

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 210
Tuesday, November 18, 1997, 1:30 p.m.

County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chair Eller Looney Tyndall	Walker	Gardner Beach Huntsinger	Glenn, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, November 14, 1997, at 1:32 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:36 p.m.

MINUTES:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Walker "absent") to **APPROVE** the minutes of November 14, 1997, (No. 210).

UNFINISHED BUSINESS

Case No. 1526

Action Requested:

Variance to permit retail sales of farm equipment (horse trailers & flatbed trailers), manufacture custom saddles & tack and to allow a manufactured home for residence on property with business. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** – Use Units 17, 15, 9, located SE/c East 91st Street South & South Memorial.

Presentation:

The applicant, **Stanley K. Allen**, not present.

Comments and Questions:

Mr. Glenn requested the Board to continue this case because he believes that the applicant is still preparing his plans. He explained that the applicant has improved the subject property and has brought it up to Code.

Case No. 1526 (continued)

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Walker "absent") to **CONTINUE** Case No. 1526 to December 12, 1997, at 1:30 p.m.

Case No. 1540

Action Requested:

Variance of average lot width from 200' to 136.71' on Tract 3 & 200' to 137.27' on Tract 2, located West of SW/c 111th Street South & 129th East Avenue.

Presentation:

The applicant, **Whit Y. Mauzy, Jr.**, submitted a letter requesting Case No. 1540 to be withdrawn (Exhibit A-1).

NEW APPLICATIONS

Case No. 1541

Action Requested:

Appeal from an administrative determination that the applicant is conducting a Use Unit 23 in an RE zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, located 7580 North 145th East Avenue.

Presentation:

The applicant, **Robert Ford**, 7580 North 145th East Avenue, stated he disagrees with the Building Inspector that he is operating a business at this home.

Comments and Questions:

Mr. Alberty stated that if the applicant has three inoperative vehicles on the subject property and the vehicles are not enclosed, that constitutes automobile storage according the ordinance.

Mr. Ford agreed that he is storing automobiles on the subject property, however there is a section in the residential that covers automobile storage. He informed the Board that he wanted to request a variance and was informed that he could not do so without appealing the administrative decision first.

Mr. Alberty asked the applicant to explain what he is doing with the vehicles. Mr. Ford stated he is a hobbyist and he works on automobiles. He explained that there are two vehicles that are inoperable and one truck that is operable. He stated he has paved parking and he has sufficient space. The cars are intact and not torn apart.

Case No. 1541 (continued)

In response to Mr. Alberty, Mr. Ford stated that the cars are parked on his driveway on the turnout parking.

Mr. Alberty asked the applicant if the three vehicles will continue to be located on the subject property after they are repaired? Mr. Ford stated that one vehicle is for sale currently and has an interested buyer. He explained that if the vehicle is not sold at the end of the week he will donate the vehicle to charity. He stated that he plans to keep the truck and dispose of the two cars.

Mr. Alberty asked Mr. Glenn how many inoperable vehicles does the Code allow to be stored? He stated that you are not allowed to store inoperable vehicles on the subject property.

Mr. Glenn stated that he received a complaint that there were two cars and a truck parked in front of the house.

Mr. Tyndall asked the applicant how long the vehicles have been in the front of his home? He stated that the vehicles have been there a minimum of two years and one has been there as long as four or five years.

Mr. Tyndall asked the applicant if he is currently working on the cars or if they are just setting there? He stated he is working on one vehicle and the other two are parked in front of his home in the turnout parking. He explained that the one he is working on is too big to get into the garage.

Mr. Tyndall asked the applicant how long he intends to keep the cars on the subject property? He stated that one will be moved into the garage, one will be sold the following week. He plans to keep the truck permanently. He explained that the truck is inoperable technically because the rear end is out.

Mr. Looney stated that the ordinance is set up to prevent neighbors from having repair shops in their yards and to prevent the neighborhood from looking like a junkyard. He further stated that if the applicant wants to work on a car, he should do so in his garage or otherwise he is in violation of the ordinance.

Mr. Ford stated he is not the only neighbor working on cars at his home in the subject area.

In response to Mr. Ford, Mr. Looney stated that other neighbors violating the Code does not relieve him from violating the Code.

Case No. 1541 (continued)

Mr. Looney asked the applicant how long he needed to move the cars from the subject property? Mr. Ford stated the truck is not going anywhere, but the two cars he would need a week to move them. He indicated that one car will be donated to charity and the other car will be moved into the garage.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Walker "absent") to **DENY** the **Appeal** and **UPHOLD** the **administrative determination** that the applicant is conducting a Use Unit 23 in an RE zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**; and finding that the applicant must move the inoperable vehicles by the end of November, 1997, on the following described property:

Prairie View Acres, Block 1, Lot 15, Tulsa County, Oklahoma.

