

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 222
Tuesday, November 17, 1998, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|--|-----------------------|----------------------|-----------------------|
| Eller Tyndall, Chair Walker, Secretary | Alberty Looney | Arnold Beach | West, Zoning Officer |

The notice and agenda of said meeting were posted in the Office of the County Clerk on Thursday, November 12, 1998, at 12:01 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 1:32 p.m.

MINUTES:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **APPROVE** the Minutes of October 20, 1998 (No. 221).

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.

Presentation:

The applicant, **Jack Ramsey**, submitted a site plan (Exhibit A-1) and stated that he represents Carol Taylor, the owner of the property. Mr. Ramsey stated that the request has been changed to a 2 acre tract. They still request a variance of the minimum lot width, because there is a drive access onto the property from the South Sheridan section line that will be part of the tract that will be split and there will be a common use easement for the new dwelling. The topography makes the construction of the drive into the other property cost prohibitive. There is not enough width to meet the minimum requirements on both tracts.

Comments and Questions:

Mr. Tyndall asked if there was an existing house on Tract 2. Mr. Ramsey stated that it is a new house but yes, it is existing. Mr. Tyndall stated that on Tract 1 there is a house and Mr. Ramsey said that it is an older house that has been on the property for a long time.

Mr. Walker asked Mr. Beach if they still need a variance for the land area? Mr. Beach stated that it does not meet the land area. He will also be short on lot area because of the right-of-way. Mr. Beach also stated that the applicant will have to dedicate right-of-way to meet the Major Street and Highway Plan in order to get the lot split approved.

Mr. Walker asked the applicant what the smaller tracts further south are. Mr. Ramsey stated that they are 10 acre tracts zoned AG.

Mr. Beach stated that when this case first came before the Board, it was a request for a 1 acre tract carved out of the total 8 acres. In the meantime, the applicants read the Staff comments and noticed that Staff suggested that they could meet the land area and lot area by moving the proposed lot line further east and they could just ask for a variance of lot width. If they were willing to do that, would they be willing to extend the east line further east in order to allow for the right-of-way? Mr. Ramsey answered yes, it could be extended to be 694' instead of 644' and dedicate the west 50' for right-of-way.

Mr. Tyndall asked Mr. Beach if there was a way the Board could approve this contingent upon the applicant adjusting the east lot line to meet the minimum lot area and land area. Mr. Beach suggested denying the Variances of lot area and land area, them to comply with those two elements.

Case No. 1603 (continued)

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **APPROVE** Variance of minimum lot width from 200' in an AG district to 135' to permit a lot split finding that it meets the requirements of Section 1670.3 **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6**; and **DENY** 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** on the following described property:

N/2, SW, NW, Section 2, T-16-N, R-13-E, less the N 11 acres, Tulsa County, Oklahoma.

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 Variance to expand a nonconforming church use. **SECTION 1420. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION**, located 3029 S. 57th W. Ave.

Comments and Questions:

Mr. Beach stated that this case was continued from the last meeting to today. The applicant was advised to speak with the Building Inspector. There were some issues related to the building permit that needed to be worked out and as of this date the applicant had not spoken with the Building Inspector. Mr. Beach suggested a continuance for another month.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **CONTINUE** Case No. 1610 to the meeting of December 15, 1998.

NEW APPLICATIONS

Case No. 1612

Action Requested:

Use Variance to allow bagging and warehousing of pecan hulls and brokering other agriculture products. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 23**, located 2106 W. 181st St.

Presentation:

The applicant, **David Sivadon**, P.O. Box 121, Mounds, OK 74047, submitted a site plan (Exhibit B-1) and stated that he owns an agriculture marketing company and they are presently storing and bagging their pecan hulls at a different facility. They request a variance to allow them to bag and warehouse the pecan hulls at their present location on 181st St. Mr. Sivadon stated that initially, they requested a zoning change (to IL – Industrial Light) and that was denied. The City of Glenpool strongly protested the zoning change but had no problem with the use and they suggested that the Sivadon's come before the County Board of Adjustment for a variance on the use. Mr. Sivadon submitted photos of the site on 181st Street (Exhibit B-3). Most of the operation is agriculture in nature.

