

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 239
Thursday, April 13, 2000, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Wayne Alberty
Gene Dillard
Ron Looney
John Tyndall

Roland Walker

Scott Bruce
Phyllis Butler
Diane Fernandez

Larry Glenn
Terry West

The notice and agenda of said meeting were posted in the Office of the County Clerk on, Monday, April 10, 2000, at 2:02 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Dillard called the meeting to order at 1:30 p.m.

Minutes:

On **MOTION** of **TYNDALL**, the Board voted **4-0-0** (Alberty, Dillard, Looney, Tyndall "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** the minutes of the meeting of March 21, 2000 Meeting No. 238.

UNFINISHED BUSINESS

Case No. 1707

Action Requested:

Special Exception for mining/dirt removal in an AG district, located 6100 Block North 115th East Avenue.

Presentation:

Mr. Bruce indicated that the applicant has requested a continuance to May 16, 2000. The purpose for the request is to allow the applicant to obtain his hydrological work in order.

There were no interested parties wishing to speak.

Case No. 1707 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted **4-0-0** (Alberty, Dillard, Looney, Tyndall "aye", no "nays", no "abstentions", Walker "absent") to **CONTINUE** Case No. 1707 to May 15, 2000 at 1:30 p.m.

Case No. 1709

Action Requested:

Variance of Section 207 for the required 30' of frontage on a public street or dedicated right-of-way to 0, **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** – Use Unit 6; a Variance of Section 330 for land area per dwelling unit from the required 2.2 acres to 1.19 acres, **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**; a Variance of lot area from the required 2 acres to 1.11 acres, **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**; and a Variance of lot width from the required 200' to 114' in an AG district to permit a lot split into three existing tracts under separate ownership, **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, located north side of Coyote Trail, east of South 255th West Avenue.

Staff Comments:

Mr. Bruce described the subject property as being located on the north side of West Coyote Trail at the intersection of 252nd Avenue West and Coyote Trail and is approximately 6.9 acres in size. The property is located in the AG district and is bounded on the north and west by the AG-R district with large acreage property to the north and similar size parcels to the west.

Mr. Bruce stated that the area to the south is zoned AG-R with AG zoning to the southwest. CS (shopping center) zoning is present approximately 525' to the east. An addition is located on the south side of Coyote Trail. Staff understanding is that the property has been previously divided by deed into two parcels of approximately 2.9 acres each in the north and one parcel of 1.1 acres in the south abutting Coyote Trail. At present the two northern parcels are separated from the street (Coyote Trail) by the southern parcel. From the aerial photograph there appear to be mobile homes on the two northern parcels. The applicant has indicated that a 24' access easement along the west line of the southern lot has been filed in favor of the lots to the north and that a 12' easement has been filed to reach the northwestern parcel.

Mr. Bruce indicated that the applicant has requested a Variance that would create legal parcels that can be sold by reducing the required frontage on a

Case No. 1709 (continued)

public street from 30' to 0' for the parcels to the north. It would also reduce the minimum width, land area and lot area from 200' to 114, from 2.2 acres to 1.19 acres and from 2 acres to 1.11 acres, respectively.

This item was continued by the Board at the March meeting. At that meeting the Board expressed concern regarding the width (114') of the southern parcel.

Mr. Bruce stated that there has been no contact with the applicant since the previous meeting.

There were no interested parties wishing to speak.

The applicant was not present.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted **4-0-0** (Alberty, Dillard, Looney, Tyndall "aye", no "nays", no "abstentions", Walker "absent") to **DENY** a Variance of Section 207 for the required 30' of frontage on a public street or dedicated right-of-way to 0,; a Variance of Section 330 for land area per dwelling unit from the required 2.2 acres to 1.19 acres; a Variance of lot area from the required 2 acres to 1.11 acres; and a Variance of lot width from the required 200' to 114' in an AG district to permit a lot split into three existing tracts under separate ownership, finding that approval of the request would be detrimental to the neighborhood and violate the spirit and intent of the Code, on the following described property:

Part of a tract of land in the W/2 SE/4 SW/4 of Section 20, T-19-N, R-10-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows: Beg. at a point on the S line of said section, said point being 470.00' E of the SW/c of SE/4 SW/4; thence N 0°21'08" E for 983.28'; thence N 89°26'02" W for 470.00'; thence S 0°21'08" W for 536.92'; thence S 89°55'00" E for 352.85'; thence S 0°03' E for 450.05'; thence S 89°47'00" E for 114.00' to the POB

Case No. 1711

Action Requested:

Appeal from determination of County Inspector, classifying proposed use in Use Unit 15.

