AGENDA
Regularly Scheduled Meeting
Tulsa County Board of Adjustment
Tuesday, December 18, 2018, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119
Meeting No. 463

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of November 20, 2017 (Meeting No. 462).

UNFINISHED BUSINESS

2. 2722—Family Fellowship Church, Inc.
   Special Exception to permit an accessory building at a church (Use Unit 5) in an RS District (Section 410). LOCATION: 6105 West 36th Street South

NEW APPLICATIONS

3. 2720—Randy Frailey
   Use Variance to allow Use Unit 27 in an IL and RS District to permit a Salvage Yard (Sections 410 and 910). LOCATION: 6702 & 6750 North Peoria Avenue East

4. 2725—James & Linda Barnett
   Special Exception to permit a manufactured home in a RE District (Section 410); Variance to permit two dwelling units on a single lot of record (Section 208). LOCATION: 9029 North Yale Avenue East

5. 2726—Kristen & Daniel Woody
   Variance of the minimum lot area and land area per dwelling unit requirement in the AG District (Section 310). LOCATION: 2578 South 49th West Avenue
OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.countyoftulsa-boa.org

E-mail: esubmit@incog.org

If you require special accommodations pursuant to the Americans with Disabilities Act, please call (918) 584-7526.

NOTE: Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG. Ringing/sound on all electronic devices must be turned off during the Board of Adjustment meeting.

NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the INCOG Office at (918) 584-7526, if you require an official posted agenda.
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BOARD OF ADJUSTMENT  
CASE REPORT  

Case Number: CBOA-2722  

STR:9220  
CZM:45  
PD:  

HEARING DATE: 12/18/2018 1:30 PM  

APPLICANT: Family Fellowship Church Inc  

ACTION REQUESTED: Special exception to permit an accessory building at a church (Use Unit 5) in an RS district (Section 410).  

LOCATION: 6105 W 36 ST S  
ZONED: RS  

PRESENT USE: Church  
TRACT SIZE: 0.65 acres  

LEGAL DESCRIPTION: E227.07 LT 11 BLK 3, BERRY HILL ACRES  

RELEVANT PREVIOUS ACTIONS:  

Subject Property:  

BOA-3088; on 8/13/58, the Board granted a request for permission to use Lots 11 & 12, Block, 3, Berryhill Acres Addition for church purposes. (includes lot immediately to the west)  

Surrounding Properties:  

CBOA-1371; on 9.19.95, the Board approved a variance of the maximum allowed floor area for a detached accessory building in an RS district.  

ANALYSIS OF SURROUNDING AREA: The subject tract is adjacent to RS zoned parcels to the north, east, and west; and AG zoned land across West 36th Street to the south.  

STAFF COMMENTS:  

The applicant is before the Board requesting a special exception to allow an accessory building for an existing church (Use Unit 5) in an RS district (Section 410).  

A Special Exception is required as the proposed church/religious use (UU 5) is a use which is not permitted by right in the RS district because of the potential adverse effect, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding area.  

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the current and future use of the subject lot is compatible with the surrounding area.
Sample Motion:

"Move to _______ (approve/deny) Special exception to permit an accessory building at a church (Use Unit 5) in an RS district (Section 410).

Finding the Special Exception 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."
Case No. 3088
Berryhill Assembly of God Church, Lots 11 & 12, Block 3, Berryhill Acres

The Berryhill Assembly of God Church request for permission to use Lots 11 & 12, Block 3, Berryhill Acres Addition for church purposes.

MOVED by Cohen (Shaull) that this matter be granted.
All members voting yea. Carried.

Case No. 3089
W. D. Bunton
Lot 3, Block 3, Reddin Resub.

W. D. Bunton request for permission to erect a car port on side of dwelling extending to the side lot line on Lot 3, Block 3, Reddin Resubdivision of Blocks 2 & 3, Southmoor Addition.

MOVED by Cohen (Norman) that this matter be granted subject to the applicant getting written permission from the property owner on the west side of lot.
All members voting yea. Carried.

Case No. 3090
Red Fork Baptist Church Part of the SW/4 of Section 26-19-12

The Redfork Baptist Church request for permission to use the South 270 feet, East 330 feet of the North 1685 feet of the SW 1/4, of Section 26-19-12 for church purposes.

MOVED by Norman (Cohen) that this matter be set down for a public hearing.
All members voting yea. Carried.

ADJOURNED:

APPROVED:

Secretary

Chairman

8/13/58
Case No. 1371 (continued)
Mr. Alberty asked the applicant if the property owner intends to operate a business at this location, and Mr. Woolsey replied that the property owner has not indicated an intent to conduct this type of activity.

Mr. Gardner advised that, if inclined to approve the request, a condition prohibiting commercial activity should be imposed.

Board Action:
On MOTION of LOONEY the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eiler, Walker, "absent") to APPROVE a Variance of the maximum allowed floor area for a detached accessory building from 750 sq ft to 1200 sq ft in an RS zoned district - SECTION 240.2.E. YARDS - Use Unit 6; per plan submitted; subject to the accessory building being of wood construction; subject to removal of existing storage buildings; subject to no commercial use being permitted; finding that the tract is large and can easily accommodate the proposed structure; and finding that approval of the application will not be detrimental to the area; on the following described property:

Lot 12, Block 3, Berry Hill Acres Addition, Tulsa County, Oklahoma.

Case No. 1372

Action Requested:
Special Exception to permit a single-wide mobile home in an RS zoned district - SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9, located 11116 East 141st Street North.

Presentation:
The applicant, Keith Dotson, 2310 South Urbana Avenue, submitted a plot plan (Exhibit D-1) and explained that he owns the property at the above stated location and is proposing to remove the existing dilapidated dwelling and install a mobile home for rental purposes.

Comments and Questions:
Mr. Alberty asked if there are other mobile homes in the area, and the applicant answered in the affirmative.

Protestants:
Anthony Callahan, 529 South 21st Street, Collinsville, Oklahoma, informed that his house is in the residential neighborhood across the street from the subject property and he is representing the property owners in the subdivision. He pointed out that the
Mr. Allen advised that the track is located on his father's property.

Case No. 1370 (continued)

Comments and Questions:
Mr. Gardner advised that the tract is large enough to split into two legal lots.

Board Action:
On MOTION of ALBERTY the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to APPROVE a Variance to permit two dwelling units on one lot of record - SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD - Use Unit 6; finding that the tract is large enough to accommodate two dwelling units and could be split into two lots that would comply with the Code in regard to size; on the following described property:

Commencing at the NE/c, NW4, Section 11, T-16-N, R-13-E, Tulsa County, Oklahoma; thence west 30.5' to the POB; thence west 342', south 640', east 342'; north 640' to POB, Tulsa County, Oklahoma.

Case No. 1371

Action Requested:
Variance of the maximum allowed floor area for a detached accessory building from 750 sq ft to 1200 sq ft in an RS zoned district - SECTION 240.2.E. YARDS - Use Unit 6, located 3390 South 61st West Avenue.

Presentation:
The applicant, Jim Woolsey, 3310 South 61st West Avenue, submitted a plot plan (Exhibit C-1) and requested permission to construct a storage building on property at the above stated location. He informed that the 30' by 40' building will be used for personal storage only.

Comments and Questions:
Mr. Tyndall asked if there are existing accessory buildings on the property, and Mr. Woolsey stated that there is an old 10' by 20' building in place.

In reply to Mr. Alberty, Mr. Woolsey stated that a wood frame building is proposed.

Mr. Gardner pointed out that the old building would have to be removed to comply with the 1200 sq ft maximum that was advertised.

In reply to Mr. Looney, the applicant stated that the storage facility will be used to store personal vehicles, a boat and other items.

