

COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 218

Tuesday, July 21, 1998, 1:30 p.m.

County Commission Room

Room 119

County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty
Looney, Vice Chair
Tyndall, Chair

Eller
Walker

Beach
Huntsinger
Stump

Glenn, County
Inspector
West, Zoning
Officer

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, July 17, 1998, at 10:59 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Tyndall called the meeting to order at 1:42 p.m.

MINUTES:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **APPROVE** the Minutes of June 16, 1998 (No. 217).

NEW APPLICATIONS

Case No. 1580:

Action Requested:

Special Exception to permit a single-wide mobile home dwelling in a RS District.
SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, 7406 N. Trenton Ave.

Presentation:

The applicant, **Gary Thomas**, submitted a site plan (Exhibit A-1) and stated that he would like to put a mobile home on his property. Mr. Thomas said that it will upgrade the property and make it worth more. He will be tearing down an existing home. Mr. Thomas stated that his parents passed away a few years ago and left the property to he and his brothers and he is planning on living on the property.

Case No. 1580 (continued)

Comments and Questions:

Mr. Looney asked Mr. Thomas if there was City water and sewer on the property. Mr. Thomas answered yes.

Interested Parties:

None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **APPROVE** Special Exception to permit a single-wide mobile home dwelling in a RS District. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9**, subject to the removal of the existing home and subject to building permit, tie downs and skirting on the mobile home on the following described property:

S 100' of Lot 1, Block 3, Golden Hills Addition, Tulsa County, State of Oklahoma.

Case No. 1581

Action Requested:

Variance of lot width from 200' to 97.39'; 101.58' and 101.58' in order to obtain a lot split. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6**, located 11214 – 11234 S. 26th W. Ave.

Presentation:

The applicant, **Gerald Snow**, 9304 E. 46th St., submitted a site plan (Exhibit B-1) and stated that he has been a builder since 1972. This parcel of ground is on W. 26th St. about a quarter of a mile off of Highway 75. Mr. Snow has bought the property from Nattie Carr and they already have a client interested in building a home on the property. Mr. Snow believes that they are not degrading the area, they are making an improvement. Mr. Snow stated that they are going to put nice houses in the \$100,000 to \$150,000 range. Water and utilities are available to the property. Mr. Snow stated that he is in the process of getting all of his building permits, etc. and he has always complied with the building regulations of the City and he will continue to do so.

Comments and Questions:

Mr. Alberty stated to Mr. Snow that the problem is all of the other lots in the area are larger than what he is trying to create and it is somewhat inconsistent with what is established. Mr. Alberty stated that he has a problem with the granting of a variance. Mr. Snow asked Mr. Alberty if he would go for two variances. Mr.

Case No. 1581 (continued)

Alberty feels like in this instance they need to hear what the protestants have to say. Mr. Alberty mentioned to the applicant that in order to grant a variance they have to have a hardship and without the finding of a hardship the Board does not have grounds to grant a variance.

Interested Parties:

Bruce Lyons, 11110 S. 26th W. Ave., stated that the property in question is immediately south of his property and is uphill from him. Mr. Lyons submitted photos to the Board (Exhibit B-3) Mr. Lyons stated that his concern about this application is waste running down the hill to his lot. Mr. Lyons stated that the photos show the Williams pipeline that goes through his property and others in the area that would limit the construction to being in the front of the property. Mr. Lyons has a problem with putting two or three houses on the lot because of poor seepage of the land and it is unable to perk. Mr. Lyons stated that all of the uphill properties on 26th W. Ave. are served by a 2" water line from Creek County. Every line that is added to the 2" water line is going to decrease water pressure further up the hill.

Mr. Alberty asked Mr. Lyons about the photo showing the excavation and what direction it is looking. Mr. Lyons stated that it is looking from the street looking due west across the property in questions. The pond in the photo is being developed by the gentleman who bought the land directly behind the property in question.

