

COUNTY BOARD OF ADJUSTMENT
Meeting No. 90
Tuesday, November 17, 1987, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberly Eller Looney, Chairman Tyndall Walker		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 November 13, 1987 at 1:10 p.m.

After declaring a quorum present, Mr. Eller called the meeting to order at 1:35 p.m.

MINUTES

On **MOTION** of WALKER, the Board voted 5-0-0 (Alberly, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** the Minutes of October 20, 1987 (No. 89).

UNFINISHED BUSINESS

Case No. 769

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209 - Requests a use variance to allow for a mobile home in a CS District for security reasons.

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for automotive and allied activities in a CS District, located 7525 North Peoria Avenue.

Presentation:

The applicant, Rhodillah Harlow, was not present.

Comments and Questions:

Mr. Jones stated that the case was continued from the last meeting and there was discussion at that time as to whether or not living quarters and an auto repair business would be permitted in the same

Case No. 769 (continued)

building. He informed that the applicant has had no contact with Staff since the previous meeting.

Board Action:

On **MOTION** of ALBERTY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 769 to December 15, 1987 to allow Staff sufficient time to contact the applicant.

MINOR VARIANCES AND EXCEPTIONS

Case No. 776

Action Requested:

Variance - Section 330 - Bulk and Area Requirements In Agriculture District - Use Unit 1206 - Request a minor variance of lot width from 200' to 150' and a variance of land area from 2.2 acres to 2.17 acres all in order to permit a lot split, located 17400 South Peoria Avenue.

Presentation:

The applicant, David Winn, 172 Fox Run Circle, Jenks, Oklahoma, asked the Board to allow the lot split in order that he can market some of his property. He informed that the land is a long narrow parcel, with smaller lots located to the front and a five-acre tract on the back portion of the property. Mr. Winn stated that a 30' easement is dedicated for the driveway.

Comments and Questions:

Mr. Looney asked the applicant if the lot split has been approved by TMAPC, and he replied that it was approved, subject to a 25' building setback from the five-acre tract to the west and this Board's approval.

Mr. Looney inquired if there are other lots of similar size in the area, and he replied that there are two-acre tracts both to the north and south of his property.

Protestants: None.

Board Action:

On **MOTION** of ALBERTY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Variance (Section 330 - Bulk and Area Requirements In Agriculture District - Use Unit 1206) of lot width from 200' to 150' and a variance of land area from 2.2 acres to 2.17 acres all in order to permit a lot split; per TMAPC conditions (Lot Split No. 16947); finding a hardship demonstrated by the narrow shape of the lot; and finding that there are other lots in the area that are smaller than the lots in question; on the following described property:

N/2, N/2, SE/4, NE/4, Section 36, T-17-N, R-12-E, Tulsa County, Oklahoma.

11.17.87:90(2)

Case No. 777

Action Requested:

Variance - Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206 - Request a minor variance of the lot area from 2 acres to 1 acre and the land area from 2.2 acres to 1 acre in order to permit a lot split, located NW/c 146th Street North and Proposed North Lewis Avenue.

Presentation:

The applicant, Gale Huddelston, PO Box 468, Skiatook, Oklahoma, was represented by Kenneth Williams, who stated that the owner of the property is deceased and the land in question is involved in a trust. He informed that the property was sold, but the buyer failed in an attempt to make payments and foreclosure action was taken. He asked the Board to approve the lot split in order to clear the title and to enable the trustee to dispose of the land.

Comments and Questions:

Mr. Alberty asked Mr. Williams if TMAPC approved the lot split, and he answered in the affirmative.

In response to Mr. Alberty's inquiry as to buildings on the property, Mr. Williams informed that one lot has a commercial structure and the other is vacant.

Protestants: None.