Case No. 1711 (continued)

In the alternative:

Request for Special Exception for Use Unit 15 use in CS zoning district, to permit sales of instruments, supplies and equipment for use in measurement of natural gas, including testing and calibration of instruments, equipment and products. **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and SECTION 1680.1. SPECIAL EXCEPTION, General** – Use Unit 14 or 15, located 20600 South Vancouver.

Staff Comments:

Mr. Bruce described the subject parcel as being located approximately ½ mile south of the southwest corner of South 201st Street and US Hwy 75. It is approximately 1.3 acres in size and lies within the CS zoning district. It is bounded on the north by west 206th Street with AG zoned vacant land beyond, on the east by dedicated right of way with the Hwy beyond, and on the south and west by CS zoned vacant land.

Mr. Bruce stated that the request is for appeal from a decision of the Building Inspector determining that the proposed use falls within Use Unit 15 (other trades and services), **OR** a Special Exception to allow the use in the CS district. The proposed use is the sales of instruments, supplies and equipment for use in the measurement of natural gas, including testing and calibration of instruments, equipment and products.

Presentation:

The applicant, **Stephen A. Schuller**, 500 Oneoak Plaza, 100 West 5th Street, Tulsa, Oklahoma 74103, submitted a site plan (Exhibit A-1) and stated that the application is basically for two parallel matters. The appeal of the County Inspector or in the alternative a special exception to permit Use Unit 15 use in the CS zoned district.

Mr. Schuller stated that there is a small 6200 SF building and the proposed store would be located in this building with a parking area in front and to one side of the building. The use conducted would be the sales of instruments, supplies and equipment for the use in measurement of natural gas, including testing and calibration of instruments, equipment and products. All of the sales will be conducted inside of the building.

Mr. Schuller explained that his client's customers are owners and operators of gas wells in the general area. His client sells equipment and products related to measurement of gas on gas wells, gas pipelines, gauges, valves, etc. His client also sells devices that measures gas flow automatically on the well and than the information is called into a central computer by a built in cellular phone for posting on the Internet. He indicated that all of the equipment is on a small scale and is on shelves.

Case No. 1711 (continued)

Mr. Schuller indicated that his client also conducts a business in the back of the store. His client will calibrate the kinds and quantity of gas in canisters brought in by his client's customers.

Mr. Schuller pointed out that there are a lot of farmers, ranchers and horse breeders in the subject area. He stated that a store that would specialize in saddles and tack would have the same limited appeal to usual retail sales as his client's store would have, but it would be permitted by right in a CS zoned district under the Use Unit 14 designation. Mr. Schuller listed the different uses allowed in a CS district according to the Code.

Mr. Schuller stated that his client's business fits within Use Unit 14; however, if this is a Use Unit 15 use and the County Inspector's determination is upheld, this particular use is in harmony with spirit and intent of the Zoning Code. The Code specifically provides for Use Unit 15 uses, permitted by special exception in the CS zoned district.

Mr. Schuller stated that the Traffic Engineering Department must review and approve the traffic circulation, including the location of access points, which is part of the permitting process. He indicated that there would be no change to the existing access point. Finally, the property must have minimum of 150' of frontage and the subject property does have that requirement.

Comments and Questions:

Mr. Alberty stated that due to the uniqueness of the proposal he can understand why the County Inspector felt more comfortable by placing this use under Use Unit 15.

Mr. Dillard asked Mr. Schuller if there would be any outside storage of equipment. In response, Mr. Schuller answered in the negative. Mr. Alberty commented that outside storage is prohibited in the CS district.