James Dross, 11224 S. 26th W. Ave., stated that on the piece of paper he handed out to the Board, (Exhibit B-2) his property is highlighted in yellow. The blue line signifies the high pressure line running across the three tracts to be divided. Mr. Dross stated that his biggest concern is that they are using his address. The addresses stated are 11214-11234 and his address is 11224. Mr. Dross stated that they cannot have his address under any circumstance.

Mr. Looney asked Mr. Dross is he was going to sell any of the front area to the applicant. Mr. Dross answered, no. He bought the yellow area (on the map) from Nettie Carr. It was originally 6.38 acres and he had an option to buy it all, but at the time he could not afford it. Now Mr. Carr is trying to develop it.

Mr. Alberty mentioned to Mr. Dross that the address assignment comes from the County and the Board does not have anything to do with that. Mr. Dross stated that he understands it.

Mr. Looney asked Mr. Dross if he is opposed to them building three homes. Mr. Dross stated that he is on a septic system and is at the top of the hill, his concern is for those people who are on lagoons.

Case No. 1581 (continued)

Jeff Zoller, 11312 S. 26th W. Ave., stated that he is approximately fifty feet south of the proposed three lots and he owns the 5.6 acres south of the proposed three lots. Mr. Zoller stated that his concern is about the area being a rural area and having three homes that close together would not be consistent with the area. Mr. Zoller is extremely concerned that the area will not perk and he does not want to look at three lagoons. Mr. Zoller stated that he would not be opposed to one home on the property but he is opposed to three homes.

Applicant's Rebuttal:

Mr. Snow stated that he has been to the Health Department and the property will not have any lagoons. If the property will not perk, they will have the new type of system where it is all purified and is all monitored and is on a sprinkler system and has been approved by the Environmental Protection Agency. Six Hundred feet to the East is the new Industrial Park through the City of Jenks and these houses will be facing the Industrial Park. Mr. Snow spoke to Mr. Richardson of the City of Jenks and he had no problem with what he was proposing. Mr. Snow does not believe that this is degrading to the neighborhood. Sooner or later this is going to happen when people buy in rural areas. Mr. Snow stated that with the Industrial Park going in, there will be more building and development in the area.

Comments and Questions:

Mr. Looney asked Mr. Snow if he has come up with a hardship. Mr. Snow stated that his hardship is when a person pays \$45,000 for property, you can't put one large house on it. Now with the Industrial Park going in, he can't put a quarter of a million dollar house there. The people who are going to buy there are probably going to be people who work at the Park. Mr. Snow cannot put one house on the property and make a profit.

Mr. Looney stated that financial reasons cannot be a hardship considered by the Board. Mr. Snow stated that they have taken the pipeline into consideration. They went to White Surveying to lay out the land and houses and make sure everything would fit and it does.

Mr. Alberty mentioned that he is not sure he objects to what Mr. Snow is trying to do, but the method is where he has the problem. Mr. Alberty asked Mr. Beach what would the property need to be zoned to make this work? Mr. Beach stated that AGR would not work. RS is the minimum. Mr. Beach stated that the resulting three tracts are about three-quarters of an acre each and RE would allow about a half acre lot. You could get there with RE. RS requires a minimum lot size of about 6,900 SF. Mr. Beach stated to the Board that if they are inclined to approve this application, there would be additional relief needed for the lot area and land area.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **DENY** Variance of lot width from 200' to 97.39'; 101.58' and 101.58' in order to obtain a lot split. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6**, finding that there was not an adequate hardship on the following described property:

Tract "A" - A tract of land in the S/2 of the NE/4 of the NW/4 of Section 34, T-18-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, described as follows: Beginning at the NE/c of said S/2 NE/4 NW/4; thence Wly along the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 101.58'; thence Ely parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 101.58' to the point of beginning. Tract "B" – A tract of land in the S/2 of the NE/4 of the NW/4 of Section 34, T-18-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, described as follows: Starting at the NE/c of said S/2 NE/4 NW/4; thence S along the E line of said S/2 NE/4 NW/4 a distance of 101.58' to the point of beginning; thence from the point of beginning, Wly parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 101.58'; thence Ely parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 101.58' to the point of beginning. Tract "C" – A tract of land in the S/2 of the NE/4 of the NW/4 of Section 34, T-18-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, described as follows: starting at the NE/c of said S/2 NE/4 NW/4; thence S along the E line of said S/2 NE/4 NW/4 a distance of 203.16' to the point of beginning; thence from the point of beginning, Wly parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 105.79'; thence NEly a distance of 340.22' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 97.40' to the point of beginning.

