

COUNTY BOARD OF ADJUSTMENT
Meeting No. 88
Tuesday, September 15, 1987, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Eller Looney Walker	Tyndall	Gardner Jones Moore	Ron 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 Friday September 11, 1987 at 3:08 p.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:38 p.m.

MINUTES

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** the Minutes of August 18, 1987 (No. 87).

Election of Officers

Mr. Jones pointed out that the election of officers should have appeared on the October agenda instead of the present one, and suggested that this item be continued to October 20, 1987.

Board Action:

On **MOTION** of **WALKER** the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **CONTINUE** the election of officers to the October 20, 1987 meeting.

NEW APPLICATIONS

Case No. 765

The applicant was not present at the beginning of the meeting and the case was passed to the end of the agenda.

Case No. 766

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an AG-R District, located southeast corner of 89th East Avenue and 130th Street North.

Presentation:

The applicant, Billie Wells, Route 3, Box 409, Collinsville, Oklahoma, asked permission to place a 14' by 70' mobile home on her property at the above stated location. Letters of support (Exhibit B-1) were submitted.

Comments and Questions:

Mr. Albery asked Ms. Wells if there are other structures on the property, and she replied that the tract is vacant.

Mr. Albery inquired if there are other mobile homes located in the area, and the applicant stated that there are others in the area and one behind her land.

Upon Mr. Albery's inquiry as to the source of water supply for the mobile, Ms. Wells informed that a well will provide water for the mobile home.

Mr. Walker asked if the mobile home will be located behind the existing dwelling, and Ms. Wells replied that it will be located near her home, but on a separate tract.

Protestants: None.

Board Action:

On **MOTION** of **LOONEY** the Board voted four 4-0-0 (Albery, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1209) to allow for a mobile home in an AG-R District; subject to Building Permit and Health Department approval; finding that there are other mobile homes in the area and that the granting of the special exception request will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 4, Block 7, North Dale Acres Addition, Tulsa County, Oklahoma.

Case No. 767

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211 - Request a use variance to allow for office use in an RS zoned district, located east of the SE/c West 60th Street South and South 49th West Avenue.

Presentation:

The applicant, Owen Austin, PO Box 9672, Tulsa, Oklahoma, who stated that he is representing the Tom Inman Trucking Company, asked the Board to allow office use to continue on the subject property, as it has for the past 15 years. Mr. Austin stated that the owner was unaware that the property was zoned RS until the company experienced fire damage which required rewiring by the electric company.

Comments and Questions:

Mr. Alberty asked the applicant to explain why he chose to make application for a use variance instead of a rezoning the property. Mr. Austin stated that there is one lot in the block that is not owned by the trucking company at this time.

In response to Mr. Alberty's inquiry as to the use of the office, the applicant replied that it will be an office for the trucking business. Mr. Alberty inquired as to how long the building has been used for an office, and the applicant replied that the existing structure has not been used for an office, but replaced another building that was destroyed by a storm.

Ron Fields, County Building Inspection, stated that it is his understanding that a law practice will be conducted in the building, and Mr. Austin replied that the law office and trucking business will be intermingled.

Mr. Alberty asked Mr. Austin if he will provide council for the trucking company, and he answered in the affirmative.

Mr. Gardner informed that the area west of the railroad is designated for industrial, and rezoning for office use would be in accordance with the Comprehensive Plan. He further noted that the acquiring of a use variance is more expedient under these circumstances if time is a factor for the applicant.

Protestants: None.

Board Action:

On MOTION of LOONEY the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to APPROVE a Use Variance (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211) to allow for office use in an RS zoned district; finding that the area is planned for industrial use and the office use will be in conjunction with the trucking company presently in operation; on the following described property:

Lot 3, Block 4, Bozarth Acres Addition, Tulsa County, Oklahoma.

Case No. 765

Action Requested:

Use Variance - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1227 - Request a use variance to allow for a wrecker service and storage of automobiles in an AG zoned district.

Variance - Section 134(d) - Design Standards for Off-Street Parking Areas - Use Unit 1227 - Request a variance of all-weather/dust free parking area to allow for a gravel parking area, located 20 East 136th Street North.

Presentation:

The applicant, Don Dobbs, 20 East 131st Street North, Skiatook, Oklahoma, asked permission of the Board to store automobiles on a portion of his 10 acre tract. He informed that he is using a strip of land 75' by 150' as a storage lot for automobiles picked up by the sheriff's office, Highway Patrol and small town police departments. Mr. Dobbs supplied photographs of his land and surrounding properties for viewing by the Board.

Comments and Questions:

Mr. Alberty asked the applicant where he is proposing to store the vehicles, and he replied that he intends to leave them where they are located at this time.

In response to Mr. Alberty's inquiry as to the visibility of the automobiles from the road, the applicant pointed out that the view of the vehicles is blocked for eastbound traffic and a fence is in place on the front portion of the property.

Mr. Alberty asked if the oil well operation in the photographs is located nearby, and Mr. Dobbs stated that the tank truck operation is approximately a quarter of a mile north of 136th Street North. He pointed out that there are two different wrecker services on Highway 11, one enclosed by a wire fence and the other with no fence.