There were no interested parties wishing to speak.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted **4-0-0** (Alberty, Dillard, Looney, Tyndall "aye", no "nays", no "abstentions", Walker "absent") to **DENY** the **Appeal** and **UPHOLD** the decision of the County Inspector, classifying proposed use in Use Unit 15.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted **4-0-0** (Alberty, Dillard, Looney, Tyndall "aye", no "nays", no "abstentions", Walker "absent") to **APPROVE** the Special Exception for Use Unit 15 use in CS zoning district, to permit sales of

Case No. 1711 (continued)

instruments, supplies and equipment for use in measurement of natural gas, including testing and calibration of instruments, equipment and products.
SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and SECTION 1680.1. SPECIAL EXCEPTION, General – Use Unit 14 or 15, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; on the following described property:

A tract of land located in the E/2, SE/4, Section 15, T-16-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, described as follows: Commencing at the NE/c of said E/2 SE/4, thence W along the N line of said E/2 SE/4 a distance of 101.8' to the POB; thence continuing W along said N line 278.71'; thence S and parallel to the E line of said E/2 SE/4 208.71'; thence E and parallel to the N line of said E/2 SE/4 278.71'; thence N and parallel to the E line of said E/2 SE/4 208.71' to the POB.

Case No. 1712

Action Requested:

Special Exception to Section 910 to permit a metal foundry in an IL district.
SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 26, located west of Highway 97 at West 57th Place and South 113th West Avenue.

Staff Comments:

Mr. Bruce described the subject property as being located in the Prattville Industrial Park, west of the northwest corner of the intersection of W 59th Street and Hwy State 97. The parcel is 2.5 acres in size and is in an area of similar size lots. The Park is zoned IL and appears to be approximately 2/3 developed.

Mr. Bruce stated that the request is to approve a Special Exception to allow Use Unit 26 (foundry) in the Park. It is Staff's understanding that a foundry has operated in this park for approximately 20 years, apparently initiating the use prior to zoning. The current location is north of the northwest corner of 59th Street and 116th W Ave. The purpose of the request would allow expansion and relocation of the facility. The new facility would include 14,000 square feet of foundry area, 4,000 square feet of machine shop and approximately 950 square feet of office space.

Mr. Bruce indicated that it appears from the included site plan that space is available for the proposed building size and to accommodate sufficient parking.

Case No. 1712 (continued)

Presentation:

The applicant, **Douglas Pugh**, President of Prattville Castings, 5836 South 116th West Avenue, Sand Springs, Oklahoma 74063, stated that he has been in business for approximately 20 years. Due to increased business it is necessary to increase the size of the subject building.

Comments and Questions:

Mr. Dillard asked Mr. Pugh if he intends to increase his employees to approximately 50 people. In response, Mr. Pugh answered affirmatively.

Mr. Alberty asked Mr. Pugh if he plans to move or continue operations on the subject property. In response, Mr. Pugh stated that the proposal would be done in phases over three to five years. The first phase would be the office space and machine shop, which would go along with the present work being done, but eventually be in the proposed foundry. Mr. Pugh indicated that he would keep the existing building for storage needs.

Mr. Alberty asked Mr. Pugh how large the foundry would be. In response, Mr. Pugh stated that the foundry is to melt metal and pour into sand molds. Mr. Pugh indicated that currently his company is pouring several different aloes. Mr. Pugh stated that his company would like to go into a higher production of operation and that would require a facility of much larger size than the current facility. Mr. Pugh indicated that the largest product is the oil field environmental control products, which varies from ounces to hundreds of pounds.

There were no interested parties wishing to speak.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted **4-0-0** (Alberty, Dillard, Looney, Tyndall "aye", no "nays", no "abstentions", Walker "absent") to **APPROVE** Special Exception to Section 910 to permit a metal foundry in an IL district, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 2, Block 2, Prattville Industrial Park to Tulsa County, State of Oklahoma.

Case No. 1714

Action Requested:

Variance to Section 208 to allow two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** – Use Unit 6, a Variance of lot area per dwelling unit from 2 acres to 1.15 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, and a Variance of land area per dwelling unit from 2.2 acres to 1.16 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, located 13321 North Memorial.