Board Action:

On **MOTION** of ALBERTY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "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 1 acre and the land area from 2.2 acres to 1 acre in order to permit a lot split; subject to TMAPC requirements; on the following described property:

The north 208.71' of the south 241,71' of the west 208.71' of the east 225.21' of the S/2, SE/4, SE/4 of Section 19, T-22-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 775

Action Requested:

Special Exception/Use Variance - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1205/1208 - Request a special exception/use variance to allow for a multi-family dwelling

Case No. 775 (continued)

for mildly mentally handicapped tenants in an AG zoned district (use does not fall under any definition in Zoning Code for community care homes), located NE/c 211th Street South and South Mingo.

Comments and Questions:

Mr. Jones informed that Application No. 775 was advertised in error and asked that the case be continued to December 15, 1987, to allow for readvertising. He explained that Staff has notified the applicant, and all property owners within 300', of the error and the new hearing date.

Board Action:

On **MOTION** of ALBERTY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 775 to December 15, 1987, to allow sufficient time for the case to be properly advertised.

Case No. 778

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS zoned district, located south of SW/c of West 31st Street and South 63rd West Avenue.

Presentation:

The applicant, Judy Reeves, 3715 West 41st Street, Tulsa, Oklahoma, stated that she purchased the subject property approximately six years ago. She informed that the existing house was not livable and was removed from the lot. Ms. Reeves asked the Board to allow her to place a mobile home on the property to provide a home for her brother and his family. She pointed out that a mobile home is in place on the lot adjoining her property and several are located in the general area. Ms. Reeves stated that a septic system, with Health Department approval, has been installed on the lot.

Comments and Questions:

Mr. Looney asked the applicant how long the mobile home will be located on the lot, and she replied that she would like for it to remain there indefinitely.

Protestants:

Jim Kent stated that he has property adjoining the subject tract and voiced a concern that the septic systems would be unable to support mobile units on the 63' wide lots. He further stated that the approval of the mobile home location would devalue his property.

Ethel Zane informed that she lives to the west of the proposed location and pointed out that the existing mobile home is an attractive unit, while the one in question is in very bad repair. She stated that she objects to the location of the mobile home in the area.

Case No. 775 (continued)

Applicant's Rebuttal:

Ms. Reeves pointed out that the Health Department has approved the septic system and that it should accommodate a mobile home or a house.

Mr. Walker asked the size of the mobile home, and the applicant replied that it is 12' by 65'.

Mr. Looney inquired as to the age of the mobile, and Ms. Reeves replied that it is a 1970 model, which has been damaged by previous occupants. She stated that, if this application is approved, the mobile home will be repaired. Ms. Reeves pointed out that the mobile home would not be close to the property to the west because the lot is approximately 300' deep.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS zoned district; subject to a time limit of one year only; subject to the mobile home being skirted and the exterior of the mobile being repaired; subject to Building Permit and Health Department approval; on the following described property:

S/2 of Lot 13, Block 1, Berryhill Acres Addition, Tulsa County, Oklahoma.

Case No. 780

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS District, located 6530 North Victor Avenue.

Presentation:

The applicant, Cynthia Chase, 11425 North 96th East Avenue, Tulsa, Oklahoma, was represented by Mark Chase, who informed that the proposed mobile home location will be 65' from the road, 50' from the property on either side and 223' from the property to the rear. He informed that the 1969 trailer is approximately 12' by 60' and has previously been located in a mobile home park.

Comments and Questions:

Mr. Looney inquired if utilities are available, and the applicant answered in the affirmative.

Mr. Looney asked how long the mobile will be located on the property, and the applicant replied that he will either enlarge the mobile home or build a house on the property. He informed that the mobile will be skirted and tied down.

Case No. 780 (continued)

Protestants: None.

Board Action:

On MOTION of ALBERTY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS District; subject to the mobile home being skirted and tied down; subject to Building Permit and Health Department approval; 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 and will not violate the spirit and intent of the Code or the Comprehensive Plan; on the following described property:

The north 150' of the south 300' of the N/2, E/2 of Lot 2, Section 6, T-20-N, R-13-E, less the south 10' and less the east and west 25' for Right of Way containing 19.68 acres, Tulsa County, Oklahoma.

