. 2099

Action Requested:

Special Exception to permit a temporary structural tent on previously approved church property. SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS – Use Unit 5, located: 5310 West 41st Street.

Presentation:

David Dryer, 5110 S. Yale Ave., Ste. 430, stated a previous Board of Adjustment case was approved for a tent to cover construction materials. The proposed purpose for the site is for a church building. In the meantime, they propose to put up a canvas tent similar to those used in other states to hold church services. It is temporary and can be heated and cooled. He added that it can be placed on a black-top slab, and is fire-retardant. The tent is designed to withstand 100 mile per hour winds, to be puncture resistant and can handle six inches of wet snow. It is approximately 79' x 144', or 11,376 sq. ft. They expect the tent would be set up for about eighteen months. He believes that 70 spaces would be sufficient for parking.

Comments and Questions:

Mr. Walker asked questions regarding the use. Mr. Dryer replied that it will be used mostly for sanctuary. Mr. Beach stated if it is for sanctuary use it would require 284 parking spaces. It is built with capacity for compartmentalization for offices and other. He also stated there would be permanent restroom facilities built. Mr. Hutson asked if the church has already purchased the tent. He replied they have done some studies and obtained bids regarding a purchase. Mr. Tyndall asked where the parking would be. Mr. Dryer referred them to the site plan. Mr. Beach informed the Board that 61 parking spaces, as shown on the site plan, would allow for a sanctuary of only 2,440 sq. ft.

Chris Presley, 2806 S. 29th W. Ave., submitted a packet of information to the Board (Exhibit C-1). They contacted other churches that have used this type of tent and none of them reported any structural problems. At this time they are renting various facilities and it is difficult to get established and is hard on their equipment and budget. He informed the Board the tent would be sectioned off for a foyer and altar counseling rooms.

Mr. Walker asked if other sizes were available. Mr. Presley replied there are other sizes. Mr. Walker noticed a discrepancy in the length of time they requested to

have the tent at this site. Mr. Presley assured him they would abide by the time limitation approved by the Board.

Mr. Beach stated there is a standing platting requirement on this property, since 1999. No building permits can be issued until this requirement is met.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to permit a temporary structural tent on previously approved church property, finding it would be difficult to enforce the code for the temporary and changeable conditions; and finding it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare,

Beg. at the NW/c of said the NW/4 NE/4 of Section 29, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, Less a tract described as follows, to-wit: A strip, piece or parcel of land lying in the NW/4 NE/4 of Section 29, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said parcel of land being described by metes and bounds as follows, to-wit: Beg. at the NW/4 NE/4; thence E along the N line of said NW/4 NE/4, a distance of 657.85'; thence S 00°19'12" E a distance of 460.02'; thence S 10°48'47" W a distance of 880.41' to a point on the S line of said NW/4 NE/4; thence W along said S line a distance of 476.96' to the SW/c of said NW/4 NE/4; thence N along the W line of said NW/4 NE/4, a distance of 1322.03' to the POB.

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Case No. 2100

Action Requested:

Special Exception to allow a manufactured home 14' x 60' in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, located: 6033 South 60th West Avenue.

Presentation:

Donna Seaton, P.O. Box 812, Oakhurst, OK, proposed to move a mobile home onto her property. Photographs were provided (Exhibit D-1).

Comments and Questions:

Mr. Walker noted the mobile is already on location with a lean-to added onto the home, and a detached garage. Ms. Seaton called it a shed. She explained that

there was a mobile home on the property previously and it burned down. She moved this one in to replace it. She was served a stop-work notice. Mr. Alberty stated that the County Inspector believes there are two dwelling units on this property. Mr. Hutson asked if there was heat and air to the garage. Ms. Seaton replied the shed had electricity but not heat and air or water. Mr. West stated that the applicant indicated her son lived in the she when she applied for a permit. He added that it has a front door to it. She told the Board her son stayed in it a short time but does not live there now and they just use it for storage now.

Interested Parties:

There were no interested parties present who wished to speak. A letter of support was provided (Exhibit D-2).

Board discussion ensued.

Board Action:

On **Motion** of **Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney “aye”; no “nays”; no “abstentions”; no “absences”) to **APPROVE** a **Special Exception** to allow a manufactured home 14’ x 60’ in an RS zoned district, with conditions for general clean-up; the add-on completed to code or made into a deck without walls; skirting, and tie-downs, in 90 days from today, on the following described property:

Lot 19 and 20, Block 13, New Tanaha, Tulsa County, State of Oklahoma.

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Case No. 2101

Action Requested:

Special Exception to permit fireworks stand from June 15th to July 6th and from December 15th to January 2nd for a period of ten years. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2; and a Variance of all-weather parking. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located: 5522 West Skelly Drive.

Presentation:

Lonnie Bassey, 5401 W. Skelly Dr., stated the time has expired for a fireworks stand from the last approval by this Board. They need renewal of the relief.

