

COUNTY BOARD OF ADJUSTMENT
Agenda (No. 139)
Tuesday, December 17, 1991, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|---|-----------------------|---------------------------|-------------------------------|
| Alberty, Chairman Eller Tyndall Walker | Looney | Gardner Jones Moore | Glenn, 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, December 13, 1991 at 1:36 p.m.

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

MINUTES:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of November 19, 1991 (No. 138).

NEW APPLICATIONS

Case No. 1054

Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building to 3600 sq ft - **Section 240.2.E. - Permitted Yard Obstructions - Use Unit 6.**

Variance to permit a detached accessory building in a side yard - **Section 420.A.2. - Accessory Use Conditions - Use Unit 6**, located 6028 South 62nd West Avenue.

Presentation:

The applicant, **Phillip Whisenhunt**, Box 406, Oakhurst, Oklahoma, submitted a plot plan (Exhibit A-1), and explained that he has purchased four lots abutting his property and is proposing to construct a detached accessory building to store personal items and classic cars that he plans to restore. He informed that the facility will be constructed in three phases and will contain 3600 sq ft when completed. Mr. Whisenhunt stated that he does not have a garage at this time.

Comments and Questions:

In response to Mr. Alberty, the applicant stated that the first phase of development will be the construction of a 1200 sq ft building.

Case No. 1054 (continued)

Mr. Alberty asked if the restoration of automobiles will only be a hobby, with no commercial activity, and Mr. Whisenhunt answered in the affirmative. The applicant added that he will maintain his own automobiles at this location, and is also interested in doing cabinet work for family members.

In response to Mr. Gardner, the applicant stated that his residence is next door to the lots in question. Mr. Gardner pointed out that the 3600 sq ft accessory building would be larger than the existing dwelling, and would become the principal use on the property.

Mr. Glenn informed that the deeds to the properties are recorded separately, and that the building inspector is concerned that the applicant may intend to operate a beauty shop and welding business at this location.

Mr. Alberty stated that, although the tract contains seven lots, he is not inclined to support a 3600 sq ft building at this location.

Mr. Tyndall asked Mr. Whisenhunt what type of work he does, and he replied that he is a tool maker for Hilti, and his wife is a beautician. He explained that his wife has a beauty shop at another location, but she might want to move her business to the proposed building in the future. Mr. Whisenhunt stated that he might weld on his own vehicles, but will not operate a welding shop.

Mr. Alberty inquired as to the hardship for the request, and he replied that he owns several lots and will not ever construct other dwellings on the property.

Mr. Walker stated that he is not supportive of a 3600 sq ft building at this time, or in the future.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building to a maximum of 1200 sq ft - **Section 240.2.E. - Permitted Yard Obstructions - Use Unit 6**; and to **APPROVE** a **Variance** to permit the detached accessory building in a side yard - **Section 420.A.2. - Accessory Use Conditions - Use Unit 6**; per revised plot plan (1200 sq ft - 1st phase only) subject to the execution of a tie contract on all lots; and subject to the building being used for personal use only, with no commercial activity; finding that the tract is large enough to support a 1200 sq ft accessory building, and the granting of the variance requests will not cause substantial detriment to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lots 25 - 31, Block 10, New Taneha, Tulsa County, Oklahoma.

Case No. 1056

Action Requested:

Variance of the required lot width in an AG District from 200' to 165' to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 16411 South Peoria.

Presentation:

The applicant, **Beverly Evans**, PO Box 55332, Tulsa, Oklahoma, explained that a lot split and a variance of the required lot width were previously approved on the property in 1979, however, the deeds were not filed at that time and the approval period for the variance has expired. She pointed out that each lot contains sufficient lot area, but they are only 165' wide. Ms. Evans asked the Board to approve the variance so the deeds can be filed. A lot layout (Exhibit B-1) was submitted.