Case No. 781

Action Requested:

Special Exception - Section 1420.(a) - Nonconforming Use of Building and/or Land - Use Unit 1205 - Request a special exception to expand a nonconforming use (church), located 18700 South Sheridan Road.

Comments and Questions:

Mr. Gardner explained that a non-conforming use cannot be expanded, but if a special exception is granted it will remove the property from a non-conforming status, and allow expansion of the church.

Presentation:

The applicant, Barney Jackson, Route 1, Mounds, Oklahoma, stated that he is Chairman of the Board for Liberty Heights Church. He informed that the church is planning to add a fellowship hall to the existing building. Mr. Jackson stated that the new addition will be of steel frame construction with metal exterior. A plot plan (Exhibit B-1) was submitted.

Additional Comments:

Mr. Looney asked the applicant how long the church has been in existence, and he replied that it has been at the present location since 1971.

In response to Mr. Alberty's inquiry as to the number of members, the applicant informed that the total church membership is approximately 134, with an average attendance of 85.

Case No. 781 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 1680.1(a) - Special Exception - Use Unit 1205) to approve a church and church expansion; per plot plan submitted; finding that the property has been used for church activities for several years and has proved to be compatible with the area; on the following described property:

Lot 1, Block 2, Liberty Heights Addition, Tulsa County, Oklahoma.

Case No. 782

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS District.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for 2 dwelling units on 1 lot of record, located 5520 South 67th West Avenue.

Presentation:

The applicant, Jack F. Simons, 5520 South 67th West Avenue, Tulsa, Oklahoma, requested permission to move a mobile home on the western most portion of his parents property at the above stated location.

Comments and Questions:

Mr. Looney asked the applicant if there is an existing dwelling on the front of the property, and he replied that his parent's home is located in the center of the tract. Mr. Alberty remarked that the tract is large enough to accommodate two dwelling units, so the issue before the Board seems to be whether or not the mobile home is appropriate for the area.

Mr. Looney inquired if there are other mobile homes in the area, and the applicant replied that there is a mobile home located two lots from the subject tract, and another on the same street.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS District; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow for 2 dwelling units on 1 lot of record; subject to Building Permit and Health Department approval; finding that there are other mobile homes in the area; and finding that the subject tract has sufficient square footage to accommodate more than one dwelling if divided; on the following described property:

Block 39, North Taneha Addition, Tulsa County, Oklahoma.

11.17.87:90(7)

Case No. 783

Action Requested:

Variance - 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of a detached accessory building from 750 sq. ft. to 1200 sq. ft. (30' by 40'), located west of NW/c 97th West Avenue and 57th Street.

Presentation:

The applicant, John Cornelliis, 1845 North St. Louis, Tulsa, Oklahoma, asked the Board to allow the construction of a 30' by 40' storage building on his property. He stated that his family farms several acres of land and is in need of a large building to store the tractors and other farm equipment. Mr. Cornelliis informed that the proposed building is to be of steel construction and will be placed on a concrete slab approximately 40 yards from the street. The applicant explained that the existing barn on the property is in bad repair and will be removed upon completion of the new building. He stated that he has experienced a problem with tools and farming equipment being stolen. Mr. Cornelliis informed that he has some cars that will also be stored in the building.

Comments and Questions:

Mr. Looney asked the applicant if there is a house on the property, and he replied that there is an unfinished house on one two-acre portion of the land.

Mr. Alberty inquired as to the type of equipment that will be stored in the proposed building, and Mr. Cornelliis replied that he plans to store three or four tractors and some hay in the building.

Mr. Alberty asked the applicant if he will be operating a business on the subject tract, and he replied that he has no intention of operating a business. He informed that his father is planning to reside on the property and the old cars that have accumulated over the years will be removed.

Ms. White inquired as to the number of cars that are stored on the property at this time, and Mr. Cornelliis replied that there are approximately 30 old cars on the tract.

