

COUNTY BOARD OF ADJUSTMENT
Meeting No. 92
Tuesday, January 19, 1988, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Looney, Chairman Tyndall Walker	Eller	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 Thursday January 14, 1988 at 1:12 p.m.

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

MINUTES

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Walker, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** the **Minutes** of December 15, 1987 (No. 91).

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 pointed out that the portion of the request to allow for automotive and allied activities in a CS District was previously approved by the Board, with the remainder of the application being continued. He stated that the applicant has failed to appear for three consecutive meetings, and suggested that the use variance portion of the application be withdrawn.

Case No. 769 (continued)

Protestants: None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller "absent") to **WITHDRAW** a Use Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209) to allow for a mobile home in a CS District for security reasons; finding that the special exception portion of the application was approved at a previous meeting, but the applicant has failed to appear at three consecutive meetings for consideration of the continued portion of the case.

Case No. 793

Action Requested:

Use Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1227 - Request a use variance to allow for an automobile salvage yard in an AG zoned district, located south of SE/c of 156th Street North and US 169.

Presentation:

The applicant, Bennie Keith, 17459 Park Village Boulevard, Fort Myers, Florida, was represented by J. B. Terrill, who asked the Board to allow him six months for the removal of the salvage items to another location outside Tulsa County. (Mr. Terrill previously presented a similar case (No. 789), requesting salvage use on an abutting tract, which was denied at the last meeting.)

Protestants:

A protestant in the audience presented a petition of opposition (Exhibit B-1) and photographs (Exhibit B-2), but did not choose to address the Board.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **DENY** a Use Variance (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1227) to allow for an automobile salvage yard in an AG zoned district; subject to all salvage being removed from the premises by July 19, 1988; finding that a hardship was not demonstrated and that the salvage operation is not compatible with the surrounding area; on the following described property:

Part of the N/2, NE/4, beginning 330.46' north of the SW/c, N/2, NE/4, thence east 330.75', north 330.61', west 330.78', south 330.46' to the Point of Beginning less the west 50' thereof for Highway, Section 21, T-22-N, R-14-E, Tulsa County, Oklahoma.

Case No. 796

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1213 - Request a special exception to allow for a convenience store in an IL zoned district, located NW/c of US 75 and 126th Street North.

Presentation:

The applicant, John Schrawger, 3315 North Lewis, Tulsa, Oklahoma, submitted a plot plan (Exhibit A-1) and stated that he is representing Jack Freeman, owner of the property in question. He asked the Board to approve the operation of a convenience store on the subject tract from 5:00 a.m. to 10:00 p.m., seven days a week. Mr. Schrawger informed that gasoline and diesel fuel will also be sold on the premises.

Comments and Questions:

Mr. Looney inquired if there are other commercial uses in the area, and the applicant stated that another convenience store, which is operating four miles south of their proposed location, is the nearest commercial use that he is aware of.

Mr. Gardner pointed out that the sale of gasoline is permitted by right on the property, but a special exception is required for the operation of a convenience store.

Mr. Jones asked the applicant if this case was addressed at the City of Collinsville public hearing, and he replied that there was not a quorum at the meeting he attended, but a plot plan was submitted to be reviewed at the next meeting. Mr. Jones informed that Staff has had no word from Collinsville regarding this case.

Mr. Tyndall inquired if street access will be on 126th Street, and the applicant answered in the affirmative.

Mr. Alberty asked Mr. Schrawger if the plans have been reviewed by the Building Inspector, and he replied that they have not been presented to that department at this time.

In response to Mr. Alberty's inquiry regarding parking, Mr. Schrawger replied that there will be an area for truck parking, as well as customer parking for the convenience store.

Mr. Looney asked if the lot is vacant at this time, and the applicant replied that there is an existing commercial structure on the property.

Mr. Alberty inquired as to the use for the remainder of the property, and the applicant informed that a lagoon will be installed for sewage disposal, with the balance of the land being reserved as an open grass area.

Case No. 796 (continued)

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Looney, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1213) to allow for a convenience store in an IL zoned district; per plan submitted; subject to Building Permit and Health Department approval; finding that the granting of the special exception request will not be detrimental to the area, and will be in harmony with the spirit and intent of the Code; on the following described property:

Beginning 570' west and 80' north of the SE/c of Section 33, T-22-N, R-13-E, Tulsa County, Oklahoma; thence north 490.45'; thence west 444.4' to the east right-of-way line of US Highway 75; thence south along said right-of-way 476.6'; thence N 88°51'84.3" E; thence S 79°51'102" E; thence N 88°51'102" E; thence N 88°51'267.3" E to the point of beginning, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 1:44 p.m.

Date Approved

2/9/08


Chairman