Mr. Eller asked the applicant if his property floods, and he replied that another property owner advised him that water has been approximately four inches deep on the road. Mr. Dobbs stated that he was later told that a portion of the yard was covered by flood water.

Mr. Alberty read a portion of a letter (Exhibit A-3) from the County Inspector's office which stated that the finished floor elevations of buildings on the property must be 628', or higher. Mr. Alberty noted that portions of the subject property are lower than the required elevation.

Case No. 765 (continued)

Mr. Gardner pointed out that, in the event of flooding conditions, salvage parts could float down stream and block bridges and culverts.

Mr. Alberty advised that this Board received a letter (Exhibit A-1) from the Skiatook Board of Adjustment, stating that they have heard the case and recommended denial of the application.

Mr. Dobbs pointed out that the concluding statement of the Staff Comments states that Staff does support this application. He noted that Mr. Adams, at the Skiatook Board meeting, stated that Staff does not support the application, which in his opinion was a misrepresentation.

Mr. Gardner pointed out that all of the comments from the Skiatook Board concerning the case were negative, and they obviously intended that the concluding remark in the Staff Comments state that they do "not" support the application.

Mr. Alberty inquired as to the maximum amount of cars that will be stored on the property, and Mr. Dobbs replied that he will store a maximum of 12 cars. He pointed out that some vehicles have remained on the lot as long as 21 months, due to a difficulty in locating the owners, but most of the automobiles are removed immediately.

Mr. Looney asked if any of the cars on the lot are beyond repair, and the applicant said that there are two cars presently on the lot that have burned. He pointed out that he has improved the land and mowed the 5' tall weeds since he purchased the property in June of this year. Mr. Dobbs assured the Board that vehicles without tires will be placed on supports, which will prevent rodents from collecting on the lot.

Mr. Gardner asked the applicant if he will have employees working in the business, and Mr. Dobbs stated that he and his wife operate the business.

In response to Mr. Looney's inquiry as to the hours of operation, the applicant stated that he will operate any time he is called.

Mr. Alberty asked the applicant if he did any research as to the approved uses for the property prior to the purchase of the land. Mr. Dobbs replied that he spoke with a Skiatook policeman and a representative of Code Enforcement about the wrecker service, and they seemed to be in support of the business. The applicant stated that after that discussion he proceeded with preparation of the lot for the storage operation.

Protestants:

Marvin Zahner, Route 2, Box 60X, Skiatook, Oklahoma, stated that he has lived in the area for many years, and has seen the water approximately 18" deep where the applicant's house is located. He pointed out that water lines have recently been installed in the area, and feels that the storage of damaged vehicles will hamper proposed development in the near future. He asked the Board to deny the application.

Sam Avant, stated that he and his father, Jack Avant, Route 2, Box 22, Sperry, Oklahoma, are developers and home builders in Skiatook. He stated that, if allowed to operate, the wrecker and storage business will devalue the residential land to the west. He pointed out that the 30 acres across the road from the proposed business is also planned for development.

Mr. Alberty asked Mr. Avant if any of his property is in the floodplain, and he replied that approximately 40 acres of the 60 acre tract is available for development. Mr. Avant stated that he contacted the Mayor and the City Manager when cars were moved on the fenced lot, and they informed him that they were unaware of the operation.

Interested Parties:

Eddie Gammil, 1952 East Oklahoma Street, Tulsa, Oklahoma, stated that the applicant has cleaned up the property and asked the Board to consider the appearance of the land if the applicant is forced to move to another location.

Applicant's Rebuttal:

Mr. Dobbs stated that Mr. Avant's property across the street from his tract is an oil lease, which he does not keep mowed. He noted that there are salt spills on that property and it is not a great deal higher than his, if any higher. Mr. Dobbs suggested that the businesses would not be located at the intersection if water gets as deep as has been previously stated by the protestant.

Additional Comments:

Mr. Alberty agreed that Mr. Gardner was correct in his observation that the concluding remark of the Staff Recommendation was meant to reflect that Staff did not recommend approval of the application in question.

Mr. Walker complimented the applicant for improving the appearance of the property, but pointed out that land use is the issue before the Board today.

Case No. 765 (continued)

Board Action:

On **MOTION** of **WALKER** the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **DENY** a **Use Variance** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1227) to allow for a wrecker service and storage of automobiles in an AG zoned district; and to **DENY** a **Variance** (Section 134(d) - Design Standards for Off-Street Parking Areas - Use Unit 1227) of all-weather/dust free parking area to allow for a gravel parking area; finding that a wrecker service and storage of automobiles is not compatible with the area, and that the request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

NW/4, NE/4, NE/4 of Section 35, T-22-N, R-12-E, Tulsa County, Oklahoma.

Additional Comments:

Ron Fields, Building Inspection, asked the Board if they would establish a time limit for the removal of the automobiles from the subject tract.

After conferring with Mr. Dobbs, it was determined by the Board that all cars should be removed from the property in question no later than 90 days from this date.

Board Action:

On **MOTION** of **WALKER** the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a time limit of 90 days for the removal of the automobiles from the subject property.

There being no further business, the meeting was adjourned at 2:32 p.m.

Date Approved

10-20-87


Chairman