Comments and Questions:

Mr. Looney mentioned to the applicant that under RE zoning since he has a 300' frontage, he might be able to build two houses on the property but he would have to readvertise for that.

Case No. 1582

Action Requested:

Variance to permit an off-site temporary sales/construction office. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance to permit gravel parking. **SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located 13805 E. 96th St. N.

Presentation:

The applicant, **Steve Compton**, P.O. Box 397, Owasso, OK, submitted a site plan (Exhibit C-1) and stated that he represents Tyann Development who is the owner of the property. Mr. Compton submitted some plans explaining the project. Mr. Compton stated that they are currently developing Nottingham Estates which is south of the subject tract and they have completed Phase I and are going into Phase II and III. They have constructed their main entry street off of 96th St. N. In the general area of the subject tract the boundaries of Nottingham Estates, through Phase V, are the City limit lines. Mr. Compton stated that they would like to place a temporary sales/construction office on the property, but the site where they want to put it is outside the City limits. Mr. Compton feels that this presents a hardship because the Owasso Code does not address sales offices. Even though this is used as a construction/sales office, its primary operation will be as a sales office. They would like to locate the parking on the subject property for a three year period and have a gravel parking lot. There is an existing gravel driveway on the tract. Mr. Compton stated that they own the property to the north and south of the subject tract. Mr. Compton submitted letters of support of the property owners to the east and west sides of the subject tract (Exhibit C-2).

Comments and Questions:

Mr. Tyndall asked Mr. Compton how long the temporary building will be on the subject tract. Mr. Compton replied that they are in the middle of Phase II and there are five Phases. They are estimating a three year period.

Mr. Alberty asked Mr. Compton if he was stating the hardship to be that the Code only allows a temporary construction office on site. Mr. Compton answered yes, if he wanted to walk in and say that this is a construction office it is ok, but it is primarily a sales office. Mr. Compton stated that it is like any construction/sales office that you would typically find at any subdivision that is in the process of being developed. They would simply like to set it on the north side of 96th St. on the tract of land that they own rather than the south side of 96th St. where they would have to get around the new entry walls and provide additional utilities to the site. This site has a small house that they were using and it has utilities.

Case No. 1582 (continued)

Mr. Tyndall asked if there is just one structure on the property now. Mr. Compton answered yes, the place was in disrepair for some time. The area has been cleaned up.

Mr. Tyndall stated that the site plan is showing a building that is 12'x36' with five parking spaces. Mr. Compton said that is correct.

Mr. Alberty stated that he does not see a problem. Staff has no problem.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **APPROVE** Variance to permit an off-site temporary sales/construction office. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance to permit gravel parking. **SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, finding that there is no provision within the Code that would accommodate this temporary use of the property and subject to being limited to a temporary period of three years from this date, on the following described property:

A tract of land located in Tulsa County, Oklahoma beginning at the SW/c of the E/2 of the W/2 of the S/2 of the SW/4 of the SE/4 of Section 16, T-21-N, R-14-E; thence N 659.5', E 330.1', S 336.0', W 201.98', S 323.5', W 128.12' to the point of beginning; Less and Except the S 50.0' thereof for road right-of-way.

Case No. 1583

Action Requested:

Special Exception to expand a previously approved residential and outpatient substance abuse treatment center to permit up to 500 residents. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2 & 5**, located NE/c 61st St. N. & N. Cincinnati.