Comments and Questions:

Mr. Albery asked Ms. Evans if she is the owner of the property, and she answered in the affirmative. She added that a sale is pending on a portion of the property.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Albery, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the required lot width in an AG District from 200' to 165' to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; per plat submitted; finding that the variance and lot split were previously approved, but the deeds were not filed of record, and the three-year variance approval expired; and finding that the lot area complies with the Code, and the granting of the request will not violate the spirit and Intent of the Code; on the following described property:

S/2, NW/4, SW/4, NW/4, Section 30, T-17-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1057

Action Requested:

Variance of the required 5' side yard to 3.8' to permit an existing dwelling - **Section 430.1 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 5689 South 85th West Avenue.

Presentation:

The applicant, **Mary Foyll**, 5689 South 85th West Avenue, Tulsa, Oklahoma, was represented by **Luevon Alfrey**, 2 East 41st Street, Sand Springs, Oklahoma, who submitted a copy of the plat (Exhibit C-1), and informed that the houses in the area were constructed approximately 40 years ago. Ms. Alfrey stated that her client is proposing to obtain a lot split and sell 1 1/4-acres of her property.

Comments and Questions:

In regard to the lot configuration, Mr. Jones informed that existing lateral lines entered into the lot layout.

Case No. 1057 (continued)

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the required 5' side yard to 3.8' to permit an existing dwelling - **Section 430.1 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plat submitted; finding that there are other lots in the area that are similar in size, and the approval of the request will not cause substantial to the public good, or violate the spirit and intent of the Code; on the following described property:

The N/2, S/2, S/2, SW/4, NE/4, SE/4, less and except the west 100', east 200', south 17.5' thereof, and the north 17.5' of the east 100', S/4, S/2, S/2, SW/4, NE/4, SE/4, Section 36, T-19-N, R-11-E of the Indian Base and Meridian, Tulsa County, Oklahoma.

Case No. 1058

Action Requested:

Special Exception to locate an oil well and related storage tanks within 300' of an Incorporated area - Section 1224(a).3.B. Use Conditions - Use Unit 24, located East 56th Street South and South 129th West Avenue.

Presentation:

The applicant, **Bill Dost**, Box 808, Claremore, Oklahoma, submitted a plot plan (Exhibit D-2), and informed that Sand Springs is not opposed to the location of the oil well and tanks at the present location. He informed that they received permission from the Corporation Commission to drill the well, and it appears to be productive; however, when an attempt was made to hook up the electric service, it was determined that the well did not comply with the Code. Mr. Dost informed that other wells are operating near the City limits of Sand Springs. A letter of support from Sand Springs (Exhibit D-1) was submitted.

Comments and Questions:

Mr. Alberty asked if the oil well is within 300' of a residence, and he replied that the well is not near a residential area.

Protestants: None.

Board Action:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to locate an oil well and related storage tanks within 300' of an Incorporated area - Section 1224(a).3.B. Use Conditions - Use Unit 24; per plan submitted; finding that the oil well is not near a residential neighborhood, and the use is compatible with the surrounding area; and finding that there are other oil wells operating near the City of Sand Springs; on the following described property:

Case No. 1058 (continued)

E/2, NE/4, SE/4, NE/4, Section 33, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 1024

Action Requested:

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 SW/c 193rd West Avenue and Wekiwa Road.

Presentation:

The applicant, **Juanita Miller**, was represented by **Henry Miller**, 19420 Wekiwa Road, Sand Springs, Oklahoma, who submitted a plot plan (Exhibit E-2), and stated that he is proposing to sell 2.6 acres in the northwest corner of his 15-acre tract. He pointed out that the subject property, which contains his home, does not have 30' of frontage on a public street. Mr. Miller explained that he was permitted to build his home on the property approximately 5 years ago, and the requirement was obviously overlooked at that time. He informed that the lot he intends to sell is located 265' from 193rd West Avenue, which is a dedicated road. He added that the east/west section line has been opened up from his gate on 193rd West Avenue, and will border the 2.6 acres that he is proposing to sell; however, the road will not be maintained by the County. A copy of the resolution opening the section line was submitted (Exhibit E-1).

Comments and Questions:

Mr. Alberty informed that the Sand Springs Board of Adjustment has recommended approval of the application (Exhibit E-3); however, it was noted that the existing private driveway is in the right-of-way of the newly opened section line.