Staff Comments:

Mr. Bruce described the subject property as being located south of the northeast corner of 136th Street and Memorial Drive. It is approximately 2.6 acres in size (350' x 330') and is located in the AG district. The subject parcel is surrounded by parcels carrying the AG designation and is bounded on the west by Memorial Drive.

Mr. Bruce stated that the area between Memorial and North 83rd Avenue East is split into 2.5-acre lots; the areas west of Memorial and East of 83rd appear to be five acres. The area is primarily devoted to single residences on these lots; mobile homes are present in outlying areas.

Mr. Bruce indicated that a residence and a shop building are currently present on the site the aerial indicates another structure in the northern portion of the lot along the easterly property line.

Mr. Bruce stated that the request would allow Variance to the lot (2.0 ac) and land (2.2 ac) area per dwelling unit required for parcels in the AG district. The purpose is to allow a second dwelling unit on the lot.

Presentation:

Dana Roberts, representing her Mother, Marilyn Hardacre, 13321 North Memorial Drive, Bixby, Oklahoma 74008, submitted a site plan (Exhibit B-1) and stated that she currently lives with her Father-in-law. She indicated that her family does not want to move away from her father-in-law due to his poor health. She stated that she would like to purchase her own home and place it next to her father-in-law.

Ms. Roberts indicated that the surrounding neighbors do not have any opposition to this proposal. She emphasized that it was important to live next to her father-in-law due to his poor health.

Comments and Questions:

Mr. Dillard asked Ms. Roberts to describe the existing buildings on the subject property. In response, Ms. Roberts stated that there is an existing home, a

Case No. 1714 (continued)

shop and the third building indicated on the site plan would be the proposed home. Ms. Roberts indicated that a perc test has been performed and approved.

Mr. Looney asked Ms. Roberts how long she anticipated the mobile home being placed on the subject property. In response, Ms. Roberts stated that the mobile home will be on a permanent foundation and it will be bricked. She indicated that her family intends to live in the mobile home until the father-in-law passes and their children are out of school.

Mr. Looney asked Ms. Roberts if there would be a problem if the Board made a provision that as long as her family lives in the mobile home it would be legal, but once the family moves out of the mobile home it will have to be removed. In response, Ms. Roberts stated that the provision would not be a problem.

There were no interested parties wishing to speak.

Board Action:

On **MOTION** of **LOONEY**, the Board voted **4-0-0** (Alberty, Dillard, Looney, Tyndall "aye", no "nays", no "abstentions", Walker "absent") to **APPROVE** a Variance to Section 208 to allow two dwelling units on one lot of record; a Variance of lot area per dwelling unit from 2 acres to 1.15 acres; and a Variance of land area per dwelling unit from 2.2 acres to 1.16 acres, subject to the condition that the mobile home is allowed on a temporary basis, as long as the Roberts family is occupying the mobile home, on the following described property:

Beginning 1326.40' S of the NW/c of the NW thence E 329.72' S 331.60' W 329.72' N 331.60' to the POB less W 25' for road thereof Section 36 T-22-N, R-13-E, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 1716

Action Requested:

Special Exception to Section 1202 Table 1, to allow an outdoor event in an AG zoned district, from 9:00 a.m. to 7:00 p.m.; July 29, 2000. **SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES and SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and a Variance to allow this activity for the next five years, located on the southeast corner of East 151st Street and Elwood.

Case No. 1716 (continued)

Staff Comments:

Mr. Bruce described the subject parcel as being located at the southwest corner of E 151st Street South (Hwy 67) and South Elwood Avenue. The site is zoned AG and is surrounded by AG zoning and uses. The parcel is bounded by large acreage vacant parcels to the east, south and west; single-family residences are present along Elwood to the north and south with a limited number along the Hwy. The site size appears to be 80 acres.

Mr. Bruce stated that the purpose of the request is to allow a one day listener appreciation event, hosted by K95.5 FM. The day's events include concert, exhibits, talent show, children's area and concessions. A similar event by this applicant was held at this site in September of 1999.

Mr. Bruce indicated that the current request is for Special Exception to allow the event on July 29 from 9 am to 7pm and for permission to hold the event for 1 day each year for five years. Variance is required for the Board to approve the event for more than 3 years.

