

COUNTY BOARD OF ADJUSTMENT
Meeting No. 71
Tuesday, April 15, 1986, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Looney Tyndall Walker, Acting Chairman Wines	Alberty	Gardner Jones Moore	Edwards, Building Inspector

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 Friday, April 11, 1986 at 4:37 p.m.

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

MINUTES:

On MOTION of WALKER and SECOND by LOONEY, the Board voted 4-0-0 (Looney, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to APPROVE the Minutes of March 18, 1986 (No. 70).

UNFINISHED BUSINESS

Case No. 603

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1223 - Request a use variance to permit off-street parking of truck trailers used for storage.

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1223 - Request a variance of the required 75' setback from an abutting R District.

Variance - Section 1223.3 - Use Conditions - Use Unit 1223 - Request a variance of the required screening from an abutting R District.

Variance - Section 1350(c) - Use Unit 1223 - Request a variance of the required all-weather surface for off-street parking, located on the north side of 55th Place, east of 45th West Avenue.

Presentation:

The applicant, William Harrington, was not present.

Case No. 603 (continued)

Comments and Questions:

Mr. Jones informed that a letter (Exhibit A-1) was received from Attorney Roy Johnsen requesting that Case No. 603 be withdrawn.

Board Action:

On MOTION of TYNDALL, the Board voted 4-0-0 (Looney, Tyndall, Walker, Wines, "aye"; no "nays"; no, "abstentions"; Alberty, "absent") to **WITHDRAW** Case No. 603.

NEW APPLICATIONS

Case No. 649

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the allowed 750 sq. ft. for an accessory building to 1152 sq. ft. to construct a 32' x 36' accessory building, located at 802 Terrace Drive.

Presentation:

The applicant, Don Parks, 802 Terrace Drive, Sand Springs, Oklahoma, stated that he is proposing to construct a storage building on his property.

Comments and Questions:

Mr. Walker asked the applicant to state the reason for the oversized storage facility. Mr. Parks informed that he is in the dry cleaning business and has equipment that he needs to store.

Mr. Walker inquired if there are other storage buildings in the area that are as large as the one requested and Mr. Parks replied that there is a garage approximately 2 blocks away that is larger than the one he intends to build.

Mr. Edwards, Building Inspector, informed that the structure would be required to be placed at least 50' from the centerline of the street.

Mr. Jones informed that Staff received a letter from the Sand Springs Board of Adjustment recommending approval of the variance request, subject to no business or commercial activity being conducted in the proposed building.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Looney, Tyndall, Walker, Wines, "aye"; no "nays"; no, "abstentions"; Alberty, "absent") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the allowed 750 sq. ft. for an accessory building to 1152 sq. ft. to construct a 32' x 36' accessory building; subject

Case No. 649 (continued)

to no commercial or business activity being operated in the facility; and subject to the building being constructed a minimum of 50' from the centerline of the street; finding that the lots are large and there are other buildings in the area that are as large or larger than the proposed storage building; on the following described property:

Lot 5B, Block 11 of the Replat and Resubdivision of part of Charles Page Home Acres No. 2 Subdivision, Tulsa County, Oklahoma.

Case No. 650

Action Requested:

Special Exception - Section 320.1 - Accessory Uses In Agriculture Districts and Section 440.2 Home Occupations - Use Unit 1214 - Request a special exception to allow a home occupation (trading post store) in an AG District, located west of Campbell Creek Road between 41st Street South and 31st Street South.

Presentation:

The applicant, Jean Hendrixson, requested by letter (Exhibit B-1) that Case No. 650 be withdrawn.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Looney, Tyndall, Walker, Wines, "aye"; no "nays"; no, "abstentions"; Alberty, "absent") to WITHDRAW Case No. 650.

Case No. 652

Action Requested:

Special Exception - Section 420.1 - Accessory Uses Permitted In Residential Districts - Request a special exception to allow a home occupation (excavating company) in an RS District.

Variance - Section 240.2(e) - Permitted Yard Obstructions - Request a variance to allow a detached accessory building in the rear yard to exceed 750 sq. ft. to 1440 sq. ft., located at 1641 East 56th Street North.

Presentation:

The applicant, Nathaniel Morrow, 1641 East 56th Street North, Tulsa, Oklahoma, stated that he would like permission to park his equipment on his property at the above stated address. Mr. Morrow informed that there is an old garage on his land and he is planning to enlarge it, but it's not 1440 sq. ft.