Presentation:

The applicant, **Gary Parsons**, was represented by **Andrew Murphy**, 13401 Railway Drive, Oklahoma City, OK 73114, who is the Assistant General Counsel to Avalon Community Services. Mr. Murphy submitted a site plan and floor plan (Exhibits D-1 and D-2). Mr. Murphy introduced Mr. Gary Parsons, Vice President of Operations. Mr. Murphy stated that Avalon Community Services is a publicly held corporation and they own Southern Corrections Systems. Mr. Murphy submitted a letter from Southern Corrections Systems (Exhibit D-3). They own

and operate a number of half-way houses and minimum security facilities throughout the nation. Avalon concentrates on light offenders that are about to be released back into the community. Avalon is expanding and a couple of months ago they entered into negotiations with the State of Oklahoma that requires them to increase the number of residents at their Turley facility. Mr. Murphy asked the Board to allow an increase of residents at Turley from 150 to 500. The Turley facility is located at 6101 N. Cincinnati and is the home of a residential and substance abuse outpatient facility, a transitional living center and a halfway house. Presently 83% of the residents of the facility are female. Mr. Parsons passed out to the Board a booklet (Exhibit D-4) describing different aspects of the facility.

Mr. Gary Parsons stated that he is the Vice President of Avalon Community Services. Avalon acquired the property a year ago from Freedom Ranch. Since that time it has become apparent that their business is expanding. Mr. Parsons stated that in the local newspaper today there is an article stating that the Department of Corrections is going to shut down the downtown facility that they have operated for a number of years. Mr. Parsons discussed with the Department of Corrections moving their residents into his facilities. Avalon has another facility in downtown Tulsa at Denver and Archer. Mr. Parsons stated that they purchased the Turley property with the idea that at some point they would increase the number of beds. Mr. Parsons said that Avalon sees doing this project in two phases. The immediate need is for an increase to 250 residents. That would be the one building that is in the middle of the compound. They know that they will eventually get some offenders from the Department of Corrections, so the first site is much more critical and the second site is what they would need to do in the future. The populations that are at the facility now are 95 female offenders and they have a 40 bed contract with the Federal Bureau of Prisons, which is a mixed population with 20 males and 5 females. The approximate count is around 120. The plan for Turley is to make it primarily a female offender facility. They will maintain the Federal contract and will have some males there that will be housed in a different area. They had planned to replace all of the old buildings on the property with new buildings. The five buildings used for housing and the old administration building will be torn down after they complete the new buildings. Their belief is that it will be a more efficient facility and be more attractive. They have plans to landscape the area and upgrade the property considerably from what it is now.

Comments and Questions:

Mr. Alberty asked Mr. Parsons if it is his intent, from the logistics of this operation, to raze the entire site, so they will terminate any operations during the construction. Mr. Parsons answered no, they cannot do that, they have existing contracts, they will move behind the existing buildings. They will build the new

Case No. 1583 (continued)

building first, then move the offenders out of the existing buildings and tear them down and put in parking.

Mr. Stump asked Mr. Parsons if he is proposing to expand the halfway house. Mr. Parsons stated that it will be the same population that they have now. Mr. Stump stated that they aren't properly advertised for that. There is no mention of a halfway house in the notice.

Mr. Alberty stated that they need to readvertise to include the halfway house because they are dealing with State and Federal prisoners who receive drug treatment services.

Board Action:

On **MOTION** of **ALBERTY**, Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **CONTINUE** Case No. 1583 to the meeting of August 18, 1998 for readvertisement.

The SW/4 of the NW/4 of Section 1, T-20-N, R-12-E of the IBM, Tulsa County, Oklahoma, together with all surface and mineral rights less and except the W/2 of the NW/4 of the SW/4 of the NW/4 of Section 1, T-20-N, R-12-E of the IBM, being a 5 acre tract.

Case No. 1584

Action Requested:

Variance to allow two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6**, located 3814 S. 169th W. Ave.

Presentation:

The applicant, **Sue Ann Cannon**, 3814 S. 169th W. Ave., submitted a sketch layout (Exhibit E-1), permit applications (Exhibit E-2) and Perk Test (Exhibit E-3) and a support letter from the Sand Springs Board of Adjustment (Exhibit E-4) and stated that she is wanting to put a new mobile home on the property.

