

COUNTY BOARD OF ADJUSTMENT
Agenda (No. 133)
Tuesday, June 18, 1991, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Eller Looney Tyndall Walker		Gardner Moore	Fields, Dent, 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 Monday, June 17, 1991 at 9:55 a.m.

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

MINUTES:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Looney, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to **APPROVE** the Minutes of May 21, 1991 (No. 132).

UNFINISHED BUSINESS

Case No. 1024

Action Requested:

Variance of the required lot area and land area in an AG zoned district to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6.

Variance of the required 30' frontage on a public street or dedicated right-of-way - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located west of the southwest corner 193rd West Avenue and Wekiwa Road.

Presentation:

The applicant, **Juanita Miller**, 19420 Wekiwa Road, Sand Springs, Oklahoma, was not present.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 1024 to July 16, 1991.

NEW APPLICATIONS

Case No. 1026

Action Requested:

Special Exception to permit a mobile home in an RS District - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9**, located east of North Peoria, south side of East 61st Street North.

Presentation:

The applicant, **E. F. Browning**, 7330 South 68th East Avenue, Tulsa, Oklahoma, stated that the property in question was his home as a child, but it has been vacant for many years. He explained that he is retiring and is proposing to move back on the land and install a mobile home for his residence. Mr. Browning stated that all City utilities are in place. A plot plan (Exhibit A-1) was submitted.

Comments and Questions:

In response to Mr. Alberty, the applicant stated that the old house that was occupied by his parents has been removed from the property.

Mr. Alberty asked if there are other mobile homes in the area, and Mr. Browning replied that there is one in the same block, and another approximately one-quarter mile from his property.

Protestants: None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS District - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9**; subject to Building Permit and Health Department approval; finding that there are other mobile homes in the area, and the granting of the request will not be detrimental to the residential neighborhood; on the following described property:

Lots 7 and 8, Block 3, East Turley Addition, Tulsa County, Oklahoma.

Case No. 1029

Action Requested:

Special Exception to permit a church and related uses - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5.

Variance of the all-weather surface requirements for parking areas to permit a gravel parking lot - **Section 1304.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 5, located south and east of the southeast corner of 106th Street North and 129th East Avenue.

Presentation:

The applicant, **James Marks**, 10811 East 96th Place North, Owasso, Oklahoma, submitted a plot plan (Exhibit C-1), and explained that the property in question was previously a horse farm, with an existing metal building and horse stalls. He stated that the church is proposing to purchase the property, and requested permission to utilize the existing gravel driveway and parking area. Mr. Marks stated that the current proposal is to convert the building containing the horse stalls into a sanctuary and classroom area. He informed that the church has been in Owasso approximately eight years and is seeking a permanent location.

Comments and Questions:

In response to Mr. Alberty, the applicant stated that the tract contains approximately nine acres, with a two-way service road from Highway 169 providing access to the property.

In response to Mr. Looney, the applicant stated that there is a septic system in place, and water is supplied by a Washington County water line.

Interested Parties:

Terry Hogan, 13705 East 100th Street North, stated that he owns a tract of land adjacent to the subject property, and voiced a concern that the approval of church use could result in commercial zoning being approved in the future.

Mr. Alberty advised that the Board makes land use decisions and does not have the power to change zoning. He pointed out that churches, schools and similar uses are allowed by right in a residential zone, and this area, although zoned AG, has developed residential.

Mr. Gardner advised that an approval of church use at this location, without a site plan, would allow the applicant to remove the existing buildings and build any type of new structure. He stated that the Board could require review and approval of any future construction plans on the property.

Mr. Alberty asked Mr. Gardner if the applicant will be required to plat the property, and he answered in the affirmative.

Mr. Alberty stated that he would not be supportive of a gravel driveway and parking lot, since there are residential homes adjacent to the property.

