

**COUNTY BOARD OF ADJUSTMENT**  
Meeting No. 73  
Tuesday, June 17, 1986, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Looney Tyndall Walker Wines		Jones Moore Brown	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, June 13, 1986 at 1:11 p.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:32 p.m.

MINUTES:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE the Minutes of May 20, 1986 (No. 72).

UNFINISHED BUSINESS

Case No. 658

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential District - Use Unit 1220 - Request a use variance to allow for a water recreation facility and other outdoor commercial recreational uses in an RS zoned district, located 1/2 mile south of the SE/c of Garnett and 141st Street.

Presentation:

The applicant, Larry Colt, was not present.

Comments and Questions:

Mr. Alberty read a letter (Exhibit A-1) from Mr. Colt which requested that Case No. 658 be continued until July 15, 1986 in order that additional information can be acquired for the presentation.

Protestants: None.

Case No. 658 (continued)

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Looney, "absent") to CONTINUE Case No. 658 until July 15, 1986 in order that the applicant can have sufficient time to gather additional information concerning the case.

NEW APPLICATIONS

Case No. 660

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the lot area from 2 acres to .92 acres, lot width from 200' to 168.92', and land area from 2.2 acres to 1.11 acres in order to permit a lot split, located at 3108 East 141st Street South.

Comments and Questions:

Mr. Jones informed that this case was approved by TMAPC on June 4, 1986.

Presentation:

The applicant, Darrell Inbody, Box 863, Jenks, Oklahoma, submitted a location map (Exhibit B-1) stated that there are 6 lots in the area that are as small as, or smaller than, the lots in question. Mr. Inbody informed that he intends to build a house on the property.

Additional Comments:

Mr. Alberty asked the applicant if both lots will be used for residential purposes and he informed that there is one house on the property at this time and one proposed for the other lot, if the lot split is approved.

Mr. Alberty asked Mr. Inbody if he agreed to the dedication for the right-of-way and he answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) of the lot area from 2 acres to .92 acres, lot width from 200' to 168.92', and land area from 2.2 acres to 1.11 acres in order to permit a lot split; subject to Building Permit and Health Department approval; finding a hardship demonstrated by the mixed zoning and size of the lots in the area; on the following described property:

Case No. 660 (continued)

TRACT B

A tract of land in the NE/4 of Section 17, T-17-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows to-wit:

Commencing at the NE/c of said NE/4; thence S 89°51'00" West along the north line of said NE/4, a distance of 772.59' to the Point of Beginning; thence S 0°03'07" W a distance of 473.0', thence S 85°28'17" E a distance of 110.34', thence S 0°03'07" W a distance of 181.50', thence S 89°51'00" W a distance of 413.85', thence S 0°03'07" W a distance of 428.94', thence S 89°51'33" W a distance of 100.0', thence N 0°03'07" E a distance of 428.91', thence S 89°51'00" W a distance of 82.0', thence N 0°03'07" E a distance of 663.50' to a point on the north line of said NE/4, thence N 89°51'00" E a distance of 485.85' to a point and place of beginning, containing 8.85 acres more or less, Tulsa County, Oklahoma.

**Case No. 662**

Action Requested:

Variance - Section 330 - Bulk and Area Requirements In Agriculture Districts - Request a variance of the lot width from 200' to 180', the lot area from 2 acres to .82 acres, land area from 2.2 acres to 1.37 acres in order to permit a lot split, located on the SE/c of Highway 169 and Highway 20 (116th North and Garnett).

Comments and Questions:

Mr. Jones informed that the lot split was approved by TMAPC on June 4, 1986.

Presentation:

The applicant, John Dobbs, 2635 East 28th Street, Tulsa, Oklahoma, stated that he is attempting to clear title for sale of a service station that has been in use since 1963.

Comments and Questions:

Mr. Wines asked the applicant what is going to be done with the property and he replied that he is planning to sell the property and the lot split is needed to clear the title. Mr. Wines asked Mr. Dobbs if the property includes the Sonic Restaurant next door to the station and he replied that it does not.

Protestants: None.

Case No. 662 (continued)

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE a Variance (Section 330 - Bulk and Area Requirements In Agriculture Districts) of the lot width from 200' to 180', the lot area from 2 acres to .82 acres, land area from 2.2 acres to 1.37 acres in order to permit a lot split; finding that the service station has been operating at the present location since 1963 and has proved to be compatible with the area; on the following described property:

North 260' of the west 230' of Section 8, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 663

Action Requested:

Appeal - Section 1650 - Appeals from the County Inspector - Use Unit 1227 - request an appeal from the decision of the building inspector to allow a nonconforming auto salvage to continue in an RS District.

In The Alternative

Use Variance - Section 410 - Bulk and Area Requirements In Residential Districts - Use Unit 1227 - Request a use variance to allow an auto salvage in an RS District, located west of the SW/c of 57th Street South and 107th West Avenue.

Presentation:

The applicant, Menzola Jackson, 1356 North Boston Avenue, Tulsa, Oklahoma, submitted affidavits of use (Exhibit C-1) stated that her son rented the subject property for auto salvage and attempted to purchase it in June of 1979. Ms. Jackson informed that her son was unable to complete the transaction and she purchased the property for him and asked the Board to allow the operation to continue at its present location. Ms. Jackson pointed out that there are numerous salvage yards in the area. Photographs (Exhibit C-3) were submitted.