Comments and Questions:

Mr. Tyndall asked the applicant who lives on the property now? Ms. Cannon stated that her brother does and she is wanting to move out there and put a mobile home on the property.

Mr. Stump stated that a lot split wouldn't help because the property is too narrow.

Case No. 1584 (continued)

Ms. Cannon stated that the property has been tested and perked. The Sand Springs Board of Adjustment approved the application if the mobile home is skirted. There was a variance approved across the street for the same thing.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **APPROVE** Variance to allow two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6** finding the hardship to be the narrowness of the lot and subject to all of the requirements regarding mobile homes on the following described property:

Lot 20, less beginning NE/c TH W 1290' S 273' E 1290' N 273' Western Hills Ranchettes.

Case No. 1585

Action Requested:

Special Exception to allow a manufactured home in an RM-2 zoned district (old dwelling to be removed). **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9**, located 7710 W. 15th.

Presentation:

The applicant, **Lindley Joe Crow**, 4349 Sunburst, Sand Springs, OK, submitted a site plan (Exhibit F-1) and a letter from the Sand Springs Board of Adjustment (Exhibit F-2) and stated that this is his parents house and it is very old and it is going to be removed and he would like to replace it with a manufactured home. Mr. Crow stated that he will live in the manufactured home and that the septic tank is in good condition. Mr. Crow submitted photos to the Board (Exhibit F-3).

Board Action:

On **MOTION** of **ALBERTY**, Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **APPROVE** Special Exception to allow a manufactured home in an RM-2 zoned district (old dwelling to be removed). **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9**, finding that there are 28 cases for mobile homes in the ^{area} ~~arrow~~ and that it is on a narrow lot and subject to the requirements regarding mobile homes, on the following described property:

West 44' of Lot 3, Block 5, Lake Subdivision.

Case NO. 1586

Action Requested:

Special Exception to allow a communications tower in an AG zoned district.
SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS – Use Unit 4, located N of the NW/c 209th W. Ave. and W. Keystone Expressway.

Presentation:

The applicant, **Lee Ann Fager**, submitted a site plan (Exhibit G-1) and photos (Exhibit G-2) and stated that she represents Southwestern Bell Wireless. Ms. Fager stated that this is a 41 acre tract zoned AG. The person who owns the property has a mining permit for dirt and top soil. Ms. Fager stated that there are two other towers in the area but they cannot be used because they use microwaves which will interfere with their service. The use of the area is limited because of the high GRDA lines in the area.

Interested Parties:

James Grace/Jeannie Pearson, Route 7, Box 152, Sand Springs, OK, Mr. Grace read a letter from Ms. Pearson. Ms. Pearson states that she does not approve of the tower at this location because it is too high. Ms. Pearson mentioned that the land is zoned AG for tax reasons and it could be developed as residential. Ms. Pearson stated that the GRDA took their land and did not pay fair prices for it.

Lon Applegate, Route 1, Box, 22, Sand Springs, OK, stated that he lives north of the proposed site. Mr. Applegate stated that his panoramic view has been destroyed by all of the steel and wire from all of the communication towers that have been put up. He opposes this application.

Glenn Quimby, Sand Springs, OK, stated that Ms. Fager discussed this application with all of the neighbors. Mr. Quimby stated that he is trying to sell his home and it is listed for \$168,000 and no one who would be interested in it wants to look at a cellular tower on the property. Mr. Quimby believes that the tower would greatly devalue his property and make it hard to sell.

Pam McKenzie, 20802 W. 5th, stated that the neighborhood is nice and they would be able to see the tower from the front porch. Ms. McKenzie mentioned that if the tower were to fall, it would hit three houses.

Nancy Smith, 20808 W. 5th, stated that the 250' tower will be in her front yard and it will greatly decrease her property value. Ms. Smith stated that they can't landscape enough to hide the tower. Ms. Smith is very opposed to this application.