Mr. Bruce stated that the City of Glenpool has verbally contacted Staff, indicating that they have no opposition to the request with the provision that a parking and traffic control plan be submitted to the City 60 days prior to the event. The understanding was that the event went smoothly last year.

Presentation:

The applicant, **Heather Stanton**, 7136 South Yale, Suite 500, Tulsa, Oklahoma 74136, stated that the event is for K95.5 FM radio Free Listeners' Appreciation Event. There were over 20,000 people attending the event last year and everything went well.

Ms. Stanton stated that the radio station already has a parking and traffic control plan in place and will be happy to submit it to City of Glenpool. She praised the support and contribution of the City of Glenpool.

Ms. Stanton explained that the event is a one-day event and the gates are opened at 9:00 a.m. and the land is cleared by 7:00 p.m. She indicated that there would be security on site.

Comments and Questions:

Mr. Tyndall asked Ms. Stanton if she had to get approval from the Health Department for sanitation and the Sheriff's Department. In response, Ms. Stanton stated that she has already been in contact with the Sheriff's Department and the Health Department.

Case No. 1716 (continue)

Discussion occurred regarding a maximum approval of three years. In response, Ms. Stanton stated that three years would be fine.

Mr. Looney asked Ms. Stanton if there would be exhibit booths. In response, Ms. Stanton stated that there would be some exhibits and new car displays, etc.

There were no interested parties wishing to speak.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted **4-0-0** (Alberty, Dillard, Looney, Tyndall "aye", no "nays", no "abstentions", Walker "absent") to **APPROVE** a Special Exception to Section 1202 Table 1, to allow an outdoor event in an AG zoned district, from 9:00 a.m. to 7:00 p.m.; July 29, 2000; and a Variance to allow this activity for the next five years; subject to the proper and sufficient notifications to the County Health Department, Sheriff's Department and the City of Glenpool 60 days prior to the event; finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; on the following described property:

W/2 of NW/4 of Section 24, T-17-N, R-12-E, Tulsa County, State of Oklahoma.

Case No. 1717

Action Requested:

Special Exception to Section 410 to permit a mobile home in an RS district.
SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located 6026 South 58th West Avenue.

Staff Comments:

Mr. Bruce described the subject ownership as being located north of the northwest corner of 61st Street South and S 58th Avenue West and consists of 5 lots, being lots 22, 23, 24, 25 and 26 of block 14 of the East Addition. An existing home sits on lots 24, 25 and 26. Lots 22 and 23 are each 25' x 130'. The area to the north, east and west is zoned RS with AG and RMH2 zoning to the south across 61st. Mobile homes are present in the area per the aerial photograph.

Case No. 1717 (continued)

Mr. Bruce stated that the request is for Special Exception to allow a mobile home on a lot at this location. The purpose of the request is to allow temporary sighting of a mobile home while the owner renovates the existing house. Staff would note that the notification did not allow for multiple dwelling units on one lot, therefore the proposed mobile home would have to be located on a lot that did not include the existing house.

Presentation:

The applicant, **Wendell L. Weston**, 6026 South 68th West Avenue, Tulsa, Oklahoma, 74107, stated that he would like to have a mobile home on the subject property temporarily while he remodels the existing home.

Comments and Questions:

Mr. Tyndall asked Mr. Weston how long he thought it would take to remodel the existing home. In response, Mr. Weston explained that he is remodeling the home on his own and he anticipates it will take approximately three years. He indicated that no one is occupying the existing home at this time.

There were no interested parties wishing to speak.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted **4-0-0** (Alberty, Dillard, Looney, Tyndall "aye", no "nays", no "abstentions", Walker "absent") to **APPROVE** a Special Exception to Section 410 to permit a mobile home in an RS district, subject to the inspection and approval of the Department of Environmental Quality; subject to the mobile home being tied down and skirted and a building permit being issued; subject to the mobile home being removed at such time that the existing home is livable, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; on the following described property:

Lots 22, 23, 24, 25, and 26, Block 14, East Addition, Tulsa County, State of Oklahoma.