Mr. Looney asked if the building will be used for any type of commercial activity, and Mr. Woolsey replied that a commercial use is not proposed.
Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR:1236
CZM:15
PD:

HEARING DATE: 12/18/2018 1:30 PM

APPLICANT: Randy Frailey

ACTION REQUESTED: Use Variance to allow Use Unit 27 in an IL and RS District to permit a Salvage Yard (Section 410; Section 910); Variance to allow uses included in Use Unit 26 (salvage yard) to be conducted outdoors within 300 ft. of an R district (Section 1226.3); Variance of the screening requirements (Section 1226.3)

LOCATION: 6750 N PEORIA AV E; 6702 N PEORIA AV E; 1223 E 67 ST N; 1222 E 67 ST N; 6650 N PEORIA AV E

ZONED: RS, IL

PRESENT USE: Salvage yard

TRACT SIZE: 10.51 acres

LEGAL DESCRIPTION: BG 50'W NE COR SE SE TH W 481' SWLY 445'E 545' NLY 440' TO BG. SEC 36 21 12; BEG SEC R W/2 NE SE TH N220 W/266.5 TO E LN RR R/W TH SWLY ALONG RR R/W 222.5 TO SL NE SE TH E TO POB LESS S15 THEREOF FOR ST SEC 36 21 12 1 327ACS; S/3 E/2 NE SE LESS S15 THEREOF FOR ST & LESS BEG SEC R E/2 NE SE TH W72 NELY ON CRV LF220 TO NL S/3 E/2 NE SE TH E52 TO EL SEC TH S19.9 POB SEC 36 21 12 1 240ACS; BEG 550N & 347.65W SEC R TH W299 TO E R/W RR RR TH NELY ALG R/W 111 E279.3 TO PT 660N & 350.2W SEC R TH SELY111 POB SEC 36 21 12 0 726ACS; BEG 550N & 347.65W SEC R TH NWLY111 TO PT 350.2W & 660N SEC R TH E258.2 TO WL HWY SWLY TO PT 550N SL SEC W POB SEC 36 21 12 0 659ACS; BEG 444.5NE ALG E R/W MIDLAND VALLEY RR & CTR BRITTON AVE TH E270 N112.5 W270 S112.5 POB SEC 36 21 12 0 729ACS; BEG 440N & 148.5W SEC R TH W224.6 NE110.7 TO PT 356.65W EL SEC TH E TO WL ST SWY 11 SWLY TO PT 228.9SWLY FROM PT ON WL R/W 660N & 72W SEC R TH NWLY10 SWLY5.7 POB SEC 36 21 12 0 618ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2552: on 12/15/2015, the Board approved a special exception to permit a manufactured home (Use Unit 9) in the RS District (Section 410, Table 1); located at 6650 North Peoria Avenue East.

CBOA-2454: on 8/20/2013, the Board approved a use variance to allow Use Unit 27 in an IL District to permit a salvage yard (Section 910). The property owner was required to return in five years to the August 2018 County Board of Adjustment meeting for a review; located at 6702 North Peoria Avenue east and 6750 North Peoria Avenue East.

CBOA-1141: on 3/16/1993, the Board approved a use variance to permit a mobile auto crusher in an IL zoned district for a period of one year only – Section 910. Principal uses permitted in the industrial districts – Use Unit 25; located at 7002 North Peoria Avenue.
CBOA-1003: on 12/19/1990, the Board approved a special exception to permit a mobile home to be used as a dwelling – Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; located at 1223 East 67th Street North.

Surrounding Property:

CBOA-2434: on 8/21/2012, the Board approved a use variance to permit auto crushing operation and accessory uses (not within enclosed buildings), and permitting existing buildings to be situated less than 100 feet from centerline of abutting secondary arterial street (Section 1670); and approved a special exception for modification or waiver of screening requirement along lot line abutting R-zoned District (Section 250.3). The screening requirements are waived only for the current two points of access; located at 6834 – 7002 North Peoria Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is adjacent to IL zoning and additional industrial uses to the north. To the east, the property abuts North Peoria Avenue with CS zoning on the opposite side. The Osage Prairie bicycle and pedestrian trail is adjacent to the site on the west. Properties to the west and south are all zoned RS with a mixture of residential uses.

STAFF COMMENTS:

The applicant is requesting a Use Variance to permit an existing salvage yard classified as a Use Unit 27 on the subject property. The northern portion of the property is currently zoned IL (Industrial – Light) and a sizeable portion of the southern half of the property is currently zoned RS (Residential Single-Family). Use Unit 27 is not an approved use in either zoning district.

The Board approved a similar request for the IL portion of the subject tract in 2013 under CBOA-2454 and added the following conditions:

1. 5-year time limit with a requirement to return to CBOA in 2018
2. Hours of operation to be daylight hours or normal business hours with no night time activity
3. Business must be operated in a neighborhood friendly manner keeping the site as clean as possible given the nature of the business.

The request being made today includes RS-zoned portions of the lot south of the previous approval and would expand the allowable area for business operations if approved.

This application was noticed with additional variance requests that were determined to be unnecessary to the application. The supplemental regulations stated in those requests are only applicable to Use Unit 26 and would not apply if a use variance was granted for Use Unit 27.

The applicant has restated the hardship that was utilized in the 2013 approval:

"This is an existing business that has been located on the lot for many years."

On 9/5/12, the RS portion of the overall lot was approved for a rezoning request from RS to IL at the Planning Commission. On, 12/3/12, the Board of County Commissioners deferred the request and the rezoning case was not put on a subsequent agenda. If the rezoning was approved from RS to IL the applicant would still need the Use Variance to permit the existing salvage yard.
Sample Motion:

"Move to _________ (approve/deny) a Use Variance to permit an existing salvage yard classified as a Use Unit 27 on a lot zoned IL and RS (Section 410 & Section 910)

Finding the hardship to be ________.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan."
application would be denied. Mr. Charney asked the applicants if they understood and asked the applicants what they would like to do. The applicants stated that they would like to proceed with the hearing today.

Mr. Bates read the rules and procedures for the County Board of Adjustment Public Hearing.

**UNFINISHED BUSINESS**

**Case No. 2454—Randy Frailey**

**Action Requested:**
Use Variance to allow Use Unit 27 in an IL District to Permit a Salvage Yard (Section 910). **LOCATION:** 6702 North Peoria Avenue East, 6750 North Peoria Avenue East

**Presentation:**
Randy Frailey, 6750 North Peoria, Tulsa, OK; stated he has installed a fence and planted a few trees around the property for screening purposes especially along the walking trail. He has painted all the buildings so they now match in color and look similar. He has acquired a street sweeper and now sweeps the street in front of his property and the hard surfaces inside the salvage yard to help eliminate the dust problem. He has installed a computer system for his business because at the last meeting it was discussed that there were possible stolen items passing through his business. With the computer system he can identify the incoming materials, every transaction, and customer. He has also poured concrete in front of the building. He has also installed large concrete brick walls to form a containment area for the storage of materials so the materials can be easily scooped up for transport and they will not spill over into other areas of the salvage yard.

Mr. Charney asked Mr. Frailey if the rezoning action for his property was still pending. Mr. Frailey stated the action is still pending, because he was advised to receive his approval from the Board of Adjustment first.

Mr. Charney asked Mr. Frailey if he had complied with the Board’s request from the last meeting, i.e., the cleaning up the property among other things. Mr. Frailey stated that he thought he had accomplished all the Board’s requests from the previous meeting.
Mr. Charney asked Mr. Frailey where he had the posts placed for his fence. Mr. Frailey stated the posts were on the inside of the yard giving the fence a smooth appearance on the public side.

Mr. Charney asked Mr. Frailey if there had been any more neighborhood meetings that he had participated in. Mr. Frailey stated that he did not know of any more neighborhood meetings.

Mr. Charney asked Mr. Frailey how long he had been the owner of the subject property. Mr. Frailey stated he has owned the property for approximately 12 years and has operated the subject business in the same capacity through the 12 years.

Mr. Charney asked Mr. Frailey if there was any portion of his business that is encroaching over onto the RS lot. Mr. Frailey stated that as far as the operations are concerned no, but there are materials stored on the RS lot.

Mr. Charney asked Mr. Frailey if the fence that has been built encompasses the RS lot. Mr. Frailey answered affirmatively.

**Interested Parties:**

Jeff Kirkham, 1727 East 73rd Street North, Tulsa, OK; stated he was at the last Board of Adjustment meeting for this case, and his frustrations with the subject property started in 1980. Now Commissioner Smaligo has stepped in to help the citizens of Turley, and Mr. Frailey has put forth a great effort to clean up his salvage yard. Mr. Kirkham thinks Mr. Frailey has lived up to the requests of the Board. The citizens of Turley will be watching this business and he would request the Board review this case in two or five years.

Commissioner John Smaligo, 633 North Denver Avenue, Tulsa, OK; stated he and Mr. Kirkham walked along the bike trail at the rear of the subject property, and drove by the front of the property a couple of times to look at everything. There is a small area of debris that still needs to be cleaned up, and an old chain link fence that needs to be removed. He does like the trees that have been planted and the fence that has been installed because it does block the view of the operation. The enormous piles of debris, metal and other objects have been brought down and can no longer be seen above the fence. Matter of fact about the only thing visible above the fence are the cranes used in the operation of the business. He has even been a customer of Mr. Frailey's because he had a hot water tank that he needed to dispose of and the staff copied his driver license and entered the information into the computer system. Commissioner Smaligo is very impressed with the progress Mr. Frailey has made and he supports Mr. Kirkham's request to have a review of the business in two or five years from the Board of Adjustment.