Additional Comments:

Mr. Ford asked the Board if the operable vehicles have to be moved off the property as well? Mr. Alberty stated that the inoperative vehicles are the only vehicles that have to be removed. He explained that the appeal is what is before the Board and they have determined to uphold the Building Inspectors determination.

Mr. Ford reiterated that he would have asked for a variance, but was advised that he could not apply for the variance until he appeals the administrative determination.

After a lengthy discussion, it was determined that Mr. Ford was misinformed with regard to requesting a variance as an alternative.

Board Action:

On **AMENDED MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Walker "absent") to **DENY** the **Appeal** and **UPHOLD** the **administrative determination** that the applicant is conducting a Use Unit 23 in an RE zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**; finding that the applicant must move the inoperable vehicles by the end of November, 1997; finding that the applicant may apply the application fees toward a Use Variance; on the following described property:

Prairie View Acres, Block 1, Lot 15, Tulsa County, Oklahoma.

Case No. 1542

Action Requested:

Special Exception to allow a mobile home in an RS zoned district and a Variance to allow two dwelling units on one lot of record, located West, NW/c West 61st Street & South 33rd West Avenue.

Presentation:

The applicant, **Carl Stufflebeam**, 3323 West 61st Street, submitted a site plan (Exhibit B-1) and stated he owns a ½ acre tract adjoining his property. Mr. Stufflebeam explained that he would like to move a mobile home on the subject property. He stated he purchased the subject property 25 years ago, which at the time was landlocked. He explained that his grandmother and her husband are 80 years old and need to be close to relatives for assisted living.

Comments and Questions:

In response to Mr. Alberty, Mr. Stufflebeam stated that the subject property is under one lot of record along with the property he is currently living on.

Mr. Beach stated that the County Assessor's map indicates that Mr. Stufflebeam has two separate lots of record.

Mr. Stufflebeam stated that he changed the deed and included the ½ acre along with the property he is currently living on.

Mr. Stufflebeam stated that the mobile will be a new 16' x 80' mobile home and will be for family members to live in.

Board Action:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Walker "absent") to **APPROVE** a **Special Exception** to allow a mobile home in an RS zoned district and a **Variance** to allow two dwelling units on one lot of record, per plan submitted; subject to tie downs and skirting; subject to the Health Department approval and a building permit; finding that the owner would like to keep the subject property under one ownership; finding that there are number of lots in the immediate area with more than one dwelling unit located on the lot; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

A tract of land beginning 316' W, 35' N, SE/c, Sec. 33, T-19-N, R-12-E; Thence W 144'; thence N 167'; thence W 150'; thence N 167.5'; thence E 150'; thence N .50'; thence E 144'; thence S 335' to the POB, Tulsa County, Oklahoma.

Case No. 1543

Action Requested:

Variance to allow required parking to be located on a lot other than the lot containing the principal use, located 6230 North Peoria.

Presentation:

The applicant, **Adrian Smith**, represented by **Billie Waters**, 9901 North Yale, Sperry, submitted a site plan and photographs (Exhibit C-1). Ms. Waters stated that the subject property is a parcel of the Warehouse Market tract in Turley. She explained that there are 248 existing parking spaces and the Warehouse Market site requires 204 parking spaces. She stated the proposed building requires 35 parking spaces which brings the total required parking spaces for both buildings to 239. She requested that she not be required to place parking on the subject tract because the parking would have to be in the back or at the side, which would not present a safe parking situation. She indicated that there will be ample parking in the front and between the proposed building and the existing Warehouse Market building.

Comments and Questions:

Mr. Alberty asked the applicant if the owner of the Warehouse Market property is in agreement with this application? Mr. Joe McCormick stated he is representing Warehouse Market and his client is in favor of this proposal.

Mr. Alberty asked the applicant if there will be a written agreement with Warehouse Market? Ms. Waters stated that there will be a perpetual easement prepared.

Mr. Looney asked the applicant what type of building was going to be built? Ms. Waters stated the Dollar General Store is going to go into the proposed building.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Walker "absent") to **APPROVE** a **Variance** to allow required parking to be located on a lot other than the lot containing the principal use; subject to perpetual easement between the two properties; finding that the Warehouse Market property has ample parking and can accommodate the required parking for the proposed building; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Case No. 1543 (continued)

A part of the S/2, NE/4, Sec. 1, T-20-N, R-12-E, IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Commencing at the NE/c, S/2, NE/4, Sec. 1, T-20-N, R-12-E, Tulsa County, Oklahoma; thence S 89°41'49" W along the Nly line of the SE/4, NE/4, for 180.57' to the POB; thence due S for 160.00'; thence due W 190.42'; thence due N 158.99' to a point on the Nly line of the SE/4, NE/4, Sec. 1; thence N 89°41'49" E along the Nly line for 190.43' to the POB, Tulsa County, Oklahoma.