Case No. 1718

Action Requested:

Variance to Section 330. to allow reduction of the required 200' lot of width in AG zoned district to 180'. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6**, located East of northeast corner of East 201st Street South and South Mingo Road.

Case No. 1718 (continued)

Staff Comments:

Mr. Bruce described the subject parcel as being located approximately 2300' east of the northeast corner of the intersection of 201st Street S and South Mingo Road. The parcel is 40 acres in size and is located in an area of AG zoning. It is bounded on the south by 201st. The aerial photograph indicates residences on the south side of 201st and a residence to the east. The area to the north, west and southeast is primarily vacant.

Mr. Bruce stated that the request is for reduction of the minimum lot width for a parcel in the AG district from 200' to 180'. The purpose of the request is to allow a lot split. The two resulting parcels would be 2.5 acres and 37.5 acres in size.

Presentation:

The applicant, **Lawrence D. Taylor**, 3223 East 31st Street, Suite 211, Tulsa, Oklahoma 74105, stated that he is an attorney representing Sally Kill, owner of the 40 acres. He indicated that his client has lived on the 40 acres for many years and would like to split off 2 ½ acres in order to deed to her daughter. He stated that the daughter would be building a home on the 2-½ acres.

There were no interested parties wishing to speak.

Board Action:

On **MOTION** of **LOONEY**, the Board voted **4-0-0** (Alberty, Dillard, Looney, Tyndall "aye", no "nays", no "abstentions", Walker "absent") to **APPROVE** a Variance to Section 330. to allow reduction of the required 200' lot of width in AG zoned district to 180', on the following described property:

Beginning in SW/c of E/2 SE/4 SW/4, Section 7, T-16-N, R-14-E, thence N 605', thence E 180', thence S 605', thence W 180' to POB, containing 2.5 acres, Tulsa County, State of Oklahoma.

Case No. 1719

Action Requested:

Variance to reduce required setback from centerline of West 21st Street from 100' to 51'7". **SECTION 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 25**, located 1800 West 21st Street South.

Case No. 1719 (continued)

Staff Comments:

Mr. Bruce described the subject property as being located east of the southeast corner of West 21st Street South and South Yukon Avenue. The subject parcel is approximately 3 acres in size (208.7' x 626.1') and is bounded on the north by 21st Street. It is located in an area of IM zoning and uses.

Mr. Bruce stated that the request is for Variance to the minimum setback along 21st reducing the minimum from 100' to 51' 7". The purpose of the request is to allow the extension of the roof of the existing structure. Staff understanding is that the proposed structure would cover an existing overhead crane.

Mr. Bruce indicated that the 100' minimum is calculated by adding 50' to ½ the width indicated by the Major Street and Highway Plan. 21st Street is classified as a secondary arterial with an ultimate width of 100'. The cadastrals indicate that 21st Street has a tapering right of way on the south side of the centerline in this area from approximately 50' at the western boundary of the property to 45' at the east. This proposal would allow the roof to be located between two and seven feet from the edge of the right of way.

Presentation:

The applicant, **Kevin Halstead**, North American Galvanizing Company, 2250 East 73rd Street, Suite 300, Tulsa, Oklahoma 74136, stated that the proposal is to place a roof over the existing crane-way structure. This would allow the company to put a passivation tank for after galvanizing steel. He that passivation requires that the material be delivered before it cools completely down.

Comments and Questions:

Mr. Looney asked Mr. Halstead if the overhang would interfere with anything. In response, Mr. Halstead stated that there is an existing crane structure in place and the proposal is to put a roof over the crane. Mr. Halstead indicated that the roof would not interfere with anything.

Mr. Alberty asked if there is property to the east that the roof would be interfering with. In response, Mr. Halstead answered negatively.

There were no interested parties wishing to speak.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted **4-0-0** (Alberty, Dillard, Looney, Tyndall "aye", no "nays", no "abstentions", Walker "absent") to **APPROVE** a

Case No. 1719 (continued)

Variance to reduce required setback from centerline of West 21st Street from 100' to 51'7", finding that the crane is in existence and the roof is to protect the existing crane; on the following described property:

Approximately 3 acre tract in the NE/4, NE/4, of Section 15, T-19-N, R-12-E, Tulsa County, State of Oklahoma, more specifically described as follows: The W 208.7' of the E 1133.4' of the N 626.1' of said Section 15.