Case No. 652 (continued)

Comments and Questions:

Mr. Gardner asked the applicant to state the combined size of the old garage and the new addition. Mr. Morrow stated the new building will be 30' x 40' and the old garage is 10' x 20'. The Staff advised that, based on those numbers, he needed at least 1400 sq. ft.

Mr. Walker asked if the building would be used for a business and Mr. Morrow informed that he would repair his own machinery there and store various items, but that he is in the excavating business and does his work away from the property.

Mr. Walker asked the applicant if he lives on the property and he answered in the affirmative.

Mr. Morrow informed that there is a trash service operating down the street and a motorcycle business in the area.

Mr. Edwards informed that the the trash service was approved by a previous Board of Adjustment action and that the motorcycle business is in a CS Zone and is legal.

Mr. Edwards asked the applicant if employees come to his home and Mr. Morrow informed that he does not have employees, but works alone.

Mr. Looney asked Mr. Morrow if he has dump trucks parked on the lot in question and he replied that he has 1 dump truck.

Mr. Edwards informed that on the day he inspected the property a truck, bulldozer, caterpillar, backhoe, and 2 dump trucks were stored on the property, with a business sign in place.

Mr. Tyndall stated that it appears that a shop is being constructed on the property.

Mr. Gardner informed that a business sign is not permitted for a home occupation and that the applicant's equipment is too large to store inside.

Protestants:

Earl Anderson, 1611 East 56th Street North, Tulsa, Oklahoma, stated that he lives on 2 1/2 acres and would like to retain the residential character of the neighborhood. He informed that there are some businesses in the area. Mr. Anderson pointed out that the applicant leases vacant AG land to the north and uses the back portion of the subject lot to feed cows (feed lot) in the winter months.

Case No. 652 (continued)

Debbie Summers, 1621 East 56th Street North, Tulsa, Oklahoma, informed that she lives 2 houses from Mr. Morrow. She noted that he leaves with his equipment early in the morning and creates a lot of noise. Ms. Summers stated that, in her opinion, the trash business and the motorcycle business already cause a lot of problems for the neighborhood and it doesn't need more problems.

Applicant's Rebuttal:

Mr. Morrow stated that he was not aware his neighbors were opposed to his business.

Mr. Walker asked the applicant how long he has had his equipment on the property in question and he replied that it has been there about 1 1/2 years. He informed that he has a house at another location, but is moving to the subject property.

Mr. Edwards informed Mr. Morrow that cattle are not permitted in the RS District and he replied that he will fence that portion of the property and remove them.

Mr. Looney asked the applicant where he previously stored his equipment and he informed that he owned property in Alsuma and it was stored there, but that land has been sold.

Mr. Tyndall remarked that he is not inclined to approve a home occupation for the subject property when the applicant owns a home at another location. Mr. Morrow informed that he is moving and is presently staying at the the property on 56th Street.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Looney, Tyndall, Walker, Wines, "aye"; no "nays"; no, "abstentions"; Alberty, "absent") to **DENY** a **Special Exception** (Section 420.1 - Accessory Uses Permitted in Residential Districts) to allow a home occupation (excavating company) in an RS District; and to **DENY** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions) to allow a detached accessory building in the rear yard to exceed 750 sq. ft. to 1440 sq. ft.; finding that the excavating company would not be compatible with the residential neighborhood; and finding that a hardship was not demonstrated by the applicant that would justify the variance requested; on the following described property:

A tract beginning 161.25' west of the SE/c of SW/4 thence north 660', west 161.25', south 660', east 161.25' to beginning in Section 6, T-20-N, R-13-E, Tulsa County, Oklahoma.

Case No. 653

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an AG-R District, located SE/c of 130th Street North and 91st East Avenue.

Presentation:

The applicant, Wanda Deckard, Route 3, Box 400, Collinsville, Oklahoma, asked the Board to allow her to locate a mobile home on a 2 1/2-acre tract that she owns.

Comments and Questions:

Mr. Walker asked the applicant if there are other mobile homes in the area and she stated that there are more mobiles in the area than there are houses.

Mr. Looney asked Ms. Deckard if the Health Department has approved percolation on the property and she answered in the affirmative.

Mr. Tyndall inquired if this will be Ms. Deckard's residence and she replied that she intends to live on the property.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Looney, Tyndall, Walker, Wines, "aye"; no "nays"; no, "abstentions"; Alberty, "absent") to **APPROVE** a Special Exception (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1209) to allow a mobile home in an AG-R District; subject to a Building Permit and Health Department approval; finding that there are numerous other mobile homes in the area; on the following described property:

Lot 4, Block 4, Northdale Acres Addition, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:05 p.m.

Date Approved

5-20-86


Chairman