Case No. 1029 (continued)

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a church and related uses - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 5**; and to **DENY** a **Variance** of the all-weather surface requirements for parking areas to permit a gravel parking lot - **Section 1304.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 5**; subject to the applicant platting the property as required; and subject to a detail site plan being submitted for any exterior changes in the existing structures; and subject to a new application being filed for the construction of additional buildings on the tract; finding church use to be compatible with the surrounding area; and finding that a gravel driveway and parking area would create a dust problem for the surrounding residential neighborhood; on the following described property:

Part of the SE/4 SE/4 NW/4 and beginning at the southeast corner of the E/2, SW/4 SE/4 NW/4; thence west 151.23'; thence northeast 363.48'; thence south 330.44' to POB, less .58 acres and less beginning at the NE/c of the SE/4 SE/4 NW/4; thence east 151.2'; thence southwest 363.41'; thence north 330.44' to the POB, Section 16, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1030

Action Requested:

Variance of the required front yard from 25' to 18', to permit a carport - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6.**

Comments and Questions:

Mr. Gardner informed that the application was not heard by the Sand Springs Board of Adjustment, however, the Board was polled and it was determined that the County Board should hear the case to prevent further delay for the applicant.

Presentation:

The applicant, **Dan P. Thompson**, 805 Franklin, Sand Springs, Oklahoma, contractor for the project, submitted a site plan (Exhibit B-1) and stated that his client is proposing to construct a 20' by 16' carport on her property. Photographs (Exhibit B-2) were submitted.

Comments and Questions:

Mr. Alberty inquired as to the distance from the edge of the proposed carport to the street, and the applicant stated that the carport will be approximately 35' from the road.

In response to Mr. Alberty, the applicant stated that the carport will not be attached to the house.

Mr. Walker stated that he is familiar with the area, and the carport will be compatible with the surrounding neighborhood.

Case No. 1030 (continued)

Protestants: None.

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 **Variance** of the required front yard from 25' to 18', to permit a carport - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding the carport will not be injurious to the surrounding neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 12, Charles Page Home Acres No. 2, and a Resubdivision of part Block 10, Tulsa County, Oklahoma.

Case No. 1031

Action Requested:

Variance of **Section III, 5 (1), Resolution 101972 and Federal Regulations 60.3.D (3)** in order to permit a double-wide mobile home in an AG zoned district, located 14605 South Lewis.

Comments and Questions:

Ron Fields, County Building Inspection, stated that the applicant is proposing to replace a single-wide mobile home with a double-wide unit. He pointed out that construction is permitted in a regulatory floodplain with the required elevation, but construction of any type is not permitted in a regulatory floodway without Board of Adjustment approval. Mr. Fields informed that, in his opinion, the applicant was erroneously permitted to install a mobile home in the floodway in 1983 or 1984. He explained that the existing mobile unit might not have a significant negative impact during a flood, but setting a precedent for approval of structures in the floodway could increase water damage in the floodplain where buildings have been elevated to the required height.

Presentation:

The applicant, **John Heath**, 14601 South Lewis, Bixby, Oklahoma, requested permission to replace a single-wide mobile home with a double-wide unit, which will continue to be used for his daughter's home.

Comments and Questions:

In response to Mr. Alberty, the applicant stated that he is proposing to pour a concrete base for the supporting concrete blocks.

Mr. Heath informed that the mobile home is approximately one foot above the elevation, and did not have water during the 1984 flood.

Mr. Gardner asked the size of the mobile unit, and the applicant stated that it contains approximately 1000 sq ft of floor space.

Case No. 1031 (continued)

Mr. Alberty asked if the mobile home could be relocated to another portion of the property that is out of the floodway, and the applicant stated that the only elevated portion is across the creek, which would require the construction of a bridge.

Mr. Gardner pointed out that this circumstance is unique because the mobile home was given a permit several years ago and the applicant cannot relocate the unit to higher ground without constructing a bridge across the creek.

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a variance of **Section III, 5 (1), Resolution 101972 and Federal Regulations 60.3.D (3)** in order to permit a double-wide mobile home in an AG zoned district; finding a mobile home has been located on the property for approximately eight years and is 1 1/2' above the flood elevation; finding that relocation of the unit to higher ground would necessitate the construction of a bridge across the creek, and that the continued use would not significantly increase flooding in the area; on the following described property:

NW/4 SW/4 LESS the south 411.16' thereof and LESS beginning 433.84' south of the NW/c of the SW/4; thence east 50', south 207.5', east 475' south 207.5', west 525', north 415' to POB, Section 17, T-17-N, R-13-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:15 p.m.

Date Approved

July 25, 1991

Wayne Alberty
Chairman