Case No. 1720

Action Requested:

Use Variance to allow Use Unit 15 (Other Trades and Services) and a Use Variance to allow Use Unit 23 (warehousing and wholesaling) on a lot in the RE district (4,000 square foot structure to store tractors, grass cutting equipment), located 8215 North Whirlpool Drive.

Staff Comments:

Mr. Bruce described the subject parcel as being located on the east side of Yale directly east of the intersection with 83rd Street North. The subject parcel is 20 acres in size and located in the RE district. AG zoning abuts it to the east with RE zoning to the north, south and west; 2.5 and 10 acre parcels abut on the north, ten-acre parcels abut on the south. The parcel to the east is a large acreage parcel.

Mr. Bruce stated that the request would allow Variance to Section 410, uses allowed the RE district. The proposed use is the storage of equipment used primarily for maintaining highway landscaping and would fall within Use Unit 15 (other trades and service) and/or Use Unit 23 (warehousing and wholesaling).

Mr. Bruce stated that the purpose of the request is to allow the applicant to obtain a building permit for a 4,000 square foot structure to store his equipment.

Mr. Bruce commented that should the Board be inclined to approve the request Staff would suggest that limits might be set on the area of the Variance and the types of uses to be allowed within the Use Unit group.

Presentation:

The applicant, **James B. Baccus, Jr.**, 8215 North Whirlpool Drive, Owasso, Oklahoma 74055, submitted photographs (Exhibit C-1) and a site plan (Exhibit C-2). Mr. Baccus stated that he contracts to mow for the City of

Case No. 1720 (continued)

Tulsa and the City of Owasso. He explained that he has outgrown his current facility and wanted to build a place to store all of his equipment.

Mr. Baccus stated that he does not sell equipment and he does not store warehouse goods. He requested the Board to approve his application.

Comments and Questions:

Mr. Looney asked Mr. Baccus how many pieces of equipment he would be storing. In response, Mr. Baccus stated that he has five mowing tractors. Mr. Baccus reiterated that he does not sell equipment.

Mr. Looney asked Mr. Baccus if he would be storing anything other than his tractors outside. In response, Mr. Baccus stated that he is requesting the building in order to store his equipment inside.

Mr. Albery commented that he has a problem with approving this use in a district zoned RE.

Mr. Looney suggested that limitations be applied to limit commercial use and treat this as an accessory building to the proposed home.

Mr. Tyndall asked what is located on the south side of the subject property. In response, Mr. Baccus stated that there is a residence and a barn on the south side.

Interested Parties:

David Boyd, 8111 North Whirlpool Drive, Owasso, Oklahoma 74055, stated that he was interested in finding what the use variance was for and to make sure that there would be no commercial or retail use in the proposed building. He expressed concerns regarding what could happen to the subject property if Mr. Baccus decided to move. Mr. Boyd stated that at this time he has no opposition to the proposal.

Mr. Baccus stated that he has been approved to build a home on the subject property and the building would be an accessory. He indicated that there will be landscaping and fencing.

Comments and Questions:

Mr. Dillard asked Mr. Baccus to describe his proposed building. In response, Mr. Baccus stated that the building would be a metal steel building with restroom facilities.

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Mr. Tyndall asked Mr. Baccus where his home would be located. In response, Mr. Baccus stated that his home would be to the north of the building on the side.

Mr. Looney asked Mr. Baccus if he planned to have any commercial use in the proposed building. In response, Mr. Baccus stated that he would not have commercial use. Mr. Baccus stated that there will be glass in the front, but is basically for light.

Mr. Looney asked Mr. Baccus if there would be a problem with limitations of no commercial business being conducted in the accessory building. In response, Mr. Baccus stated that he does not intend to conduct commercial business. Mr. Baccus reiterated that this would be strictly a storage building for his mowing tractors.