**Rebuttal:**

Mr. Frailey came forward for questions from the Board.
Mr. Charney asked Mr. Frailey to tell the Board the hours of operation for his business. Mr. Frailey stated they are 8:00 A.M. to 5:00 P.M., Monday through Friday and 8:00 A.M. to 2:00 P.M. on Saturday. Mr. Charney asked if there was any crushing activity or operations late at night. Mr. Frailey stated there is none.

Mr. Charney asked if Mr. Frailey would object to a review of his business by the Board of Adjustment in the future. Mr. Frailey stated that he would not have a problem with that because he plans on staying in business at the subject location.

Mr. Dillard asked Mr. Frailey how many employees he has helping in his business. Mr. Frailey stated there are approximately 30 employees that work at the subject location. He has several contract laborers that perform outside work for him. Mr. Dillard asked Mr. Frailey what he estimated his annual payroll to be. Mr. Frailey stated that it is approximately $200,000.

Mr. Draper asked Mr. Frailey if the property was operating as a recycling facility when he purchased the property. Mr. Frailey answered affirmatively, but that it was more for scrap cars and items of that nature.

Mr. Dillard asked Mr. Frailey to explain what he had to alleviate the traffic problems that were in front of his business. Mr. Frailey stated that he has people that direct the traffic when it is needed because there are still a few people who will not yield.

Comments and Questions:
None.

Board Action:
On MOTION of CHARNEY, the Board voted 3-0-0 (Charney, Dillard, Draper “aye”; no “nays”; no “abstentions”; Osborne, Walker “absent”) to APPROVE the request for a Use Variance to allow Use Unit 27 in an IL District to Permit a Salvage Yard (Section 910). The hardship is the unique nature of the business that has been operating on the subject property for many, many years. The property owner is to return in five years to the August 2018 County Board of Adjustment meeting for a review. The applicant is to pay an agenda fee and costs related to newspaper legal notification and notice mailing for the 2018 meeting. The hours of operation are to be daylight hours or normal customary business hours with no night time activity. The applicant is to continue operating the subject business in a neighborhood friendly manner and continue to keep the site as clean as possible given the nature of the business; for the following property:

S/3 E/2 NE SE SE LESS S15 THEREOF FOR ST & LESS BEG SEC E/2 NE SE SE TH W72 NELY ON CRV LF220 TO NL S/3 E/2 NE SE SE TH E52 TO EL SEC TH S219.9 POB SEC 36 21 12 1.240ACS & BG.50'W.NE COR SE SE TH W. 481'SWLY 445'E.545'NLY 440'TO BG. SEC.36-21-12, OF TULSA COUNTY, STATE OF OKLAHOMA
Presentation:
The applicant requested a continuance to the January 19, 2016 Board of Adjustment meeting.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of HUTCHINSON, the Board voted 3-0-0 (Charney, Crall, Hutchinson "aye"; no "nays"; no "abstentions"; Dillard, Johnston "absent") to CONTINUE the request for a Variance to reduce the required 30 feet of frontage on a public road or right-of-way to 0 feet (Section 207) to the January 19, 2016 Board of Adjustment meeting; for the following property:

PRT NE BEG 826.4N SWC NE TH N165.27 E1321.55 S165.19 W1321.63 POB SEC 12 17 12 5.01ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

2552—Rhonda Roberson

Action Requested:
Special Exception to permit a manufactured home (Use Unit 9) in the RS District (Section 410, Table 1). LOCATION: 6650 North Peoria Avenue East

Presentation:
Rhonda Roberson, P. O. Box 1185, Chouteau, OK; stated there is an existing mobile home on the subject property and she would like to replace that mobile home with a newer one. The new mobile home is a 14 x 80 and the older mobile home is a 14 x 72. Ms. Roberson stated that she does not know if the older mobile home can be repaired.

Mr. Crall asked Ms. Roberson if she just recently acquired the property. Ms. Roberson stated that the property is owned by Randy Frailey and she is representing Mr. Frailey today because he is unable to attend today's meeting.

Mr. West stated that the existing mobile home is okay but to take it off and bring in a new mobile home in takes a Special Exception because a legal non-conforming use cannot be extended.

The gentleman that will live in the mobile home will be the owner of the mobile home but he works for Mr. Frailey as security.
Ms. Roberson stated that the existing mobile home faces north and south placing it close to the south property line, and the newer mobile home would be placed facing east and west.

Interested Parties:
Nelson Sager, 1410 East 73rd Street North, Tulsa, OK; stated he was not aware of this mobile home going in until last night. Mr. Sager stated that he has an issue with a single wide mobile home and that it is on a major highway or street. Mr. Sager stated that he does not think a single wide is appropriate for a residential area. If the mobile home were back on the property out of sight he might have a different opinion.

Rebuttal:
Rhonda Roberson came forward and stated that the newer mobile home will not be an eyesore. The new mobile home will be quite an improvement compared to the eyesore that is sitting on the property currently. By turning the newer mobile home to face east and west only one end of the mobile home will be seen as opposed to the whole front of the mobile home.

Comments and Questions:
None.

Board Action:
On MOTION of HUTCHINSON, the Board voted 3-0-0 (Charney, Crall, Hutchinson "aye"; no "nays"; no "abstentions"; Dillard, Johnston "absent") to APPROVE the applicant's request for a Special Exception to permit a manufactured home (Use Unit 9) in the RS District (Section 410, Table 1). Finding the Special Exception 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; for the following property:

BEG 440N & 148.5W SECR SE TH W224.6 NE110.7 TO PT 356.65W EL SEC TH E TO WL ST SWY 11 SWLY TO PT 228.9SWLY FROM PT ON WL R/W 660N & 72W SECR SE TH NWLY10 SWLY5.7 POB SEC 36 21 12 0.618ACS, IN TULSA COUNTY, STATE OF OKLAHOMA

2559—Sack & Associates – Ted Sack

Action Requested:
Variance of the required frontage in the IM District from 200 feet to 143 feet to permit a lot split (Section 930). LOCATION: 4444 West 51st Street South

Presentation:
Ted Sack, Sack & Associates, 3530 East 31st Street, Tulsa, OK; stated he is representing Aspen Land and Exploration who are the owners of the subject property. Tract B is a non-conforming piece of property; it has no frontage and no access. Tract B was purchased from a railroad company and is a very unique piece of property.
Case No. 1140 (continued)

Mr. Jones informed that the Technical Advisory Committee has recommended approval of the lot split, subject to County Board of Adjustment and Health Department approval.

Protestants:
None.

Board Action:
On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE a Variance of the lot width requirement from 200' to 188' on Tract 1, and 176' on Tract 2, and a Variance of required setback from the centerline of East 201st Street South from 85' to 73' and 80' to permit existing buildings - SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6; per plan submitted; finding that the buildings are existing, and the variance requests are required to clear the title to the property, and permit sale of the residence apart from the commercial use; on the following described property:

N310' of the W243' of the E898' and W110.042' of the E751.321' of the S260.9' of the N590.9' of the NE/4 and N330' of the W153' of the E655' and W223.879' of the E641.279' of the S260.9' of the N590' of the NE/4 NE/4 Section 17-16-13, City of Tulsa, Tulsa County, Oklahoma.

Case No. 1141

Action Requested:
Use Variance to permit a mobile auto crusher in an IL zoned district - SECTION 910. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS - Use Unit 25, located 7002 North Peoria.

Presentation:
The applicant, Dama Bogle, 5710 East 25th Street, informed that she owns the salvage yard at the above stated location, and requested permission to operate a metal crusher on her property. She informed that her business buys all types of metal, but the major portion of the metal comes from old vehicles, which are crushed and shipped to another location. Ms. Bogle stated that her mobile car crusher serves other salvage operations in the area, and that she was not aware that her business was not properly zoned for use of the equipment. She stated that a fence has recently been installed to screen the salvage business. Approximately 100 letters of support (Exhibit D-3).
Case No. 1141 (continued)

Comments and Questions:
In response to Mr. Alberty, the applicant stated that she began operation of the existing salvage business in June 1992.

Mr. Alberty asked if the salvage business is nonconforming, and Mr. Jones replied that it was in existence at some level of intensity prior to 1980, and is a nonconforming use. He pointed out that the structures on the property makes amortization a moot point.

Mr. Alberty asked if the salvage operation exists independent from the crusher operation, and the applicant stated that she does not use the crusher every day, but it is necessary to the operation of her business.

Ms. Bogle stated that many of the residents in the area are supportive of the operation.

Mr. Fields advised that aerial photos reflect that there were approximately 100 cars on the property in September 1980, and approximately 200 in January 1981.

Protestants:

Barbara Oates, 1532 East 69th Street North, submitted a petition of opposition (Exhibit D-1) and photographs (Exhibit D-2) of the salvage yard.