Case No. 1586 (continued)

Mr. Dement, stated that he lives by the power lines and they drive down the property values. Mr. Dement mentioned that you cannot camouflage large towers and he is opposed to this application.

Comments and Questions:

Mr. Alberty stated that Southwestern Bell is wanting to set the tower back 275' to the west and if it did fall, it would remain inside the property.

Rich Treadwell, 20704 W. 5th St., stated that he opposes the tower because of the small children in the area. Mr. Treadwell believes that some of the children may try to climb the tower, especially if there are no fences around the area. Mr. Treadwell is worried about lightning strikes and health problems created by the tower.

Applicant's Rebuttal:

Ms. Fager stated that this is not a condemnation like the GRDA does. There is no evidence showing that cellular telephone towers devalue property in the surrounding areas. Ms. Fager stated that they have checked the area thoroughly and there are no other sites suitable. The tower will be fenced with chain link and will have three strands of barbed wire across the top to keep people out. The tower will also be grounded to prevent lightning strikes. Ms. Fager stated that the tower will be setback more than 110% for a fall zone as required by the Code. There is only one residence in the area which is located to the east further than the 110% fall zone.

Comments and Questions:

Mr. Looney asked Ms. Fager if they could put up a different tower rather than a guyed tower. Ms. Fager answered that they could build a 250' monopole.

Mr. Looney asked the applicant about co-location. Ms. Fager replied that the closest possible tower is a microwave tower and it will cause interference. The other tower in the area is too far away to serve their needs.

Mr. Alberty asked Ms. Fager if they would get as close to the high lines as possible and Ms. Fager answered that they cannot because the GRDA has easements surrounding the lines.

Mr. Looney mentioned that he is not sure the tower will be far enough away to not cause damage to the neighborhood.

Mr. Glenn, County Inspector, stated that the setbacks on power lines need to hold the same setback as an RS district.

Case No. 1586 (continued)

Board Action:

On **MOTION** of **LOONEY**, Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **DENY** Special Exception to allow a communications tower in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS – Use Unit 4**, on the following described property:

The SE/4 of the NE/4 and the S 200' of the NE/4 of the NE/4 Less the S 466.69' of the N 736.69' of the E 466.69' of the SE/4 of the NE/4 all in Section 3, T-19-N, R-10-E of the IBM, Tulsa County, State of Oklahoma, subject to all existing easements, rights-of-way, zoning ordinances, usages of record and mineral reservations of record

Case No. 1587

Action Requested:

Special Exception to allow a mini-storage in a CS zoned district. **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16** and a Variance of all weather surface parking for RV and boat area for two years. **SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located 21015 W. 8th St.

Presentation:

The applicant, **Larry W. Sellers**, was represented by **Rhonda Sellers**, 20913 W. 8th St., Sand Springs, OK. Ms. Sellers submitted a site plan (Exhibit H-1) and a support letter from the Sand Springs Board of Adjustment (Exhibit H-2). Ms. Sellers stated that their property is located at Woody's corner. They would like to construct a new mini-storage facility in two phases. Phase I will consist of one mini-storage (20'x200') and an RV and boat storage. The second phase will be similar. They do not want to pave for two years because they would like to wait until Phase II is complete.

Comments and Questions:

Mr. Alberty asked if there is access to the service road. Ms. Sellers replied yes. Mr. Alberty asked her where the existing storage is and she answered east of the proposed site. Ms. Sellers stated that they own 2½ acres and they will use half of it for mini-storage.

Mr. Larry Glenn, County Inspector, stated that he has no concerns.

Interested Parties:

None.