Larry Glenn asked Mr. Baccus if he had employees that would be working on the tractors or working at the building and if so where would they park their vehicles. In response, Mr. Baccus stated that he would not have employees in the building working on tractors. Mr. Baccus indicated that there might be two or three cars parked outside of the building when he needs extra employees for mowing. Mr. Baccus stated that he plans to install a screening fence to hide any parking that is necessary.

Mr. Alberty stated that the subject property is described as two separate tracts of land. Mr. Alberty asked Mr. Baccus if the home will be build on the same ten-acre tract as the accessory building. In response, Mr. Baccus stated that the accessory building would be on the other ten acres.

Mr. Bruce stated that this couldn't be treated as an accessory building because the home does not exist at this time. Staff listed this as a use variance because of this.

David Boyd asked the Board if the commercial zoning remained the same if Mr. Baccus decided to leave. In response, Mr. Dillard explained that the application is not a zoning change, but a use change.

Mr. Alberty stated that the Board usually makes conditions upon approval for this type of use. He commented that the Board is concerned about the same things that Mr. Boyd is concerned about.

Mr. Bruce informed the Board that they could consider a temporary use variance until such time that the house is built on the adjacent parcel and require that the parcels be tied to together and then remove the use variance.

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Mr. Looney asked the applicant if that would be a problem. In response, Mr. Baccus stated that he did not have a problem with this.

Mr. Alberty expressed concerns regarding the building already being built. In response, Mr. Baccus confirmed that the building was already in existence. Mr. Alberty asked Mr. Baccus how he received a permit to build the building. In response, Mr. Glenn stated that Mr. Baccus applied for a building permit for his house and an accessory building. Mr. Glenn explained that once he issues both permits, he is not concerned which one is built first as long as the permit for the house is issued. Mr. Glenn stated that as the construction started questions came up regarding whether this was a business. Mr. Alberty asked Mr. Glenn if the permit was issued for an accessory building. In response, Mr. Glenn stated that it was issued as an accessory building. Mr. Alberty asked if the permit for the accessory building was issued even though the building is on a separate lot than the proposed home. In response, Mr. Glenn stated that he couldn't answer that question.

Mr. Glenn stated that during construction it was found that there were things going on above and beyond what normal accessory buildings have. He explained that normally accessory buildings do not provide 200-amp service and there were some questions because of the way the building looks. In response, Mr. Baccus stated that the 200-amp service is for his welding machine.

Mr. Looney stated that if the Board chose to approve this application it should make a condition that the two lots be tied together to make it a full 20 acres. He commented that this would simplify matters.

Mr. Glenn stated that the applicant needs to get a warranty deed and it is for a 20-acre tract than there would be no need for the lots to be tied.

Board Action:

On **MOTION** of **LOONEY**, the Board voted **4-0-0** (Alberty, Dillard, Looney, Tyndall "aye", no "nays", no "abstentions", Walker "absent") to **APPROVE** a Use Variance to allow Use Unit 15 (Other Trades and Services) and a Use Variance to allow Use Unit 23 (warehousing and wholesaling) on a lot in the RE district (4,000 square foot structure to store tractors, grass cutting equipment), subject to the building for tractor and mowing equipment only, no outside storage, commercial use of property (building or land) is prohibited, subject to a screening fence, a six-foot privacy fence, to screen the employees parking and any other truck parking from the neighbors' view and the street, finding that this is considered an accessory use to the principal use, which is residential, on the following described property:

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N/2 SW/4 NW/4 Section 27, T-21-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, less and except the E 50' for street.

Mr. Bruce introduced Diane Fernandez to the County Board of Adjustment. Mr. Bruce informed the Board that Ms. Fernandez would be moving into the Tulsa INCOG office from the Sand Springs office. He indicated that Ms. Fernandez would be working with the County Board of Adjustment starting in May 2000.

Mr. Alberty stated that Ms. Fernandez did a wonderful job in Sand Springs and asked who would be replacing her there. In response, Ms. Fernandez stated that Bob Wolfram would be replacing her in Sand Springs.

There being no further business, the Chairman declared the meeting adjourned at 2:50 p.m.

Date approved: 5/16/00

R. L. Walker
Chairman