Case No. 1544

Action Requested:

Variance of lot width from 200' to permit a lot split creating three lots with street frontage of 165', 135' and 30', located 2980 East 161st Street South.

Presentation:

The applicant, **Murrel Wilmoth**, 2980 East 161st Street South, Bixby, submitted a vicinity map (Exhibit D-1) and a site plan (Exhibit D-2). Mr. Wilmoth stated he owns the subject property and he has two interested buyers. He explained that he has a lot that is 1 ¼ acres and he will increase the subject lot to 2 acres to meet the zoning, which will be creating another 2 acre lot and the remainder will be pasture in the back. He commented that there will not be any compromise of the Comprehensive Plan or any problem with the zoning.

Comments and Questions:

Mr. Alberty asked Mr. Wilmoth if the previous lot split created three or four lots? He indicated that in 1976 there was an approval to create a lot for 1 ¼ acres. He explained that he is expanding the 1 ¼ acres to 2 acres with an existing house. He further explained that there will be another 2-acre tract to the west of the existing house. He stated he has the Health Department approval and the Water District. He indicated that he would provide any easements needed and the right-of-way has already been dedicated.

In response to Mr. Glenn, Mr. Wilmoth stated he will retain the back 5 acres and lease it as a pasture.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Walker "absent") to **APPROVE** a **Variance** of lot width from 200' to permit a lot split creating three lots with street frontage of 165', 135' and 30', per plan submitted; finding that there has been a previous lot split and the hardship has already been met; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Case No. 1544 (continued)

W/2, E/2, NW/4, NE/4, Sec. 29, T-17-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1545

Action Requested:

Variance of the minimum lot width requirement of 200' to 167.95' in an AG district.
SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 126th & North Memorial (12418 North Memorial).

Presentation:

The applicant, **Dustin Herron**, 11115 East 117th Street North, submitted a site plan (Exhibit E-1) and stated he purchased the land from his father. He explained that he would like to split the subject property in half to sell. He stated that there will be houses built on the two lots. He will live in one and a friend will live in the other. He stated that the lot is currently 335' x 663'.

Comments and Questions:

Mr. Alberty stated that the applicant has ample area to meet the agriculture district but he is 33' short of the minimum lot width requirement.

Mr. Herron stated he has received approval from Rural Water #3 and he is working on the Health Department Approval.

Protestants:

Dave Cross, 609 East Main, Collinsville, stated he is the owner of the property to the immediate south of the subject property (12402 North Memorial). He indicated that he plans to build on his property in the near future. He expressed concerns with the applicant having a lagoon close to his property line. He explained that the land does not perc and he is concerned with the sewer system the applicant plans to utilize. He stated that he purchased his property in order to have ample space from his neighbors.

Comments and Questions:

Mr. Tyndall asked the applicant if there are other homeowners in the area that have lagoons? He stated he knows of one lagoon in the immediate area.

Applicant's Rebuttal:

Mr. Herron stated that he chose not to go with a lagoon system, but rather with a three-tank irrigation septic system. He explained that he has not received the final approval from the Health Department, but they have indicated they have approved the proposed system before in the subject area.

Case No. 1545 (continued)

Comments and Questions:

Mr. Looney stated that it looks as if the septic concerns will be resolved and the applicant is waiting on the Health Department's approval.

In response to Mr. Cross, Mr. Herron stated that he proposes to have stick built houses on both lots.

Mr. Glenn stated that the proposed septic system appears to work well in areas that will not perc.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Walker "absent") to **APPROVE** a **Variance** of the minimum lot width requirement of 200' to 167.95' in an AG district. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**; per plan submitted; subject to the Health Department approval; subject to a building permit; finding that there are other lots within a mile section that are the same size as the proposed; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

N/2, SE/4, Lot 1, Sec. 2, T-21-N, R-13-E, Tulsa County, Oklahoma.

Additional Comments:

Mr. Alberty requested the Staff to look into the frontage requirements for the County Code. He explained that 200' does not divide by anything. He stated he would like to see the 200' of frontage reduced to 165' in order to eliminate the numerous variance requests.

Mr. Looney stated that there is no visual reason for the 200' requirement.

Mr. Glenn stated that there are areas in the Zoning Code that need to be modified. He stated that this issue will be included in the discussion with the County Commissioners.

OTHER BUSINESS

Action Requested:

Consider approval of 1998 County Board of Adjustment Meeting Schedule.

Other Business (continued)

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Walker "absent") to **APPROVE** the 1998 County Board of Adjustment Meeting Schedule.

There being no further business, the meeting was adjourned at 2:30 p.m.

Date approved: Dec. 16, 1997

B. Wayne Alberty
Chair