Case No. 1587 (continued)

Board Action:

On **MOTION** of **LOONEY**, Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **APPROVE** Special Exception to allow a mini-storage in a CS zoned district. **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16** and a Variance of all weather surface parking for RV and boat area for two years. **SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, subject to the drainage and retention being approved by the Building Inspector and subject to the applicant having Phase I hard surfaced before she can begin on Phase II, on the following described property:

The E 320.72' of the following described property: A parcel of land in the NE/4 of SE/4 of Sec. 3, T-19-N, R-10-E, Tulsa County, Oklahoma, described as follows: The point of beginning is located by traversing from the E/4 corner of said Sec. 3, S 00°13'04" E a distance of 875.00' along the E section line of said Sec. 3; thence S 89°24'28" W a distance of 385.00' to the point of beginning; thence from the point of beginning S 89°24'28" W a distance of 605.00'; thence S 00°11'07" E a distance of 389.11' to the access road right-of-way, thence along the right-of-way N 89°24'07" E a distance of 233.50'; thence along a circular curve to the left an arc distance of 267.15' said curve has a radius of 522.958' and an internal angle of 29°16'11"; thence N 60°07'56" E a distance of 133.92'; thence N 256.92' to the point of beginning, containing 5.01 acres, more or less.

Case No. 1588

Action Requested:

Variance to allow two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9**; Variance of lot area from 2 acres to .575 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**; Variance of land area per dwelling unit from 2.2 to .575 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, Variance of required 30' frontage on public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED**, located N & E of NE/c W. 106th St. S. & S. 33rd W. Ave.

Comments and Questions:

Mr. Beach stated that if the Board grants two dwelling units on one lot of record the lot area should read 2 acres to 1.14 acres. Land area per dwelling unit would take the total lot and divide it by 2 and result in .575 acres per dwelling unit.

Presentation:

The applicant, **Ryan F. Campbell**, 10417 S. 33rd W. Ave., Sapulpa, OK., submitted a site plan (Exhibit I-1) and stated that Robert Campbell is his dad. They would like to move either a mobile home or another dwelling onto the land. Mr. Ryan Campbell stated that he owns 1.14 acres within the property and his house sits on the northeast corner of the property. There is ample room to do this. The land has been perked for another septic system and he submitted a perk test to the Board (Exhibit I-2). One reason they would like to do this instead of a lot split is that an easement would land lock his current house. Mr. Ryan Campbell stated that his house sits about an eighth of a mile off of the road.

Comments and Questions:

Mr. Alberty asked if there are any other mobile homes in the area. Mr. Campbell answered yes, the neighbor to the south has a manufactured home. Mr. Alberty asked the applicant how far they are from 111th St. Mr. Campbell stated that they are about one-half mile from 111th St.

Mr. Looney asked the applicant how long the mobile home will be on the property. Mr. Campbell answered for the duration of his parents life. They are in bad health and would like to live close to their son.

Board Action:

On **MOTION** of **ALBERTY**, Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **APPROVE** Variance to allow two dwelling units on one lot of record; subject to it being for relatives only and the duration would be for the parents lifetime; **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9**; Variance of lot area from 2 acres to .575 acres; subject to Staff amendment of the lot area. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**; Variance of land area per dwelling unit from 2.2 to .575 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, Variance of required 30' frontage on public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED**, finding that there are two dwelling units on other lots in the area and subject to the normal mobile home conditions, on the following described property:

Beg. 768' N & 1,193' E SW/c NW TH N 250' W 200' S 250' E 200' to POB, Section 27, T-18-N, R-12-E.

Case No. 1589:

Action Requested:

Minor Special Exception to approve an amended site plan for Solid Rock Fellowship Church. **SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS**
– **Use Unit 5**, located North of West 61st Street and South 65th West Avenue.

Comments and Questions:

Mr. Beach stated that the applicant requested a continuance due to technical difficulties with utilities. He explained that the applicant will have to redesign his site plan and the applicant indicated he would not be present at today's meeting. He requested a continuance to August 18, 1998. The applicant has submitted a site plan (Exhibit J-1) and a continuance letter (Exhibit J-2).

Interested Parties:

Yes.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **CONTINUE** Case No. 1589 to August 18, 1998 at 1:30 p.m.

Case No. 1590

Action Requested:

Variance of setback from centerline of abutting streets of 85' to 45'. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**
– **Use Unit 6**, located 17707 N. 129th E. Ave.