In response to Mr. Alberty, Mr. Miller stated that he has constructed a private road to his home and assumed that the buyer of the 2.6 acres could use his road. He informed that the owner of a landlocked parcel of land to the west requested that the section line be opened up to allow access to that property. Mr. Miller stated that the recently opened road extends west 727' from 193rd West Avenue.

Mr. Alberty asked Mr. Miller if he plans to sell other lots in the future, and he replied that he is proposing to sell only the 2.6 acres. He added that a mutual access agreement will be executed.

Mr. Jones informed that the property has frontage on a County road, but does not have frontage on a road maintained by the County.

Interested Parties:

Larry Abbott, a property owner at 193rd West Avenue and Wekiwa Road, voiced a concern that an environmental study has not been made to open up the section line road, and pointed out that any change in the roadway could have an adverse impact on the wetlands in the area.

In response to Mr. Alberty, Mr. Abbott replied that he is not opposed to the variance request, but is not supportive of another dead-end road.

Case No. 1024 (continued)

Applicant's Rebuttal:

Mr. Miller stated that he is requesting that the new property owner be permitted to use his existing driveway, and the opening of the section line is not an issue in this variance request. He pointed out that he only has 25' of frontage on 193rd West Avenue, but because of an error, he was granted a building permit approximately five years ago. Mr. Miller pointed out that this is the reason the case is before the Board at this time.

Mr. Walker pointed out that the property owner to the west is permitted to use Mr. Miller's road because it is located on the section line right-of-way.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the required 30' frontage on a public street or dedicated right-of-way to 0' - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6; per plan submitted; finding that the existing private roadway will be used to access the property; finding a hardship demonstrated by the fact that the land in question has access to an unimproved section line road that will not be maintained by the County if, and when, it is improved; and finding that the granting of the variance request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

The east 15 acres of Lot 1, Section 11, T-19-N, R-10-E, Tulsa, County.

Case No. 1059

Action Requested:

Special Exception to permit a mobile home in an RS District - **Section 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 6013 South 59th West Avenue.

Presentation:

The applicant, **Evaristo Tovias**, Route 13, Box 350, Tulsa, Oklahoma, stated that he has purchased five lots at the above stated location, and requested permission to install a mobile home for his dwelling.

Comments and Questions:

Mr. Alberty asked the applicant if the property is served by the City sewer, and he answered in the affirmative.

In response to Mr. Alberty, Mr. Tovias stated that there are other mobile homes in the area.

Protestants:

Eli Glass, 1018 West H, Jenks, Oklahoma, stated that his mother's estate is located across the street from the applicant's property, and pointed out that there are no mobile homes in the immediate area. Mr. Glass stated that he is proposing to sell his mother's property,

Case No. 1059 (continued)

and is concerned that the approval of a mobile home at this location will devalue surrounding properties.

Applicant's Rebuttal:

Mr. Tovias stated that he has cleaned up the lots, and will live on, and maintain the property. He explained that he will install a pitched roof on the mobile home, and it will be permanently installed.

Mr. Eller asked if the mobile home will be tied down and skirted, and the applicant answered in the affirmative.

Board Action:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a Special Exception to permit a mobile home in an RS District - **Section 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS** - Use Unit 9; subject to the installation of a pitched roof by March 31, 1992; and subject to a building permit and Health Department approval; finding that there are other mobile homes in the area, and the granting of the variance request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property;

Lots 10 -14, Block 14, East Addition to New Taneha, Tulsa County.

Case No. 1046

Action Requested:

Variance of the required building setback from 75' from an abutting AG District to 10' on the south, 50' on the north boundary of the west 760' of the tract and 8' on the west boundary, to allow expansion of Building No. 6 and other proposed buildings on the plot plan - **Section 930 - BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 13, located 26500 West 21st Street South.

Presentation:

The applicant, **I. M. Puryear**, Route 3, Box 860, Sand Springs, Oklahoma, submitted a plot plan (Exhibit F-1), and asked that he be granted a 10' setback on approximately 1300' of his south property line that abuts the railroad right-of-way. He explained that strict adherence to the Code would allow approximately 40' of usable space in that area, and stated that the nearest residence to the north will be 315'. Mr. Puryear informed that he is requesting an 8' setback along the west boundary to allow adequate clearance for maneuvering boats to the storage area.