Frank Oates, 1532 East 69th Street, informed that his wife, Barbara, is cochairperson for District 24, and numerous complaints have been reported concerning the salvage business. Mr. Oates pointed out that most of the residents in the area are not opposed to the salvage yard, but are concerned with manner of operation. He explained that the dust is a problem during the summer, and during rainy seasons the vehicles track mud for one-quarter mile in each direction from the entrance. He added that the scales are located approximately 30' from the street, which causes vehicles to stack in the street. Mr. Oates pointed out that the crushed metal is sometimes loaded very close to the street by a large forklift, which then travels down the street to pick up other cars. He stated that the business provides a 24-hour-a-day, 7-day-a-week service, which is not compatible with the neighborhood. Mr. Oates requested that restrictions be imposed that will cause the business to be more in harmony with the surrounding area. He stated that all attempts to resolve the problems with the owner have failed.
Case No. 1141 (continued)

Maxine Capps, 1822 North Xenophon, stated that she owns property in the area, and is opposed to the condition of the salvage operation. She pointed out that the junk yard was without fencing until recently, when it was partially fenced. Ms. Capps asked that the remainder of the salvage yard be fenced, weeds and grass be cut, hours of operation be limited to 8 a.m. to 5 p.m., Monday through Saturday, and that the driveway be covered with a hard surface material.

Jeff Kirkham, 1727 East 73rd Street North, stated that he is in agreement with the staff comment, which states that the proposed use will have a detrimental impact on the area.

Glenna Cooley Long, 7128 North Peoria, informed that she has lived in the area for 63 years and is opposed to the mobile crusher. She stated that there are many objectionable businesses in the area, and requested that the Board control the operation of this salvage business by imposing conditions that will clean up the operation.

Louise Pancher, 1101 East 71st Street North, stated that she lives to the west of the property in question, and the crusher is noisy and the fence is not properly maintained. She stated that the salvage operation spills out into the street and creates a traffic hazard for passing motorists. Ms. Pancher noted that her front porch faces the junk yard.

Interested Parties:

John Bogle, 7002 North Peoria, stated that he operated the business 24 hours a day at one time during December 1992, due to a financial problem. Mr. Bogle stated that he is proposing to work at another location; however, his mother and brother will continue to operate the business from 8 a.m. to 5 p.m. He stated that the driveway has been covered with rock, but some mud continues to track on the street during rainy periods.

Mr. Eller asked Mr. Bogle if he would be amenable to operating the business from 8 a.m. to 5 p.m., five days a week, and he answered in the affirmative.
Bob Torix stated that he owns the property in question, and he received a license to operate a salvage business at this location in 1976. Mr. Torix explained that he was not aware of the zoning issue concerning the crusher when he leased the property to Ms. Bogle. He pointed out that the salvage business is assisting in improving the area by providing a place to bring old metal products that are cluttering the neighborhood. Mr. Torix stated that there will be a maximum of 30 cars on the lot at any given time.

H. D. Hughes, 6834 North Peoria, informed that he operates a refuse and recycling business in the area, and pointed out that north Tulsa is greatly in need of a recycling system. He noted that there are numerous stoves, refrigerators, and similar items that have been dumped along the roads in that area. Mr. Hughes stated that he is supportive of the application.

**Applicant’s Rebuttal:**
Ms. Bogle stated that she will not operate her business on Sunday, or after 5 p.m., and that a muffler will be installed on the crushing machine. She added that it was always her intent to install a fence around the salvage operation.

**Additional Comments:**
Mr. Alberty stated that he is concerned with the fact that the operators of the salvage business have not established credibility with the neighborhood by making necessary improvements before the application was filed. He stated that he is hesitant to support the request, based on the established patterns of operation.

Mr. Walker remarked that he could support an approval for one year to allow the applicant to improve the operation.

Mr. Tyndall stated that the salvage yard is unsightly; however, he would consider a temporary approval of one year, with reduced hours of operation and the removal of all equipment located near the street.

Mr. Eller advised that he lives north of Tulsa, and that it would take the business operator approximately a year to clean up the salvage yard as it currently exists. He stated that he would support the application if the hours of operation were 8 a.m. to 5 p.m., five days a week, and a hard surface entry road was installed. Mr. Eller stated that he is in agreement with the concept, because many people do dump all types of metal articles along the street and highways in the area. He added that he is supportive of the application for a period of one year only.
Case No. 1141 (continued)

Board Action:

On MOTION of ELLER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE a Use Variance to permit a mobile auto crusher in an IL zoned district for a period of one year only - SECTION 910. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS - Use Unit 25; subject to the hours of operation for the automobile crusher being from 8 a.m. to 5 p.m., Monday through Friday, and the salvage yard operating 8 a.m. to 5 p.m., Monday through Saturday; subject to a solid screening fence being installed around the entire salvage yard; subject to a maximum of 30 cars on the lot at any given time; subject to the driveways being covered with a dust-free surface; and subject to all materials and equipment being contained inside the screening fence; finding that the one-year temporary approval will be sufficient time for the applicant to clean up his property, and prove compatibility with the neighborhood; on the following described property:

NE NE SE less 1.533 acres for RR R/W and less N15' thereof for RD and less E40' thereof for RD and less N100' lying W of RR R/W, Section 36, T-21-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1142

Action Requested:

Variance to permit two dwelling units per one lot of record - SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD - Use Unit 5, located 4925 South 193rd West Avenue.

Presentation:
The applicant, R. V. Walling, 413 West 43rd Street, Sand Springs, Oklahoma, stated that he owns a 60-acre tract, and requested permission for his daughter to install a mobile home on his property.

Comments and Questions:
Mr. Alberty inquired as to the location of an access road, and the applicant stated that 193rd West Avenue provides access.

Protestants:
None.
Action Requested:
Special Exception to permit a mobile home to be used as a dwelling -
Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -
Use Unit 9, located 6650 North Peoria Avenue.

Presentation:
The applicant, Richard Corley, 1223 East 67th Street North, Tulsa,
Oklahoma, requested permission to install a mobile home on property
at the above stated location.

Comments and Questions:
Mr. Alberty asked the applicant if water and sewer services are
available, and he answered in the affirmative.

In response to Mr. Alberty, the applicant stated that he is
proposing to remove an existing dwelling that is in bad repair. He
informed that the unit will be skirted and tied down. Mr. Corley
pointed out that there are numerous mobile homes in the area, and
one within a block of the proposed location. A petition of support
(Exhibit C-1) signed by area residents was submitted.

Mr. Looney asked the applicant if he will reside in the mobile home,
and he answered in the affirmative.

Protestants: None.

Board Action:
On MOTION of TYNDALL, the Board voted 5-0-0 (Alberty, Eiler, Looney,
Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent")
to APPROVE a Special Exception to permit a mobile home to be used as
a dwelling - Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL
DISTRICTS - Use Unit 9; finding that there are numerous mobile homes
in the area, and the granting of the special exception request will
not be detrimental to the area, or violate the spirit, purposes or
intent of the Code; on the following described property:

Beginning at a point that is 440' north and 148.5' west of the
southeast corner of Section 36, T-21-N, R-12-E of IBM; thence
west along a line parallel to the south line if said Section 36
a distance of 224.6' to a point; thence in a northeasterly
direction a distance of 110.7' to a point, said point being
356.65' west of the east line of said Section 36; thence east
along a line parallel to the south line of said Section 36 to
the westerly right-of-way line of State Highway No. 11; thence
southwesterly along the westerly right-of-way line of said
highway to a point that is 228.9' southwesterly from a point on
the westerly right-of-way line of said highway that is 660' north
and 72' west of the southeast corner of said Section 36;
thence at an angle 90° to the right a distance of 10' to a
point; thence in a southwesterly direction along said westerly
right-of-way line of said highway a distance of 5.7' to the
POB; subject to a road easement on the north 10' thereof, in
Tulsa County, State of Oklahoma.