Protestants:

Charles Boyd, 9912 West 57th Street South, Tulsa, Oklahoma, stated a concern that the building and property will be used for a salvage operation. He pointed out that the proposed location for the barn type structure is very near the street and suggested that it be placed on the back portion of the property.

Case No. 783 (continued)

Mr. Looney asked Mr. Boyd to state the distance from his property to that of the applicant, and he replied that the corner of his property is across the street from the corner of Mr. Cornellius' property.

Mr. Walker inquired if there has been any dismantling of salvage cars stored on the property, and Mr. Boyd replied that he is not aware of any work being performed on the cars.

Mr. Eller asked the applicant how far the building will be from the road, and he replied that the building will be approximately 70' from the street. He pointed out that the present location was chosen because the land is level at this point and would not require a large amount of excavation.

Mr. Gardner pointed out that it appears that the proposed storage building will be closer to the road than the house on the property.

The applicant pointed out that there is a horse barn in the area that is as close to the road as his proposed building.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-1-0 (Alberty, Eller, Looney, Tyndall, "aye"; Walker, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 240.2 - Permitted Yard Obstructions - Use Unit 1206) of the size of a detached accessory building from 750 sq. ft. to 1200 sq. ft. (30' by 40'); finding a hardship demonstrated by the size of the tract; subject to the detached accessory building being located a minimum of 50' from the centerline of 57th Street; subject to no commercial business being conducted in the building in question; subject to the applicant making a good faith effort to clear the tract of all salvage vehicles in a reasonable period of time; on the following described property:

Lot 2, Block 1, Buford Colony III Addition, Tulsa County, Oklahoma.

Case No. 784

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1227 - Request a special exception to allow for Use Unit 1227 (Heavy Manufacturing) in an IM zoned district, located SE/c 19th Street and South 81st West Avenue.

Comments and Questions:

Mr. Jones informed that Staff has received a letter from the applicant's attorney which requested that Case No. 784 be continued to December 15, 1987. He stated that the property owners within 300' of the subject property have been notified of the continuance request.

Case No. 784 (continued)

Interested Parties:

An Interested party in the audience asked if the case will be heard on December 15, and Mr. Looney answered in the affirmative.

It was pointed out to the applicant that the case will be heard on December 15 and any improvements made on the subject property during the interim will be at her own risk.

Presentation:

The applicant, Carol Mulcare, PO Box 837, Sand Springs, Oklahoma, was represented by counsel.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eiler, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 784 to December 15, 1987, as requested by counsel for the applicant.

Case No. 785

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for an existing mobile home in an RS zoned district, located 4910 West Edison.

Presentation:

The applicant, Aleen Crain, 4910 West Edison, Tulsa, Oklahoma, stated that the mobile home in question has been at the present location for approximately five years. She explained that her mobile is parked on her sons land and asked that she be allowed to continue to live on the property.

Protestants: None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eiler, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for an existing mobile home to be permanently located in an RS zoned district; finding that the mobile has been at the present location for a period of five years, and has proved to be compatible with the neighborhood; on the following described property:

A part of Lot 1, Section 5, T-19-N, R-12-E of the Indian Base and Meridian, Tulsa County, Oklahoma; more particularly described as: Beginning at the point 24.75' south and 800' east of NW/c of Lot 1; thence south 330' to point; thence east 100'; thence north 330'; thence west 100' to the Point of Beginning.

Case No. 786

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow for a children's day care nursery in an AG zoned district, located south of SE/c 191st Street and South Yale.

Presentation:

The applicant, Doris Stilwell, Route 2, Box 111, Mounds, Oklahoma, asked the Board to allow her to operate a child care center on her seven acre tract at the above stated location.

Comments and Questions:

Mr. Jones pointed out that the legal description is for the entire tract, however, the day care center will be operating on the 100' by 100' corner of the property.

Mr. Looney asked how many children will be cared for in the nursery, and Ms. Stilwell informed that she is licensed to care for 25 children. She informed that the center will be in operation from 6:30 a.m. to 6:30 p.m.

