

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 221  
Tuesday, October 20, 1998, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Alberty Eller Tyndall, Chair Walker, Secretary	Looney, V. Chair	Arnold Beach Stump	West, Zoning Officer

The notice and agenda of said meeting were posted in the Office of the County Clerk on Wednesday, October 14, 1998, at 2:35 p.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 1:30 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 August 18, 1998 (No. 219).

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 September 15, 1998 (No. 220).

**UNFINISHED BUSINESS**

**Case No. 1603:**

**Action Requested:**

Variance of minimum lot width from 200' in an AG district to 135' to permit a lot split. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6;** a Variance of lot area from 2 acres to .8 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6;** A Variance of land area per dwelling unit from 2.2 to 1 acre. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6,** located 18439 S. Sheridan Road.

Case No. 1603 (continued)

**Comments and Questions:**

Mr. Beach stated to the Board that the applicant was not present at the hearing last month is not present today. Mr. Beach suggested to the Board that they continue the case to the November 17, 1998 meeting.

**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. 1603 to the meeting of November 17, 1998.

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**NEW APPLICATIONS**

**Case No. 1606**

**Action Requested:**

Special Exception to permit a mobile home in an RS District. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9**, located 6418 N. Norfolk Ave.

**Presentation:**

The applicant, **Connie Lee Haynes**, 6418 N. Norfolk Ave., stated that she needs approval of the application so she can put a light pole on her property next to her mobile home.

**Comments and Questions:**

Mr. Tyndall asked Ms. Haynes if there are other mobile homes in the area and she answered affirmatively.

**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** Special Exception to permit a mobile home in an RS District. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9**, subject to Health Department approval and the mobile home being skirted and tied down, on the following described property:

Lot 3, Block 6, North Turley Addition, Tulsa County, State of Oklahoma.

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**Case No. 1607**

**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**, located 1635 E. 168<sup>th</sup> St. N.

**Presentation:**

The applicant, **Avis Jo Jolley**, submitted a site plan (Exhibit A-1) and stated that she lives in Skiatook and owns ten acres on which she would like to put a mobile home for her daughter. Ms. Jolley owns a 3,000 SF home that has been built on the property. There are mobile homes surrounding the property and in the immediate area.

**Comments and Questions:**

Mr. Alberty stated that this is a typical situation in which an owner has ten acres and the zoning, even though it is AG, would permit four dwellings on it. The fact that the owner does not want to split the property is a hardship in and of itself.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Tyndall, Eller, Walker "aye"; no "nays", no "abstentions"; Looney "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 9**, per plan submitted, on the following described property:

SE, NE, SW, Section 7, T-22-N, R-13-E, less the S 25' for street ROW, Tulsa County, State of Oklahoma.

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**Case No. 1608**

**Action Requested:**

Variance of required lot width from 200' to 160' on an existing lot in an AG district. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6**, located S & E of S. 149<sup>th</sup> W. Ave. & Weaver Road.

**Presentation:**

The applicant, **Danny Lynchard**, submitted a site plan (Exhibit B-1) and a letter from the Sand Springs Board of Adjustment (Exhibit B-2) and stated that he bought this property a year ago with the intention of building a home there and has since learned that the lot is not wide enough to meet Code. There is no adjacent property available to make it wider. The property is 5 acres, 160' wide

Case No. 1608 (continued)

and 1,300' long. Mr. Lynchard wants to place the home in the middle of the property. All the surrounding homes do not meet Code either.

**Comments and Questions:**

Mr. Walker stated that he is from Sand Springs and is familiar with the area, this area has grown into a development by default. This applicant has ended up with a tract that has existing tracts around it. Mr. Walker supports this application.

**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** Variance of required lot width from 200' to 160' on an existing lot in an AG district. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6** on the following described property:

W 160' of E 640' of the SW/4 of the SE/4 of Section 29, T-19-N, R-11-E, Tulsa County, State of Oklahoma.

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**Case No. 1609**

**Action Requested:**

Variance of the required frontage on a public street from 30' to 0' to construct a single-family dwelling. **SECTION 207. STREET FRONTAGE REQUIRED**, located 819 E. 165<sup>th</sup> St. S.

**Presentation:**

The applicant, **Thomas Zickefoose**, submitted a site plan (Exhibit C-1) and stated that 165<sup>th</sup> Street dead ends on his 40 acres that he has owned for many years. Mr. Zickefoose now lives next to the 40 acres and he is asking for a variance in order to build a new home on the 40 acres.

**Comments and Questions:**

Mr. Tyndall asked if the street goes to his acreage. The applicant and Mr. Beach said that the street goes to his acreage but it is a private street.

Mr. Alberty asked if the two previous Board actions were in the immediate area. Mr. Beach answered yes, they are in the general area.

Mr. Beach stated that there is a mutual access easement that has been filed of record that identifies all of the abutting owners' property.

Case No. 1609 (continued)

Mr. Alberty expressed concern about further development on the property but if it will only have the one development then he has no concern with it.

**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** Variance of the required frontage on a public street from 30' to 0' to construct a single-family dwelling. **SECTION 207. STREET FRONTAGE REQUIRED** subject to there being no further splitting on the property and there only being one dwelling on the 40 acres, on the following described property:

SW, NE, Section 25, T-17-N, R-12-E, Tulsa County, State of Oklahoma.