Comments and Questions:

Mr. Beach stated that Mr. DeSilvio was present at the last hearing and requested several types of relief. Mr. DeSilvio has amended the application now, only asking for the setback variance and Mr. Beach believes that it may be his intent to rezone the property to a zoning category that would allow him the smaller lots that he would like.

Presentation:

The applicant, **Louis F. DeSilvio**, was represented by Tiffany Gable, 2211 E. 66th Pl., Unit 808, Tulsa, stated that she is Mr. DeSilvio's daughter. Ms. Gable stated that the reason they are asking for the variance is because the land drops off and if they have to set the house back 85' they are not sure they will be able to put a septic tank in. Ms. Gable stated that a variance was granted to the people across the street for 50'.

Case No. 1590 (continued)

Interested Parties:

Larry Glenn, County Inspector, stated that if the Board approves the 45' setback, the County will agree to drop the major street designation that is on the Plan for 129th E. Ave. going north and 176th E. Ave. going east at that intersection. The applicant will conform to street setbacks and rezone the property. Mr. Glenn stated that the reason they came up with the 45' setback is because the existing garage is closer than 85'. This would make the garage comply.

Mr. Glenn stated that 129th St. goes north one-half mile past the applicant's property and stops. The road will never be developed any further and 176th St. will not be developed by the County because of the floodplain.

Board Action:

On **MOTION** of **ALBERTY**, Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **APPROVE** Variance of setback from centerline of abutting streets of 85' to 45'. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6** based on the information supplied to the Board by the County Inspector showing that there are a number of others in the area that encroach on the planned major street setback and that the County Engineer and County Inspector have reviewed this and feel that this is the most workable plan for this area, on the following described property:

W/2 W/2 SW SW, Section 4, T-22-N, R-14-E, Tulsa County, State of Oklahoma.

The Board recessed at 3:32 p.m.

The Board reconvened at 3:37 p.m.

Case No. 1591

Action Requested:

Variance of lot width requirement in AG district of 200' to 155.26' for lot split purposes. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS-Use Unit 6**, located 15627 N. 104th E. Ave.

Presentation:

The applicant, **W. D. Roberts**, submitted a site plan (Exhibit K-1) and stated that he is requesting a lot split on this property to help it fit in with the neighborhood better. Right now, Mr. Roberts is running cattle on it. Mr. Roberts stated that it would be split right down the middle into 2.15 acre tracts. The lot directly west is a square that is 2.0 acres.

Case No. 1591 (continued)

Comments and Questions:

Mr. Alberty asked the applicant if he owns other property in the area. Mr. Roberts answered yes, it is already split. Mr. Roberts stated that they are the last ones in the area to develop their property.

Board Action:

On **MOTION** of **ALBERTY**, Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **APPROVE** Variance of lot width requirement in AG district of 200' to 155.26' for lot split purposes. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS-Use Unit 6**, the basis of the variance being that the spirit and intent of the AG district has been met, the lot is an unusual shape, each of the lots being created will exceed the minimum requirements of the AG district, on the following described property:

A part of the SE/4 of the SW/4 of Section 18, T-22-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beginning at a point on the E line of the SE/4 SW/4 of Section 18, T-22-N, R-14-E, Tulsa County, Oklahoma, said point being 568.58' N 00°04'52" W of the SE/c of said SE/4 SW/4; thence N 00°04'52" W along said E line, a distance of 369.50'; thence due W a distance of 549.65'; thence S 00°34'22" W a distance of 310.52'; thence S 83°44'48" E a distance of 556.43' to the point of beginning, subject to a roadway easement on the W

OTHER BUSINESS

Case No. 1592

Action Requested:

Applicant has made a request for refund. The case has been withdrawn. Exhibit L-1 is a withdrawal letter from the applicant.

Board Action:

On **MOTION** of **ALBERTY**, Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **APPROVE** a full refund on Case No. 1592.

There being no further business, the meeting was adjourned at 3:40 p.m.

Date approved: _____

August 18, 1998
John N. Tyndall

Chair