3.15
12.18.90:128(4)
UNFINISHED BUSINESS

Case No. 2434—Stephen Schuller

Action Requested:
Use Variance to permit auto crushing operation and accessory uses (not within enclosed buildings), and permitting existing buildings to be situated less than 100 feet from centerline of abutting secondary arterial street (Section 1670); Special Exception for modification or waiver of screening requirement along lot line abutting R-zoned District (Section 250.3). Location: 6834 - 7002 North Peoria Avenue

Presentation:
Stephen Schuller, Attorney, 1100 OneOk Plaza, 100 West 5th Street, Tulsa, OK; stated the property is located on the west side of North Peoria Avenue, which is State Highway 11 at the location of the subject property. The subject property is situated in an IL District between the old Midland Valley Railroad and North Peoria Avenue. Along the south boundary of the subject property is sided by a bike trail, and properties to the north and east are consistent with CS zoning with a couple of small RS districts tucked in. In April 1994 the County Board of Adjustment approved a use variance to permit a mobile auto crushing operation on the subject property that is extended to this day. The use variance had a two-year term and has been extended once or twice. The property owners apparently did not understand the process requirement for further approvals by the Board and did not come back before the Board of Adjustment. Now the term has expired. All the other conditions imposed by the County Board of Adjustment in 1994 have been complied with. This operation has been continuously conducted on the subject property for 18 years. The equipment in use is a mobile auto crushing machine and it is necessary to operate it outdoors because of its enormous size, plus the autos to be crushed must be lifted by forklift to place them in the machine and take them back out of the machine. After the crushing process is complete the autos are hauled off within a few hours or a few days because the owner's revenue is from the sale of the crushed vehicle. The owners are in the process of cleaning up the entire area. The use of the property is screened from view of the nearby residentially zoned property, which is the opposite side of North Peoria Avenue, except for the entry gates to the subject property. The subject property is also screened from the old railway and the bike trail. There are a few buildings on the north side of the property that have been in place for approximately 30 years, and the requisite setbacks from the abutting street line of North Peoria Avenue have not always been strictly observed. The locations of these buildings are consistent with the locations of other buildings along North Peoria Avenue in the vicinity of the property and in the neighborhood. These buildings house equipment and related accessory operations for the mobile auto crushing operation. One building is approximately 80 feet from the centerline of Peoria Avenue and another one is approximately 70 feet from the centerline of Peoria Avenue, but they have been in place
for approximately 30 years. The CS zoning districts in the area have intensive commercial uses. One the corner of 71st Street North and North Peoria Avenue there is a tire store with a salvage yard in the rear, which appears not to be screened because the salvage yard can be seen from the street. There is another automobile salvage yard in operation on the other side of North Peoria at 69th Street North. These are a couple of examples of the automobile and industrial uses that are common in this neighborhood. In addition, there is a motor vehicle crushing operation directly south of the subject property so it is not unusual in this neighborhood. There are also commercial businesses up and down Peoria Avenue in this area, and they generally consist of automotive repair, salvage, and a metal processing business. The subject property is a business that is similar to other business operations in the area, especially in the immediate vicinity of the subject property. With the existing screening in place along Peoria and the other borders of the property, with the conditions imposed by the Board in 1994, there is no harm to the surrounding neighborhood or the surrounding commercial or industrial areas. He would ask the Board for a modification of the screening requirement in order to eliminate it for the entry gates to the subject property. He would request the grant of the use variance, the same that was granted in 1994, for the continued operation of an existing mobile motor vehicle crushing operation and the accessory uses, and to not have the operation within enclosed buildings. He would also request the grant of the use variance to permit the well established buildings on the north end of the property be situated less than 100 feet from the centerline of North Peoria Avenue. He would request the grant of the special exception to modify the screening requirements so screening would be required at the driveway entrance.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of DRAPER, the Board voted 3-0-0 (Dillard, Draper, Walker “aye”; no “nays”; no “abstentions”; Charney, Osborne “absent”) to APPROVE the request for a Use Variance to permit auto crushing operation and accessory uses (not within enclosed buildings), and permitting existing buildings to be situated less than 100 feet from centerline of abutting secondary arterial street (Section 1670); Special Exception for modification or waiver of screening requirement along lot line abutting R-zoned District (Section 250.3). The screening requirements are waived only for the current two points of access. The hardship for the subject property is that the buildings are existing non-conforming and the use is existing non-conforming because they were established before the regulatory Board of Adjustment was in effect; for the following property:

NE/4 NE/4 SE/4 and N/2 SE/4 NE/4 SE/4 lying or situated East of Midland Valley Railroad Right of Way described in Quit-Claim Deed recorded in Book 6718/Page 2175, in Section 36, Township 21 North, Range 12 East, Tulsa County, Oklahoma
(subject to adjacent highway/roadway dedications of record), OF TULSA COUNTY, STATE OF OKLAHOMA

***************

NEW APPLICATIONS

Case No. 2435—Clark Boyd

Action Requested:
Special Exception to allow Fireworks Stand (Use Unit 2) in an AG District for five years (Section 310); Variance of all-weather surface for parking (Section 1340.D).

Location: 22423 West Coyote Trail

Presentation:
Clark Boyd, 22423 West Coyote Trail, Sand Springs, OK; stated he would like to have a fireworks stand as a fund raiser for the young people of his church, so they can make an annual trip to Mexico.

Interested Parties:
Janny Simpson, 22112 West Coyote Trail, Sand Springs, OK; stated she is opposed to the fireworks stand. The subject property is located near a very dangerous intersection, and she has had several feet of her pipe fence demolished by cars several times because of the configuration of the intersection. The neighbors have requested the Sheriff’s Department patrol Coyote Trail to curtail the speeding. There was a traffic count taken and in a 24 hour period there were 1,530 cars that passed the intersection. The neighbors are also concerned about fire because the area is heavily wooded. The last two summers the area has been under a fire ban, and if there had been an active fireworks stand on the subject property there would have been the possibility of a fire. There is a fireworks stand that is six miles east, there is plenty of parking for that stand, and it is taken down almost immediately after the holiday. Mr. Boyd’s stand has been sitting on his property for months and it is not attractive. The area residents have made, and are making, a great effort to keep their homes clean and attractive, and they do not want a detraction added, even temporarily, to the residential area.

Rebuttal:
Clark Boyd came forward and stated the fireworks stand is not attractive, but he has been told by the company that brought it to the property that he is on the list to have it removed, and it should be gone by tomorrow. He has lived on the property for approximately eight years, and he wants to have the fireworks stand only as a fund raiser for the July 4th holiday.

Mr. Draper asked Mr. West what enforcement restrictions could be placed on the fireworks stand if today’s request were approved. Mr. West stated the Board would
FENCE CORNER IS 0.4' EAST AND 2.5' NORTH OF PROPERTY CORNER

FENCE CORNER IS 0.3' SOUTH OF PROPERTY LINE

NOTE:
- REPRESENTS A SET 3/8" IRON PIN WITH CAP: "BENNETT CAI+502" UNLESS OTHERWISE NOTED.

PARCEL LINES PER ASSESSOR'S ACCT NO 91236-12-36-5830

METAL SHED

WOOD FRAME HOUSE

ASPHALT DRIVE

PREFABRICATED BUILDING

SHED

SOD

BRICK HOUSE

NOTE:
- NOTE: 3/8" IRON PIN WITH CAP: "BENNETT CAI+502" UNLESS OTHERWISE NOTED.

METAL SHED

WOOD FRAME HOUSE

ASPHALT DRIVE

PREFABRICATED BUILDING

SHED

SOD

BRICK HOUSE

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METAL SHED

WOOD FRAME HOUSE

ASPHALT DRIVE

PREFABRICATED BUILDING

SHED

SOD

BRICK HOUSE

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METAL SHED

WOOD FRAME HOUSE

ASPHALT DRIVE

PREFABRICATED BUILDING

SHED

SOD

BRICK HOUSE

NOTE:
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METAL SHED

WOOD FRAME HOUSE

ASPHALT DRIVE

PREFABRICATED BUILDING

SHED

SOD

BRICK HOUSE

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METAL SHED

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SHED

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PREFABRICATED BUILDING

SHED

SOD

BRICK HOUSE

NOTE:
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BOARD OF ADJUSTMENT
CASE REPORT

STR:1322
CZM:17
PD:

HEARING DATE: 12/18/2018 1:30 PM

APPLICANT: James and Linda Barnett

ACTION REQUESTED: Special Exception to permit a manufactured home in an RE District (Sec. 410) and Variance to permit two dwelling units on a single lot of record (Sec. 208)

LOCATION: 9029 N YALE AV E

PRESENT USE: Residential

ZONED: RE

TRACT SIZE: 9.91 acres

LEGAL DESCRIPTION: BEG NWC W/2 SW TH E1323.46 TO NEC W/2 SW TH S330.42 W1323.46 TO PT ON WL W/2 SW TH N330.42 POB LESS W16.5 FOR RD SEC 22 21 13 9.914ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: No relevant history

Surrounding Property:

CBOA-2613: on 01/17/2017, the Board approved a special exception to permit a manufactured home (Use Unit 9) in the RE District permanently (Section 410); located at 5008 East 96th Street North.

CBOA-2444: on 11/20/2012, the Board approved a special exception to allow a manufactured home in an RE District (Section 410, Table 1). This approval is conditioned on the requirement that the mobile home have the appropriate tie-downs, skirting or screening, paved parking, and meet DEQ approval; located at 5205 East 94th Street North.