Ron Fields, Building Inspection, asked the applicant if a sign is in place on the property, and she replied that a 4' by 4' sign was installed approximately one week ago.

Mr. Tyndall inquired if the sign is lighted, and Ms. Stilwell informed that it is not lighted at this time.

Mr. Fields informed that the applicant would be required to consult with the Building Inspector before a lighted sign is installed.

Board Action:

On MOTION of ALBERTY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow the existing building to be used for a children's day care nursery in an AG zoned district; finding that a day care center will not be detrimental to the area; to be located on the north 100' of the west 100' of the following described property:

The north 100' of the west 100' of the N/2, S/2, NW/4, NW/4, Section 10, T-16-N, R-13-E, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 773

Action Requested:

Consider rehearing of Case No. 773 or amended Case No. 773, and if approved, rehear said case.

Comments and Questions:

Mr. Alberty stated that action has been taken on this case once, and the Board, at a later meeting, concurred that the case would not be reconsidered. He commented that he is opposed to hearing the case a third time unless there is additional information revealed.

Presentation:

The applicant, Gregorio Gatan, was represented by Georgina Landman, 1921 South Boston, Tulsa, Oklahoma, who stated that she has new information and asked the Board to rehear the application.

Comments and Questions:

Mr. Gardner informed that the Board will have to make a determination as to the rehearing of the case. He pointed out that the advertising process will be repeated if such a rehearing is approved today.

Mr. Jones informed that the applicant has already paid for sending out notices to property owners within 300' and the case is properly advertised for hearing at this time, if the Board determines to rehear the case.

Mr. Gardner pointed out that the burden is on the applicant to produce additional information which makes this case different from the previous hearing.

Ms. Landman informed that she is prepared to present an inventory of the land uses and property values, if the Board will allow her witness to speak.

Mr. Tyndall asked Ms. Landman to state the significant changes in the area since the last meeting, and she replied that, if allowed to make a presentation, there are a couple of items that will be brought to the attention of the Board.

Mr. Looney stated that he feels it would be appropriate to rehear the case.

Board Action:

Mr. Tyndall's motion to rehear Case No. 773 died for lack of a second.

On **MOTION** of **ALBERTY**, the Board voted 4-1-0 (Alberty, Eller, Tyndall, Walker, "aye"; Looney, "nay"; no "abstentions"; none "absent") to **DENY** the **Rehearing** of Case No. 773; finding that there have not been significant changes in the proposed use of the subject property or surrounding properties that would warrant the rehearing of the case.

Case No. 485

Action Requested:

Special Exception - Section 340 - Requirements for Special Exception Uses - Use Unit 1205 - Request an exception to allow a church building in an agricultural zoned district, under the provisions of Section 1680, located west of NW/c 129th East Avenue and 101st Street.

Comments and Questions:

Mr. Jones informed that the Board originally approved church use on the subject property in August of 1984. He stated that the applicant is before the Board today to submit a site plan (Exhibit A-1) for the proposed construction.

Presentation:

The applicant, Charles Cleveland, 7909 South 72nd East Avenue, Tulsa, Oklahoma, stated that he is building chairman for the church. He informed that an existing house is now being used for worship services, but construction of a new facility will begin in the Spring. He pointed out that Phase I will consist of a multipurpose building only.

Additional Comments:

Mr. Looney inquired as to the size of the congregation, and the applicant replied that the church has approximately 40 members.

Mr. Alberty asked Mr. Cleveland if the Building Inspector has reviewed the plans, and he replied that he has not.

Mr. Looney asked if the Health Department has approved the septic system, and he answered in the affirmative.

Board Action:

On MOTION of ALBERTY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Site Plan for Case No. 485, as presented; subject to Health Department and Building Inspector approval.

There being no further business, the meeting was adjourned at 3:05 p.m.

Date Approved 12-15-87



Chairman