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**Case No. 1610**

**Action Requested:**

Special Exception to permit an existing church and accessory uses in an AG district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5;** OR a Variance to expand a nonconforming church use. **SECTION 1420. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION,** located 3029 S. 57<sup>th</sup> W. Ave.

**Comments and Questions:**

Mr. Beach stated that the reason for the "either/or" request is that this is a lawful nonconforming church that has been at the location since prior to 1980. If there were a questions about whether it is lawfully nonconforming or not, they wanted to make sure that he was advertised for either use.

**Presentation:**

The applicant, **Mike Smith**, submitted a site plan (Exhibit D-1) and stated that he represents the Berryhill United Pentecostal Church. Mr. Smith stated Mr. Beach informed him to bring evidence that the church had been at that location since before 1980. Mr. Smith submitted copies of utility bills, etc. dated 1978 and 1979 (Exhibit D-2). Mr. Smith said that the church would like to construct a fellowship hall on the back of the building.

**Comments and Questions:**

Mr. Alberty asked the applicant if this structure is going to be two stories. Mr. Smith answered that it may be in the future. The ceiling height will be 23' or 24'. They have no intention to make it two stories right now, but they might in the future.

Case No. 1610 (continued)

Mr. Alberty stated that he is concerned about the setback on the east of the property, it looks like they will just be a few feet off the property line. Mr. Smith stated that he is not sure what the setback is on the east side but they are in the process of getting the corners of the property pinned and he thinks the setback is somewhere between 10' and 15'. Mr. Smith mentioned that he has spoken with Building Inspections and they have told him that depending upon the setback he will have to construct a fire wall if he is too close. Mr. Smith believes that the property behind the church will be used for building an expressway in the near future.

Mr. Beach stated that from the site plan, it does not look like the church meets the 40' required rear yard. Mr. Alberty asked the applicant if there is a reason why they are not constructing the building to the north. Mr. Smith answered that north of the parking lot is considered to be in the 500 year flood plain.

Mr. Beach stated to the applicant that he needs to either modify the site plan or he needs more relief.

Mr. Alberty stated that he has a problem with granting the variance of the 40' requirement.

Mr. Alberty suggest to the applicant that he continue the case for one month so he can get with Staff and with his engineer and solve the problems that have arisen.

**Board Action:**

On **MOTION** of **ALBERTY**, Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **CONTINUE** Case No. 1610 to the meeting of November 17, 1998.

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**Case No. 1611**

**Action Requested:**

Variance of the required land area per dwelling from 2.2 to .97 acres to construct a single family dwelling. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6;** a Variance of lot area from 2 to .97 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS;** a Variance of required lot width from 200' to 150'. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS,** located 15116 S. Lewis Ave.

**Presentation:**

The applicant, **Deborah Trapp**, submitted a site plan (Exhibit E-1) and stated that this is a family tract and each section has been deeded off to all of the children. They would like to construct a home on their portion. At one time they owned three acres, the State came in and took a little over 2 acres and they are left with .97 acres to construct a home on.

**Comments and Questions:**

Mr. Alberty inquired as to what structure is already on the land and the applicant replied that it is a barn.

Mr. Trapp stated that the lot is 150' x 280'. There is plenty of room in front of the barn to build a house and meet the 35' setback requirement.

**Interested Parties:**

**Robert Giles**, stated that he represents Louise Gordon who is a neighbor. Ms. Gordon would like to protest this application for several reasons. First of all, the property is zoned AG and not residential. Mr. Giles stated that it is his understanding that there have been some septic and sanitation problems on the property.

Mr. Alberty stated that the Health Department has to approve the sanitation system or the applicants do not get a building permit. Mr. Alberty also mentioned that this is a condemnation situation where the State actually created the problem.

Mr. Walker asked Mr. Giles what the negative impact would be on his client. Mr. Giles answered that his client is concerned about the sanitation. There has been a number of problems before and have had to be mediated. Mr. Giles does not know if an effective sanitation system can be put on one acre.

**Applicant's Rebuttal:**

Mr. Trapp stated that the septic problem was on his sister's property which is located on a hill directly across from Ms. Gordon's house. They had to build a lagoon on the property because the property was rocky and had clay on it. Mr. Trapp informed the Board that his mother lives below the hill and has had a septic system for over 45 years and has not had a problem with it.

**Comments and Questions:**

Mr. Walker asked Mr. Alberty if there is a requirement for a septic system. Mr. Alberty replied that the smallest area that they will approve a septic system on is ½ acre. The applicants have close to an acre.

Case No. 1611 (continued)

**Board Action:**

On **MOTION** of **ALBERTY**, Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Variance of the required land area per dwelling from 2.2 to .97 acres to construct a single family dwelling. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6;** a Variance of lot area from 2 to .97 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS;** a Variance of required lot width from 200' to 150'. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS,** finding that the State's condemnation created the hardship and subject to Health Department approval, on the following described property:

Part of NE/4 Beginning 924.95' N of SW/c E/2, E/2, NE, NE; thence NW 150'; SWly 150' E 2.68' to the Point of Beginning; N 400', E/2, E/2, NE N less beginning NW/c thereof thence E 330', S 400', W 50', N 150', W 280', N 250' to Point of Beginning of Section 19, T-17-N, R-13-E, Tulsa County, State of Oklahoma.

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

Date approved: \_\_\_\_\_

11-17-98  
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John Tyndall  
Chair