CBOA-2414: on 12/20/2011, the Board approved a special exception to permit a mobile home dwelling in an R District, subject to a time limit of 5 years from the date of the issued permit; and approved a variance to permit a second dwelling unit per lot of record in an R District; located at 5008 East 96th Street North.

CBOA-2224: on 07/05/2006, the Board approved a special exception to permit a manufactured home in an RE district (Section 410), subject to: tie downs, skirting, paved parking spot, DEQ approval; and a five-year limit; located at 5008 East 96th Street North.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by large AG zoned tracts on all sides.
**STAFF COMMENTS:**

The applicant is proposing to locate one manufactured home on the 9.91 acre subject lot with an existing dwelling unit. The Code states that no more than one single-family dwelling or mobile home may be constructed or placed on a single lot. The applicant is before the Board requesting a Variance to permit two dwelling units on a single lot of record (Sec. 208) as shown on the attached site plan.

The applicant has also requested a Special Exception to permit one manufactured home in an RE district. A Special Exception is required as the proposed manufactured home is a use which is not permitted by right in the RE district because of potential adverse effect, but which if controlled as to its relationship to the neighborhood and to the general welfare, may be permitted.

**Sample Motion:**

"Move to ________ (approve/deny) a Variance to permit two dwelling units on a single lot (Section 208); Special Exception to permit a manufactured home in an RE District (Sec. 410).

- Finding the hardship to be ________.

Finding the Special Exception 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.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan."
2612—Tommy Cody

Action Requested:
Special Exception to allow auto repair and service (Use Unit 17) in the CS District (Section 710); Variance of the screening requirement along the north lot line (Section 1217). **LOCATION:** 4815 and 4817 West 41st Street South

Presentation:
Rob Coday, Architect, 9131 East 77th Street, Tulsa, OK; stated the application is for a load escort service and will not be a mechanical garage. If there is any mechanical work performed it will be minor and it will be on company vehicles. The neighbor to the north has requested that a privacy fence not be erected because he likes to see over the area. There will be landscaping. Mr. Coday presented a letter from the neighbor on the north side requesting that a fence not be erected. The building is up and planned to be in compliance with the CS zoning but it is not the intended occupancy. If today’s request is not approved the building will be used for something that is in compliance with the CS zoning.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of CRALL, the Board voted 3-0-0 (Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Charney, Dillard “absent”) to **APPROVE** the request for a Special Exception to allow auto repair and service (Use Unit 17) in the CS District (Section 710); **Variance** of the screening requirement along the north lot line (Section 1217). The Board has found the hardship is the fact that a screening wall would create a hardship for the neighbor; for the following property:

LT 7 LESS S15 THEREOF FOR RD BLK 1; LT 8 LESS S15 THEREOF & LESS W15 THEREOF FOR RD BLK 1, PARKS HGTS, OF TULSA COUNTY, STATE OF OKLAHOMA

2613—Cheryl Hoot

Action Requested:
Special Exception to permit a manufactured home (Use Unit 9) in the RE District permanently (Section 410). **LOCATION:** 5008 East 96th Street North, Owasso

Presentation:
Cheryl Hoot, 8809 North 77th East Avenue, Owasso, OK; stated she is speaking on behalf of her mother. Her mother received a Special Exception five years ago to have
Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of HUTCHINSON, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to APPROVE the request for a Special Exception to permit a manufactured home (Use Unit 9) in the RE District permanently (Section 410), finding the Special Exception 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; for the following property:

PRT NW NW BEG 250E NWC NW TH E768.06 S440.4 W518.06 N24.62 W250 N415.78 POB SEC 22 21 13 7.624ACS, CONVENIENT CENTER, OF TULSA COUNTY, STATE OF OKLAHOMA

2614—Ray Walters

Action Requested:
Variance of the 30 foot of frontage on a public right-of-way in the AG-R District to build a new dwelling (Section 207); Variance of the 15 foot side yard setback for an accessory building (Section 330). LOCATION: 20923 West Highway 51, Sand Springs

Presentation:
Ray Walters, 20923 West Highway 51, Sand Springs, OK; stated he would like to have a large shop and a mobile home that would be temporary for about three years to have time to build a house on the subject property.

Mr. Hutchinson asked Mr. Walters what his plans were for the shop. Mr. Walters stated the shop will be for personal use only.

Mr. Johnston asked Mr. Walters why he was requesting a Variance for the 15 foot setback. Mr. Walters stated it is because the road is a private road or private drive and it does not have access to a County maintained road. Mr. Johnston stated that his question is pertaining to the side yard setback. Mr. Johnston stated that unbeknownst to him he needed a permit to build the shop. The poles have already been erected and they are only 11 feet from the neighbor’s fence. Mr. Johnston asked Mr. Walters how many poles had been erected. Mr. Walters stated there about ten poles already in the
UNFINISHED BUSINESS

2438—David Woods

Action Requested:
Variance from the requirement that a lot have a minimum of 30 feet of frontage on a public street or dedicated right-of-way (Section 207). Location: 5875 South 157th West Avenue

Presentation:
The applicant was not present. Mr. Charney moved this case to the end of the meeting to allow the applicant time to arrive.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
No Board action required at this time.

NEW APPLICATIONS

2444—Edgar Duesenberg

Action Requested:
Special Exception to allow a manufactured home in an RE District (Section 410, Table 1). Location: 5205 East 94th Street North

Presentation:
Edgar Duesenberg, Box 106, Ramona, OK; stated this application for a special exception is for a single-wide mobile home. The home will sit on 2-1/2 acres and is in a rural setting with cattle, horses, chicken, and other animals in the area. There is an existing single-wide mobile home in the area. He does not want the new home to be injurious to the neighborhood so he will make the home look nice.

Mr. Charney asked Mr. Duesenberg if he had heard anything negative from any of his neighbors. Mr. Duesenberg stated that he did not know too many of the neighbors yet, but he has planted some trees on the land and he met a few of the neighbors then. The neighbor closest to him did voice some concerns but after he spoke with the neighbor they were happy and said they would not even attend today’s meeting.
Mr. Osborne asked Mr. Duesenberg if he planned to have this land as a permanent residence. Mr. Duesenberg stated that at this point in time he plans to save and then build a wood frame constructed home on the land. After the newly constructed home is complete the single-wide mobile home will be removed.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of OSBORNE, the Board voted 5-0-0 (Charney, Dillard, Draper, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the request for a Special Exception to allow a manufactured home in an RE District (Section 410, Table 1). This approval is conditioned on the requirement that the mobile home have the appropriate ties downs, skirting or screening, paved parking and meets DEQ approval; finding the Special Exception 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; for the following property:

PRT NW BEG 1018.06E & 440.40S NWC NW TH E259.03 S440.38 W259.03 N440.38 POB LESS S25 THEREOF FOR RD SEC 22 21 13 2.47AC, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 1303-A—John Davis

Action Requested:
Modification to previously approved Special Exception (CBOA-1303) to permit a church in an AG District for proposed expansion of existing Sanctuary for new Fellowship Hall. Location: 12215 North Garnett Road East

Presentation:
John Davis, P. O. Box 227, Owasso, OK; stated the church has a master plan for future plans but the goal today is the proposal of adding 3,000 square feet to the rear of the existing building. The church is located near German Corner in the Owasso area.

Ms. Back stated that church has a master plan, and if the Board is so inclined they would like to have the master plan adopted so they can go directly to Mr. Terry West, County Inspector.

Mr. Charney asked Mr. Davis if he is asking the Board to approve and adopt the conceptual master plan for the church's future renovations. Mr. Davis gave affirmation.
Mr. Charney explained to the applicants that there were only three board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one board member voted no today, the application would be denied. Mr. Charney asked the applicants if they understood and asked the applicants want they would like to do. The applicants stated that they would like to proceed with the hearing today.

**Case No. 2414—Ron & Deanna Oakley**

**Action Requested:**
Special Exception to permit a mobile home dwelling in an R District (Section 410) and a Variance to permit a second dwelling unit per lot of record in an R District (Section 208). **Location:** 5008 East 96th Street North

**Presentation:**
Cheryl Hoot, 8809 North 77th East Avenue, Owasso, OK; stated she is speaking on behalf of her mother, Deanna Oakley. She became a widow in the past year and the home she currently resides in is not quite livable; therefore, Ms. Hoot would like to move her mother into a mobile home on her brother's property. The utilities are in existence for the proposed mobile home. There was a mobile home on the property in the past and the proposed mobile home would be placed in the same area.

