

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 181
Tuesday, June 20, 1995, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Eller Tyndall, Chairman Walker	Looney	Gardner Moore Beach	Fields, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Thursday, June 15, 1995, at 3:51 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Tyndall 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 May 16, 1995 (No. 180).

UNFINISHED BUSINESS

Case No. 1345

Action Requested:

Special Exception to permit a mini-storage in a CS District and a variance of the screening requirement from abutting residential zoned property - **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and **SECTION 1217.3.A. USE CONDITIONS** - Use Unit 17, located south of southwest corner 4th Street and Walnut Avenue, Sand Springs, Oklahoma.

Presentation:

The applicant, **Ronald Cole**, 6700 Silver Oak Drive, was not present.

Comments and Questions:

In reply to Mr. Alberty, Mr. Beach informed that his call to the applicant was not returned and he has had no direct contact with Mr. Cole.

Case No. 1345 (continued)

Protestants:

Protestants were in attendance.

Board Action:

On **MOTION** of **WALKER** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **DENY** without prejudice Case No. 1345; finding that the applicant failed to appear at two consecutive Board meetings.

NEW APPLICATIONS

Case No. 1346

Action Requested:

Special Exception to permit a private airport in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 2, located 17001 North Highway 75.

Presentation:

The applicant, **Franklin Smith**, PO Box 1288, Owasso, Oklahoma, stated that he owns a large tract of land and requested permission to land a single-engine airplane in his pasture. Letters of support (Exhibit A-1), FAA correspondence (Exhibit A-2) and a plat of survey (Exhibit A-3) were submitted. He informed that there will be no more than 30 takeoffs and landings each month.

Comments and Questions:

Mr. Tyndall asked if buildings are proposed on the property, and the applicant stated that he intends to build a hanger at some future date.

In reply to Mr. Tyndall, Mr. Smith stated that a grass runway is proposed.

Mr. Alberty asked if other planes will use the airstrip, and the applicant replied that some visitors may use the landing strip, but there will be no commercial use of the property.

In reply to Mr. Alberty, Mr. Smith advised that a fuel tank will not be installed.

In response to Mr. Walker, the applicant stated that he may build a second aircraft in the future.

Case No. 1346 (continued)

Protestants:

Ken Underwood, 6610 East 176th Street North, Collinsville, Oklahoma, stated that he owns the 80-acre tract northeast of the proposed airport. He informed that he moved to the country to enjoy the peace and quiet, and is concerned with the noise level and the possible devaluation of his property. Mr. Underwood pointed out that 30 landings per month would be approximately one each day and requested that the application be denied.

Comments and Questions:

Mr. Alberty asked Mr. Underwood if the southwest corner of his property touches the northeast corner of the land in question, and he answered in the affirmative.

Applicant's Rebuttal:

Mr. Smith stated that 30 landings per month was probably an overestimate, because the airport will only be used as a personal landing strip and many days are not suitable for flying. The applicant stated that he is not an instrument rated pilot and his flying will be limited to fair weather days. He stated that he could choose a flight route that would not be over Mr. Underwood's property and that his limited use of the airport would not be detrimental to the area.

Additional Comments:

Mr. Walker asked if there is a reason for locating the landing strip to the east, and the applicant replied that this is the level unobstructed portion of the tract.

Mr. Walker stated that he is not inclined to support the application on a permanent basis, and Mr. Alberty voiced a concern with the approval of the airport over the objection of the abutting property owner.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **DENY** a **Special Exception** to permit a private airport in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 2; finding that approval of the request would be detrimental to the area and violate the spirit and intent of the Code; on the following described property:

S/2 , Section 10, T-22-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1349

Action Requested:

Variance to permit 3 dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING ON ONE LOT OF RECORD** - Use Unit 9, located 14502 North Memorial Drive.

Presentation:

The applicant, **Tresa Farley**, 10014 Jim's Trail, Rogers, Arkansas, requested permission to construct three dwellings on a nine-acre tract. She explained that she and **Alice Hayworth**, 506 North 10th Street, Collinsville and **Marie Gillespie**, 502 North 10th Street, Collinsville, Oklahoma, are purchasing the property and would like for it to remain in one parcel until the land is paid off (5 years). A survey (Exhibit B-1) was submitted.

Comments and Questions:

Mr. Alberty noted that the land could be divided into three lots by right, and approval of the request will not result in a density problem.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** to permit 3 dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING ON ONE LOT OF RECORD** - Use Unit 9; per survey submitted; finding that the tract is large enough to divide into three legal lots; and finding that approval of the request will not cause substantial detriment to the public good, or impair the spirit and intent of the Code; on the following described property:

NE/4, NE/4, NE/4, Section 26, T-22-N, R-13-E, IBM, Tulsa County, Oklahoma.

Case No. 1350

Action Requested:

Variance to permit one double wide mobile home to be located in the regulatory floodplain, and a variance to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 2103 East 86th Street North.

Case No. 1350 (continued)

Presentation:

The applicant, **Hershal Powers**, Route 1, Box 371, Sperry, Oklahoma, requested permission to install a double-wide mobile home on his property. He informed that a single-wide mobile home is existing and the additional unit will be occupied by his son, who will assist him in maintaining the land. A plot plan (Exhibit C-1) was submitted.

Comments and Questions:

In reply to Mr. Tyndall, the applicant stated that Delaware Creek recently overflowed on a portion of his tract, but the area designated for the mobile home was not under water and has never flooded.

Mr. Fields stated that construction is not permitted in a floodway without Board approval of a variance, and if this application is approved the floor of the structure will be required to be 1' above the base flood elevation.

Mr. Alberty remarked that he is not amenable to approving a dwelling unit in a regulatory floodway.