Comments and Questions:

Mr. Alberty asked the applicant if he is proposing to construct a screening fence along the north boundary, and he replied that he had not planned to screen that area, but will comply with the Board's decision. He stated that chain link fence is proposed for all areas needing fencing.

Case No. 1046 (continued)

Protestants:

Rhonda Nance, 2807 East 3rd Street, Tulsa, Oklahoma, stated that she is representing her father, **Ray Bartley**, who is an abutting property owner. Ms. Nance stated that she was present at the previous meeting, and had inquired if a privacy fence would be installed. She stated that the Board approved a privacy fence between Mr. Puryear's property and the property owned by her father; however, the two parties have discussed the matter since that time, and it has been determined that a screening fence would not be in the best interest of both parties.

Phillip Parks, represented his mother **Goldie Parks**, Route 3, Box 856, Sand Springs, Oklahoma. Mr. Parks stated that his mother owns property to the west and to the south of the subject tract, and prefers that the existing chain link fencing remain.

In response to Mr. Tyndall, Mr. Gardner advised that the County Engineer will review the drainage requirements for the property.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the required building setback from 75' from an abutting AG District to 10' on the south, 50' on the north boundary of the west 760' of the tract and 8' on the west boundary, to allow expansion of Building No. 6, per the plot plan - **Section 930 - BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 13; per plot plan; subject to the installation and maintenance of a chain link fence on the north and west boundary lines abutting the residential area; and subject to County Engineering approval regarding drainage; and to **RESCIND** the condition requiring a solid screening fence on the north and west boundaries abutting the residential area; finding that the property is abutted by the railroad right-of-way to the south, and the residences to the north are more than 300' from the proposed business; and finding that the granting of the variance request will not cause substantial detriment to the area, or violate the spirit, purpose and intent of the Code; on the following described property:

All that part of the NE/4 NW/4 Section 18, T-19-N, R-10-E of the IBM, Tulsa County, Oklahoma, described as follows: Beginning at the NE/c of the NW/4 of said Section; thence west along the Section line a distance of 560'; thence south along a line parallel to the east line of said Section a distance of 427.4'; thence west along a line parallel to the north line of said Section a distance of 760' more or less to a point on the west line of the NE/4 NW/4 of said Section; thence south along the west line of the NE/4 of the NW/4 of said Section a distance of 315.6' more or less to a point on the north R/W line of the St. Louis and San Francisco Railway; thence in an easterly direction along the north boundary of said R/W to a point on the east line of the NE/4 NW/4 of said Section; thence north along the east line of the NW/4 of said Section a distance of 596.4', more or less to the POB, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 513

Comments and Questions:

Mr. Jones stated that the plot plan for the David Engles Ministry has been previously approved, and the applicant is requesting that additional structures be added to the initial plan.

Action Requested:

The applicant, **David Engles Ministry**, was represented by **Greg Thomas**, 11717 South 129th East Avenue, Broken Arrow, Oklahoma, who requested that a plot plan be approved that depicts all future expansion.

Presentation:

Mr. Thomas informed that there are two existing buildings on the property at this time, and a pole barn is proposed. He stated that all future expansion is shown on the amended site plan (Exhibit G-1). A flood zone map (Exhibit G-2) was submitted.

Additional Comments:

Mr. Glenn stated that two buildings have been added to the plan since the building inspector's review, and it appears that Building No. 1 is near the floodplain.

Mr. Thomas stated that Building No. 1 will be used for storage and will be elevated 1' above floodplain elevation, as recommended by the building inspector.

Board Action:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** an amended site plan for Case No. 513; per amended site plan submitted; subject to Building No. 1 being elevated 1' above the floodplain elevation requirement.

Consider approval of 1992 County Board of Adjustment Meeting Schedule

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the 1992 County Board of Adjustment Meeting Schedule.

There being no further business, the meeting was adjourned at 3:15 p.m.

Date Approved

January 7, 1992
Wayne Alberty
Chairman