Mr. Osborne asked Ms. Hoot what type of structures are currently on the property. Ms. Hoot stated there is a two-story frame home, a shop, and a small barn. Mr. Osborne asked Ms. Hoot if the previous mobile home was moved in to have living quarters while a newer home was being built, and Ms. Hoot stated that it was not. Mr. Osborne asked why the mobile home had been placed on the lot originally. Mr. Sansone stated that in 2006, there had been a request to place a mobile home onto the subject property while a home was to be built, but that home was never started so the mobile home was removed from the subject property.

**Interested Parties:**
Jennifer Roden Holmes, 9803 North Yale, Sperry, OK; stated she represents her father, Dale Roden who could not attend today’s meeting due to illness. There are traditional built homes in the area and Ms. Holmes’s father would like to see the homes continue to be traditionally-built homes. Mr. Roden built and sold several frame homes in the subject area and does not want to see mobile homes brought into the area. Ms. Holmes stated there are a couple of mobile homes in the area that have been there for quite awhile.

Mr. Alberty stated that the two existing mobile homes being referred to are in an AG district and thus there by right. Also, the subject property is 7.6 acres and it could be
split, which would answer the two dwelling question, but in this case the property owner seems to want to keep the tract intact.

**Rebuttal:**
Ms. Hoot stated the mobile home would be a new single-wide mobile home in the mid-price range. The size would be approximately 16'-0" wide by 70'-0" long with under-skirt ing, porches installed, vinyl siding, and a shingled roof.

**Comments and Questions:**
Mr. Charney asked the applicant if the Board were to grant today’s request with a time limit as a condition, knowing that the time limit would require the applicant to come back before the Board of Adjustment and at the second appearance the request was denied, there would be no legal right to allow the manufactured home to remain on the property, would the applicant be willing to accept that condition? Ms. Hoot stated that with her mother’s age it is not known how long she will be able to live by herself, so if that were to happen, then the mobile home would be sold and her mother would live somewhere else.

**Board Action:**
On MOTION of WALKER, the Board voted 3-0-0 (Charney, Osborne, Walker “aye”; no “nays”; no “abstentions”) to APPROVE the Special Exception to permit a mobile home dwelling in an R District (Section 410) with a time limit of five years from the date of the permit issue. The applicant is to meet all DEQ requirements and the mobile home is to have tie-downs and be skirted. The parking and driving areas are to be hard surface material as required per code. Finding the Special Exception 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; and

On MOTION of WALKER, the Board voted 3-0-0 (Charney, Osborne, Walker “aye”; no “nays”; no “abstentions”) to APPROVE a Variance to permit a second dwelling unit per lot of record in an R District (Section 208) with the stated hardship that the tract is of sufficient size and could be split and can hold two dwellings; for the following property:

PRT NW NW BEG 250E NWC NW TH E768.06 S440.4 W518.06 N24.62 W518.06 N415.78 POB SEC 22 21 13 7.624 ACS, CONVENIENT CENTER, OF TULSA COUNTY, STATE OF OKLAHOMA

2399-A—Patricia A. Evans

**Action Requested:**
Reconsideration of case #CBOA-2399, a Special Exception to allow a Home Occupation (Beauty Salon with 2 chairs) to permit 4 chairs total in the salon.

**Location:** 1703 East 56th Street North

12/20/2011/#379 (3)
Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows to-wit: Commencing at the Southwest corner of the East half (E/2) of the Southwest Quarter (SW/4) of said Section 9, thence due East along the South line of said Section 9, a distance of 400.67 feet to a point thence due North a distance of 50.00 feet to the point of beginning; thence North 0E10'05" East a distance of 1241.36 feet to a point; thence North 89E50'55" East a distance of 122.90 feet to a point; thence South 65E53'37" East a distance of 91.07 feet to a point; thence South 0E06'23" West a distance of 155.52 feet to a point; thence South 89E54'53" East a distance of 59.46 feet to a point; thence South 69E04'16" East a distance of 159.55 feet to a point; thence South 0E02'07" East a distance of 233.85 feet to a point; thence North 89E17'46" West a distance of 172.71 feet to a point; thence South 01E54'40" East a distance of 116.62 feet to a point; thence South 66E11'36" East a distance of 13.70 feet to a point; thence North 89E55'48" East a distance of 21.31 feet to a point; thence South 44E17'11" East a distance of 53.26 feet to a point; thence North 89E45'17" East a distance of 103.43 feet to a point; thence South 0E02'07" East a distance of 599.38 feet to a point, said point being 50.00 feet North of the South line of said Section 9, thence due West and parallel to the South line of said Section 9, a distance of 415.75 feet to the point of beginning and containing 10.42 acres more or less.

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Case No. 2224

Action Requested:
Special Exception to permit a manufactured home in an RE district (Section 410), located: 5008 East 96th Street North.

Presentation:
Deanna Oakley, 5008 East 96th Street North, they proposed to move a single-wide manufactured home onto the lot that abuts her house. They have informed the neighbors and found they were in support.

Comments and Questions:
There is no other home on this five-acre parcel.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On Motion of Dillard, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit a manufactured home in an RE district (Section 410), subject to: tie downs, skirting, paved parking spot, BEQ approval; and a five-year limit of time if they have not begun construction of a permanent house, on the following described property:
Case No. 2225

**Action Requested:**
Variance of the minimum lot area required in an AG-R district from 1 acre to .976 acres to permit a lot-split (Section 330), located: 11802 East 136th Street North.

**Presentation:**
Kelvin Limbocker, 11802 East 136th Street North, Collinsville, Oklahoma, stated his request. He gave the history of re-zoning the property and obtaining a plat. He applied for a lot-split and it was discovered that a 50 ft. county right-of-way was included in the legal description, which made the description incorrect. He stated that he ended up with less than one acre for the house after deeding the right-of-way over to the County.

**Interested Parties:**
There were no interested parties who wished to speak.

**Board Action:**
On Motion of Walker, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "abstences") to **APPROVE** a Variance of the minimum lot area required in an AG-R district from 1 acre to .976 acres to permit a lot-split (Section 330), finding the variation is insignificant; and the parking area is pre-existing, on the following described property:

A tract of land in LT 1 BLK 1, FAITH ASSEMBLY CHURCH, a subdivision located in the NW/4 of the NE/4 of the NW/4 of Sec 32, T-22-N, R-14-E, Tulsa County, Oklahoma. More particularly described as follows, to-wit: Beg NW/c of Lt 1, Bk 1, FAITH ASSEMBLY CHURCH. TH E along N LN of Lt 1 229.06 ft. TH S 168.26 ft. TH N 86° 11' 14" W 229.57 ft. TH N 153 ft. to POB

Case No. 2226

**Action Requested:**
Special Exception to permit a day care center in an RE district (Section 410), located: 2717 South 265th Avenue West.

**Presentation:**
Selena Baker, 2717 South 265th West Avenue, Sand Springs, Oklahoma, stated she was asking for an in-home child care, limited to the twelve children. Her property has been inspected by DHS and she is in compliance with their rules and
Google Maps 9029 N Yale Ave

Manfaced
home

52' 84' mfgd home

https://www.google.com/maps/place/9029+N+Yale+Ave,+Sperry,+OK+74073/@36.2853...

11/1/2018
BOARD OF ADJUSTMENT
CASE REPORT

STR:9217
CZM:35
PD:

HEARING DATE: 12/18/2018 1:30 PM

APPLICANT: Kristen Woody

ACTION REQUESTED: Variance of the minimum lot area and land area per dwelling unit requirement in the AG district (Section 310).

LOCATION: 2578 S 49 AV W

PRESENT USE: Residential

LEGAL DESCRIPTION: BEG SECR SE NE TH W495 N220 E495 S220 POB LESS S30 & E50 SEC 17 19 12 1.94ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: No relevant history

Surrounding Property:

CBOA-1872: on 6/19/2001, the Board approved a variance to permit two dwelling units on one lot of record, with conditions for DEQ approval, skirting, tie-downs, and building permit; located at 4848 West 26th Street South.

CBOA-980: on 8/21/1990, the Board approved a variance of the minimum lot width from 200' to 130' and 150' (Section 330); and approved a variance of the minimum lot area from 2 acres to 0.58 acre and 0.90 acre, to permit a lot split (Section 330); located at 2629 South 52nd West Avenue.

CBOA-966: on 6/19/1990, the Board approved a variance of the required lot width from 200' to 165' – (Section 330); and approved a variance of the minimum lot area from 2 acres to 1.13 acres to permit a lot split (Section 330); located at 2615 South 52nd West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is

STAFF COMMENTS:
The applicant is before the Board requesting a Variance of the minimum lot area and land area per dwelling unit requirement in the AG district (Section 310).