Mr. Fields stated that the applicant can confer with the Federal Emergency Management Agency (FEMA) in regard to the accuracy of the flood map at this location. He pointed out that only FEMA can change a flood map.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **CONTINUE** Case No. 1350 to July 18, 1995 to allow the applicant sufficient time to confer with FEMA in regard to the elevation of the subject property.

Case No. 1351

Action Requested:

Special Exception to permit a mobile home in an AG-R zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 6, located 4317 South 252nd West Avenue.

Case No. 1351 (continued)

Presentation:

The applicant, **Donnie Kitchen**, Route 2, Box 411-K, Sand Springs, Oklahoma, requested permission to install a mobile home on land at the above stated location. He informed that there are numerous mobile units in the area. A petition of support (Exhibit D-1) was submitted.

Comments and Questions:

In reply to Mr. Alberty, the applicant stated that he has been told that the land will pass a percolation test.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** 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 AG-R zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 6; subject to a building permit and Health Department approval; and subject to the mobile home being skirted and tied down; finding that there are other mobile homes in the area and approval of the request will not be detrimental to the neighborhood on the following described property:

South 300', north 1320', east 380', west 760', E/2, NW/4, Section 29, T-19-N, R-10-E, IBM, Tulsa County, Oklahoma.

Case No. 1352

Action Requested:

Special Exception to modify the height restriction in an AG District to permit a 180' monopole - **SECTION 220. HEIGHT EXCEPTIONS**, located south and east of SE/c 111th Street and 145th East Avenue.

Comments and Questions:

Mr. Beach advised that the applicant has requested by letter (Exhibit E-2) that Case No. 1352 be continued to July 18, 1995.

Mr. Alberty explained that Broken Arrow has filed a petition to annex the subject property and, if this is accomplished, the Board will have no jurisdiction.

Case No. 1352 (continued)

Protestants:

Herman Brown, 5201 South Vandalia, informed that he owns 160 acres to the south of the subject tract and has not received notice that Broken Arrow is annexing the property. He asked that he be notified concerning the next hearing regarding this case.

Terry Collins stated that she is representing **Hedwig Barthelmes** (trustee and estate), 4128 South Wheeling.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, was not present.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **CONTINUE** Case No. 1352 to July 18, 1995.

Case No. 1354

Action Requested:

Special Exception to permit sandblasting (Use Unit 26) in an IL zoned district - **SECTION 910. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 26, located west of West 57th Place South and South 116th West Avenue.

Presentation:

The applicant, **Ricky Williams**, Route 3, Box 796, Mounds, Oklahoma, presented a conceptual plan (Exhibit F-1) and requested permission to begin a sandblasting business on the subject property. Photographs were submitted (Exhibit F-2). Ms. Williams informed that a concrete business was previously in operation at this location.

Comments and Questions:

Mr. Walker asked if the business will be conducted inside, and Ms. Williams stated that the operation will be conducted both inside and outside. She informed that buildings to house the use will be constructed in the future.

Mr. Alberty advised that outside sandblasting is not permitted within 300' of a residentially zoned area, and there is a residentially zoned area to the north.

Case No. 1354 (continued)

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 **Special Exception** to permit sandblasting (Use Unit 26) in an IL zoned district - **SECTION 910. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 26, subject to no outside sandblasting within 300' of the R District to the north; finding the use to be appropriate for the area and in harmony with the spirit and intent of the Code; on the following described property:

Lot 5, Block 1, Prattville Industrial Park, Tulsa County, Oklahoma

Case No. 1355

Action Requested:

Variance of the required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located southeast of NW/c South 191st Street and South Yale Avenue.

Presentation:

The applicant, **James Michael Webster**, PO Box 543, Bixby, Oklahoma, requested permission to construct a dwelling on the subject property, which is to be accessed by a private road. He submitted a plot plan and access easement (Exhibit G-1) and stated that the easement has been filed of record.

Comments and Questions:

Mr. Gardner advised that, if approved, the Board should impose a condition that the property be used only as a central development site, which would prevent the applicant from selling off the land in small parcels.

The applicant stated that it is not his intent to divide the land into smaller parcels.

Mr. Fields asked if the access easements all connect, and the applicant answered in the affirmative.

Mr. Alberty advised that the County will not maintain the private road, and Mr. Webster stated that he is aware that the homeowners must provide road maintenance.

Case No. 1355 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** 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' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; subject to mutual access easement being filed of record; subject to only one single-family residence being constructed on the property; and subject to the access road being privately maintained (no County maintenance); finding that approval of the request, per conditions, will not be detrimental to the area; on the following described property:

N/2, SE/4, NW/4, and N/2, S/2, SE/4, NW/4, Section 10, T-16-N, R-13-E, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 1300

Action Requested:

Final site plan review.

Comments and Questions:

Mr. Beach informed that church use was approved in October 1994, subject to final site plan review by the Board.

Presentation:

The applicant, **Gospel Assembly Church**, 6811 South 30th West Avenue, was not represented.

Additional Comments:

Mr. Alberty stated that the final plan is relatively similar to the sketch that was previously approved; however, he requested that the northwest corner be designated on the plan as a landscaped area.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the final site plan; subject to the northwest corner of the tract, as designated on the site plan, being reserved as a landscaped area; finding that the final site plan is not significantly different from the initial proposal; on the following described property:

Case No. 1300 (continued)

A tract of land in the NW/4, Section 27, T-21-N, R-13-E, more particularly described as follows: Beginning at the NW/c of the NW/4, thence east 610', south 1320', west 610', north 610', to the POB, Tulsa County, Oklahoma.

Date Approved 7/18/95


Chairman