Comments and Questions:

Mr. Walker noted that no problems have been reported regarding this property.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit fireworks stand from June 15th to July 6th and from December 15th to January 2nd for a period of 5 years; and a **Variance** of all-weather parking, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 15, 16, and 17, Block 6, Opportunity Heights Addition as platted in Section 33, T-19-N, R-12-E, Tulsa County, State of Oklahoma, less and except that portion of said lots taken by the State of Oklahoma as described in Deed dated March 10, 1979, recorded in Book 3926, page 29, County Clerk's office, Tulsa County, State of Oklahoma, and Deed dated March 10, 1970, recorded in Book 3926, page 31, County Clerk's Office, Tulsa County, State of Oklahoma, and Deed dated March 9, 1970, recorded in Book 3926, page 33, County Clerk's Office, Tulsa County, State of Oklahoma.

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Case No. 2102

Action Requested:

Variance to allow two dwellings on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD., located: 760 North Willow Street.

Presentation:

Billy Ray O'Neal, III, 117 Grenada Dr., Mannford, Oklahoma, proposed to have two dwelling units on one lot of record for a temporary period of time. He just returned home from the military and wants to provide a home for his wife on his relative's property.

Interested Parties:

Jick Garrett, 767 Willow St., stated there is no driveway to the rear of the property. He expressed concern that once a septic and lateral lines were put in that this could become a more permanent situation. He noted that the City sewer lines run across the rear of the property.

Applicant' Rebuttal:

Mr. O'Neal informed the Board that his mother would allow them to use his driveway. He assured the Board it would be temporary. He stated they are aware of the utility lines and would obtain the proper permits.

Board Action:

On **Motion** of **Dillard**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney “aye”; no “nays”; no “abstentions”; no “absences”) to **APPROVE** a **Variance** to allow two dwellings on one lot of record, for three years, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 5, Block 6, Charles Page Home Acres Sub. No. 1, Tulsa County, State of Oklahoma.

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Case No. 2103

Action Requested:

Variance of street frontage requirement from 30' to 0'.SECTION 207. STREET FRONTAGE REQUIRED; a Variance land area per dwelling unit from 2.1 acres to 1.99 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of the lot area from 2 acres to 1.99 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located: 1123 South 196th West Avenue.

Presentation:

Charles Hope, 1123 S. 196th W. Ave., Sand Springs, Oklahoma, proposed to decrease his property ownership to two acres.

Comments and Questions:

Mr. Charney asked about legal access to Tract B. Mr. Hope informed them there is access from 196th according to his abstract. Mr. Hope added that he would have Sand Springs water but not access to the sewer line.

Interested Parties:

Bob Lawson, 19119 W. Wekiwa, Sand Springs, Oklahoma, stated his property is adjacent to the east. He has been developing his property and was in support of this application.

Board Action:

On **Motion** of **Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney “aye”; no “nays”; no “abstentions”; no “absences”) to **APPROVED** a **Variance** of street frontage requirement from 30' to 0'; a **Variance** land area per dwelling unit from 2.1 acres to 1.99 acres; and a **Variance** of the lot area from 2 acres to 1.99 acres, finding the legal access easement is adequate for the 30' issue, as submitted, on the following described property:

North 712.00' E 417.31' W 589.44' Government Lot 1, Tulsa County, State of Oklahoma.

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Case No. 2104

Action Requested:

Variance of street frontage from 150' to 88.80' and 135.67' to permit a lot-split. SECTION 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, located: 6130 West 41st Street.

Presentation:

Daniel Smith, 6130 W. 41st St., stated he was applying for a lot-split. His business is on W. 41st St. and he has entered a contract with Taco Mayo Corp. pending this lot-split. Mr. Smith informed the Board that the two businesses have agreed to share the existing curb cuts.

Board discussion ensued.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of street frontage from 150' to 88.80' and 135.67' to permit a lot-split, with condition: the existing curb cut on W. 41st St. be used by the user of the split tract; and applicant show legal proof of access with the existing curb cut, finding this hardship, on the following described property:

Commencing at the SE/c of Lot 2, Block 1, Southwest Plaza Shopping Center, an addition to Tulsa County, State of Oklahoma, according to the recorded Plat No. 2754; thence due W along the S line of Lot 2, Block 1, a distance of 165' to the POB; thence W along the S line of Lot 2, a distance of 216.86'; thence due N 250' to a point; thence due E parallel with the N line of Section 29, a distance of 88.80' to a point; thence N 84°25'10" E a distance of 154.25' to a point on the W line of Lot 1, Block 1 of said Addition; thence S 00°05'57" W, a distance of 100' to the SW/c of said Lot 1, Block 1; thence due W, a distance of 25'; thence S, a distance of 165' to the POB.

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OTHER BUSINESS

Case No. 2098

Action Requested:

Request for refund.

Presentation:

Mr. Beach informed the Board that the applicant withdrew his application before it went to the public hearing. It was only partially processed. The staff recommended of a \$ 480.00 refund.

Board Action:

On **Motion** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a refund of \$480.00 as recommended by the staff.

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There being no further business, the meeting was adjourned at 3:20 p.m.

Date approved: _____

7-20-04



Chair