Section 330, Table 3 of the Code requires each dwelling unit located on a lot in an AG district have at least 2.1 acres of land area and a minimum lot area of 2 acres. There is currently one existing
home on the 1.94-acre subject lot; to permit two dwelling units on the site the land area per dwelling would be have to be reduced from 2.1 acre to 1 acre per dwelling unit.

The applicant has provided the following hardship statement:

"1. We are the only family alive that my elderly aunt has. She recently has had both hips replaced. Due to pet allergies (asthma), she cannot live with us in our residence. We would like to bring in a 1 BR/1BA cottage for her to reside in. This will allow her to safely age in place, with a sense of independence, while we can provide any care or assistance she may need. If there was additional acreage for sale, we would have purchased it in order to meet the zoning requirements.

2. This piece of property has very steep slopes that require any additional building to occur in very limited (and specific) areas. This is also a significantly smaller parcel to those immediately surrounding it.

3. We are only adding an additional building for the single extended family member. We will not be using the building for another purpose (renting, additional family, etc.)"

The purpose of these bulk and area controls is to encourage and protect agricultural land until an orderly transition to urban development may be accomplished and to discourage wasteful scattering of development in rural areas.

If inclined to approve the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

"Move to ________ (approve/deny) Variance of the minimum lot area and land area per dwelling unit requirement in the AG district to allow for two dwelling units on a single lot. (Section 330).

Finding the hardship to be ________.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan."

5.3
REVISED12/10/2018
Board Action:
On MOTION of Hutson, the Board voted 3-0-0 (Alberty, Tyndall, Hutson "aye", no "nays"; no "abstentions"; Walker, Dillard "absent") to APPROVE Special Exception to allow Use Unit 2 fire works stand in an AG zoned district, June 20, 2001, to July 5, 2001; and a Variance of all-weather surface for temporary use, finding that 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:


**Case No. 1872**

Action Requested:
Variance to permit two dwelling units on one lot of record. SECTION 208.
ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD — Use Unit 9, located 4848 W. 26th St.

Presentation:
Karen Suitor, 6727 W. 26th St., proposes to place a doublewide mobile home on the backside of the subject property. She stated that previously a singlewide mobile was put in there. The septic is in good working order. The utilities connections are present, and it has a gravel driveway. She had new water and gas lines put in.

Comments and Questions:
Mr. Alberty asked if there are other doublewide mobile homes in the neighborhood. Ms. Suitor replied that there are several single and doublewide homes in the area. Mr. Alberty recognized there was no density issue in this case.

Interested Parties:
There were no interested parties present who wished to speak.

Board Action:
On MOTION of Tyndall, the Board voted 3-0-0 (Alberty, Tyndall, Hutson "aye", no "nays"; no "abstentions"; Walker, Dillard "absent") to APPROVE a Variance to permit two dwelling units on one lot of record, with conditions for DEQ approval, skirting, tie-downs and building permit, 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:
NW NW NW SW Section 16, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

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Case No. 1873

Action Requested:
The applicant has requested to withdraw the application. Ms. Fernandez stated the staff requests a refund of $160.00 to the applicant.

Board Action:
On MOTION of Hutson, the Board voted 3-0-0 (Alberty, Tyndall, Hutson "aye", no "nays"; no "abstentions"; Walker, Dillard "absent") to APPROVE a REFUND of $160.00 to the applicant.

**********

Case No. 1874

Action Requested:
Special Exception to allow a single-wide manufactured home in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9, located W of NW/c W. 57th St. & S. 97th E. Ave.

Presentation:
J.C. Doyle, 9910 W. 57th St., stated he bought the lot next door. He had previously obtained a special exception for a doublewide mobile home. Now they need an exception for a singlewide. He added there are several mobile homes in the area.

Interested Parties:
There were no interested parties present who wished to speak.

Board Action:
On MOTION of Hutson, the Board voted 3-0-0 (Alberty, Tyndall, Hutson "aye", no "nays"; no "abstentions"; Walker, Dillard "absent") to APPROVE a Special Exception to allow a singlewide manufactured home in an RS zoned district or a doublewide, finding that 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:

W 100' Lot 4, Block 1, Hill Top Addition, Tulsa County, State of Oklahoma.

**********
COUNTY BOARD OF ADJUSTMENT
Meeting No. 123
Tuesday, August 21, 1990, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT
Alberty, chairman
Eller
Tyndall

MEMBERS ABSENT
Looney
Walker

STAFF PRESENT
Gardner
Moore
Richards

OTHERS PRESENT
Dent,
Building Inspection
Fields,
Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Monday, August 20, 1990 at 3:51 a.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:00 p.m.

MINUTES:
On MOTION of ELLER, the Board voted 3-0-0 (Alberty, Eller, Tyndall, aye"; no "nays"; no "abstentions": Looney, Walker "absent") to APPROVE the Minutes of July 17, 1990 (No. 122).

UNFINISHED BUSINESS

Case No. 980

Action Requested:
Variance of the minimum lot width from 200' to 130' and 150' - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6.

Variance of the minimum lot area from 2 acres to 0.58 acre and 0.90 acre, to permit a lot split - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6, located 2615 South 52nd West Avenue.

Comments and Questions:
Mr. Alberty noted that the reduction of the lot width from 200' to 130' and 150' is a significant amount, and asked why the property was not rezoned, as there is RS zoning in the area.

Mr. Gardner informed that the property in question abuts RS zoning on two sides and AG zoned districts on the remaining sides. He stated that it takes less time to get to the Board for a decision.

08.21.90:123(1)
Presentation:
The applicant, Harold Whitels, 5220 West 27th Street, Tulsa, Oklahoma, stated that he does not understand the rezoning process, but is only attempting to split his property into three lots. He pointed out that there are lots in the area that are the same size as his smallest lot.

In response to Mr. Alberty, the applicant replied that he owns other property in the area. After pointing out that the smaller lots in the area are located in RS Districts, Mr. Alberty asked the applicant if he is proposing to split other property, and he stated that he does not think he will divide the remaining land. He recommended that any further division of property be handled through the zoning process.

Mr. Gardner stated that, if it is the desire of the Board that those seeking similar relief file a zoning application, Staff could direct future applicants seeking several variances for self created hardships to apply for zoning.

It was the consensus of the Board that a zoning change in similar situations would be more appropriate than seeking multiple variances.

Protestants: None.

Board Action:
On MOTION of TYNDALL, the Board voted 3-0-0 (Alberty, Eller, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, Walker, "absent") to APPROVE a Variance of the minimum lot width from 200' to 130' and 150' - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6; and to APPROVE a Variance of the minimum lot area from 2 acres to 0.58 acre and 0.90 acre, to permit a lot split - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6; finding that there are similar sized lots in the area; on the following described property:

Lot 9, Elliott's Subdivision, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Action Requested:
Special Exception to permit Use Unit 15 and Use Unit 17 in a CS District - Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Units 15 and 17.

Use Variance to permit the storage of dismantled and inoperative automobiles in a CS District - Section 1670. VARIANCES - Use Unit 27, located west of 209th West Avenue, north side of Keystone Expressway.

08.21.90:123(2)
Action Requested:

Variances of the required lot width from 200' to 165' - Section 330.

BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6.

Variances of the minimum lot area from 2 acres to 1.13 acres to permit a lot split - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6, located 2615 South 52nd West Avenue.

Presentation:

The applicant, Harold G. Whitels, PO Box 581354, Tulsa, Oklahoma, stated that he is proposing to split two platted lots, each containing 2 1/2 acres, into four 1 1/4 acre lots. He noted that the width and lot size of the proposed lots is under the minimum requirement for an AG District; however, there are several lots in the area that are smaller than those created on his property. An aerial (Exhibit A-1) depicting the location of the tract was submitted.

Comments and Questions:

Mr. Fields informed that 52nd Street has been dedicated, but was not constructed per County requirements and is not maintained by the County.

Mr. Walker asked Mr. Whitels if he lives on the property, and he replied that his residence is located on Lot 13.

Protestants: None.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to APPROVE a Variance of the required lot width from 200' to 165' - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6; and to APPROVE a Variance of the minimum lot area from 2 acres to 1.13 acres to permit a lot split - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6; finding that there are numerous lots in the area that are smaller than those proposed, and the granting of the variance request will not be detrimental to the surrounding neighborhood, or violate the spirit, purposes and intent of the Code; on the following described property:

Lots 8 and 15, Elliott's Subdivision, Tulsa County, Oklahoma.
Proposed additional residence

Primary residence
2578 S 49th West Ave
Parcel: 99217-92-17-11390
Site plan for 2578 S. 49th West Ave, Tulsa, OK 74107

2578 S 49th West Ave
Parcel: 99217-92-17-11390