Comments and Questions:

Mr. Tyndall asked the applicant what kind of equipment would be coming onto the property? Mr. Sivadon replied semi trailers would bring the hulls to the property and they would use front loaders to push the hulls into the building. They already use front loaders on the property now with some of the agriculture products. Mr. Tyndall asked what kind of equipment would be used inside the building and Mr. Sivadon responded that they use augers to convey it up to a bagging machine.

Mr. Tyndall asked what kind of related agriculture use is on the property. Mr. Sivadon replied that they sell a lot of hay and straw from this location. They also bag potting soil and perhaps in the future bird seed. It would primarily be a bagging and brokering operation. They buy and sell truck loads of products that never actually come through their hands.

Mr. Tyndall asked how close he is to the mobile homes. Mr. Sivadon replied that they are south of his property about 2¼ miles. Mr. Walker asked what was on the corner that is zoned IL and Mr. Sivadon answered that it is a United Pentecostal church that is fairly new. The golf course is a short distance down the road. Mr. Sivadon submitted a letter of support from many of the neighbors (Exhibit B-2).

Mr. Sivadon stated that this is part of a large family farm that has been broken up between the children.

Case No. 1612 (continued)

Mr. Beach asked the applicant if all the bagging operations will be conducted indoors and Mr. Sivadon answered affirmatively. There is currently no outside storage and they plan to empty the hay barn and fill it with pecan hulls. Some of the soil may be piled outdoors from time to time. Mr. Beach suggested that if the Board is inclined to approve this, they make the approval subject to all operations being conducted indoors.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **APPROVE** Use Variance to allow bagging and warehousing of pecan hulls and brokering other agriculture products. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 23** subject to there being no outside storage related to the use and finding that it meets the requirements of Section 1670.3, on the following described property:

Prt Government Lot 2, beginning 569.46' W SE/c of Government Lot 2, thence E 569.46' N 1562.2' W 60' S 714.76' W 409.7' N 61.7' W 373.34' S 185.05' SE to the point of beginning, Tulsa County, State of Oklahoma.

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Case No. 1613

Action Requested:

Variance of the 30' frontage requirement on a public road, down to 0'. **SECTION 207. STREET FRONTAGE REQUIRED** and a Variance of 200' lot width requirement in an AG district, down to 165' to permit a lot split. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, located 4136 S. 78th W. Ave.

Presentation:

The applicant, **Gregory Deaton**, 4136 S. 78th W. Ave., submitted a site plan (Exhibit D-1) and stated that he was before the Board about five years ago and the Board approved a variance to put two houses on an AG lot. 78th West Avenue has been dedicated and they want a lot split for the two houses. Mr. Deaton stated that even though the road has been dedicated nobody takes care of it including the County.

Comments and Questions:

Mr. Beach stated that if the road has not been accepted by the County for maintenance, then it is not a public street.

Case No. 1613 (continued)

Mr. Deaton stated that the lot is 330' by 660' and they would like to split the lot down the middle.

Mr. Beach stated that the Sand Springs Board of Adjustment recommended approval of this case (Exhibit D-2).

Mr. Eller asked if there were any other houses in the area and Mr. Deaton responded affirmatively.

Interested Parties:

William Hoover, 4221 S. 78th W. Ave., stated that he lives diagonally across from the applicant. Mr. Hoover has spoken with Ray Jordan, County Engineer and Mr. John Selph, County Commissioner and the only reason they cannot get a dedicated road is because the width of the road is only 30'. Mr. Hoover has no objection to the lot split but objects to the frontage variance because they may never get their road.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Tyndall, Eller, Walker "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **APPROVE** Variance of the 30' frontage requirement on a public road, down to 0'. **SECTION 207. STREET FRONTAGE REQUIRED** and a Variance of 200' lot width requirement in an AG district, down to 165' to permit a lot split. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** finding that it meets the requirements of Section 1670.3 on the following described property:

S/2, NW, NW, NW, Section 30, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

OTHER BUSINESS

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Tyndall, Eller, Walker "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **APPROVE** the 1999 Meeting Schedule for the County Board of Adjustment.

There being no further business, the meeting was adjourned at 2:07 p.m.

Date approved: _____

December 15, 1998

John Tyndall
Chair