Comments and Questions:

Mr. Alberty asked Ms. Jackson if there are improvements on the subject property and she replied that there are none.

Mr. Alberty inquired if the salvage use began in 1979 and the applicant replied that she believes that it started in 1978, but is sure that cars were there in 1979.

Mr. Alberty asked Ms. Jackson if the signatures on the affidavits presented are those of property owners in the neighborhood and she replied that they are signed by property owners and people that have worked in the area.

Case No. 663 (continued)

Mr. Walker asked the applicant if there is a fence around the property and she replied that it is fenced with wire fencing.

Mr. Alberty inquired if the applicant considers the area to be residential and she replied that there are only 2 houses near the property in question.

Mr. Walker asked how many cars will be on the property and Ms. Jackson replied that she could not determine how many will be placed on the tract. Mr. Walker asked her if there might be an average of 50 cars on the land at a given time and she replied that she would be satisfied with that number.

Mr. Alberty stated that the aerials (Exhibit C-2) supplied by Mr. Edwards' office for 1981 through 1985 substantiate the fact that there were cars on the lot during these periods, but the poor quality of the photos for 1979 and 1980 makes it difficult to determine if cars were on the lot during these years.

Mr. Edwards informed that any use in existence prior to September 15, 1980 is a legal nonconforming use.

Mr. Walker asked Mr. Edwards if the number of cars could be increased and he informed that the number cannot be increased from the amount that was on the lot on September 15, 1980.

Mr. Wines asked Mr. Alberty to state the number of cars shown on the 1981 aerial photograph and he replied that, according to the photo, there are approximately 20.

Protestants:

Attorney David Phillips, 200 Roosevelt, Sand Springs, Oklahoma, represented Jim Anderson, whose property adjoins the subject tract. He stated that the neighborhood is residential and although some of the lots are not developed, some have nice homes built on them. He informed that the Police Department has found stolen cars on the property in question and it has a very unsightly appearance.

Mr. Looney asked Mr. Phillips if he has proof as to when cars were first stored on the lot and he replied that he does not, but that a house, which has since burned, was on the lot in 1979 and there was no salvage yard in operation at that time.

James Evans, 1356 North Boston, Tulsa, Oklahoma, stated that there are nice homes in the area and that there are salvage yards nearby. He informed he had intended to build a fence and clean up the area, but has had a problem with Mr. Anderson.

Mr. Alberty asked Mr. Evans if he is the operator of the salvage business and he answered in the affirmative.

Case No. 663 (continued)

Mr. Wines asked Mr. Evans how many cars were on the acreage in 1980 and he replied that there were approximately 125 cars. He also stated that Mr. Phillips is mistaken about stolen cars being found on his property. Mr. Evans informed that he was doing business on the property in 1979. Mr. Alberty pointed out that specific evidence proving the business was in operation at that time would have to be submitted to the Board.

Mr. Walker asked Mr. Evans to state the number of cars that were on the subject tract in 1979 and he replied that there were approximately 20.

Jim Anderson, 10920 West 57th Street, Tulsa, Oklahoma, stated that the house on the lot burned on March 14, 1979 and cars were first put on the subject tract in 1980. He stated that the lot is very unsightly with discarded cans, cars, barrels, gas tanks and fencing scattered all around. He informed that stolen cars have been found on the property and cars are dumped on the lot at all hours of the day and night.

Mr. Walker asked Mr. Anderson to state the number of cars that were on the subject lot in 1979 and he replied that there was a partially built house that burned in that year and there were no cars on the lot at that time.

Mr. Walker asked Mr. Anderson if he remembers when the first cars were moved on the lot and he informed that they were moved in during the month of January in 1980.

Faye Brown, 5436 South 107th West Avenue, Tulsa, Oklahoma, stated that cars are burned on the property and asked the Board to deny the application.

Fred Parker, 2638 North Peoria, Tulsa, Oklahoma, stated that his son and Mr. Evans were in the salvage business on the subject tract during the year of 1979. He pointed out that the area has had salvage operations for the past 20 years and is not a suitable neighborhood for nice homes.

Mr. Looney asked Mr. Parker if he lives in the area and he stated that he does not.

Samuel Parker, 1416 North Boston, Tulsa, Oklahoma, stated that he has lived in the area for many years and the salvage business has been operating on the subject tract since 1979.

Cleo Patterson stated that the burning of tires on the property is offensive and asked the Board to deny the application.

Mr. Evans informed that he will clean up his property if the Board will allow him to continue the salvage operation.

Case No. 663 (continued)

Mr. Alberty suggested to the Board that a continuance of this case might be in order to allow sufficient time to procure aerial maps of the property in question, to research laws governing salvage operations in 1979 and 1980, and to hear a Staff recommendation on the land use.

Board Action:

On MOTION of WALKER, the Board voted 5-0-0 (Alberty, Looney, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 663 until July 15, 1986 to allow sufficient time to acquire a clear aerial photograph, gather information from the District Attorney's office, and review a Staff recommendation.

There being no further business, the meeting was adjourned at 2:43 p.m.

Date Approved

July 15, 1986  
Wayne Alberty  
Chairman