

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 241
Tuesday, June 20, 2000, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty
Tyndall
Walker, Chair
Looney

Dillard

Butler
Fernandez
Stump

West, Zoning

The notice and agenda of said meeting were posted in the Office of the County Clerk on, Monday, June 19, 2000 at 8:21 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Walker called the meeting to order at 1:32 p.m.

MINUTES:

On **MOTION** of **Tyndall**, the Board voted 3-0-0 (Alberty, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney, Dillard "absent") to **APPROVE** the Minutes of May 16, 2000 (No. 240).

NEW BUSINESS

Case No.1736

Action Requested:

Variance to permit two dwelling units on one tract of land in an AG district. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9, located at 3509 S. 225th W. Ave.

Presentation:

The applicant, **Jennifer Lambert**, 3509 S. 225th W. Ave., stated they seek this variance to permit two dwellings on one lot of record to move a mobile home on her mother-in-law's property to help in the care of her father-in-law.

Comments and Questions:

Mr. Alberty asked Ms. Lambert if she was aware of requirements to obtain DEQ approval for septic separate from the main house, permit from County Building Inspector, tie-downs, and skirting.

Case No. 1736 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **Alberty**, the Board voted 3-0-0 (Walker, Alberty, and Tyndall "aye"; no "nays"; no "abstentions"; Looney, and Dillard "absent") to **APPROVE** a **Variance** to permit two dwelling units on one tract of land in an AG district, with the conditions of DEQ approval of septic, permit from County Building Inspector, tie-downs, and skirting, finding the property is large enough to support the two dwelling units, and would not be detrimental to the public, on the following described property:

N/2 SW/4 SW/4 NW/4 Section 22, T-19-N, R-10-E of the IBM, Tulsa County, State of Oklahoma

Case No. 1737

Action Requested:

Variance of Section 430, front yard setback, from 25' to 22.2' to construct a dwelling. SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS – Use Unit 6, located SE/c W. 15th St. & 266th W. Ave.

Presentation:

The applicant, **James Coleman**, P.O. Box 351, Mannford, stated that the road was constructed off-center in the easement; therefore the house was built two feet over the setback. He submitted a list of signatures (Exhibit E-1) from neighbors in agreement with this application.

Protestants:

None.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 3-0-0 (Walker, Alberty, and Tyndall "aye"; no "nays"; no "abstentions"; Looney, and Dillard "absent") to **APPROVE** a **Variance** of Section 430, front yard setback, from 25' to 22.2' to construct a dwelling, per plan, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 11 Block 1, Keystone Manor Suburban Acres, Tulsa County, State of Oklahoma

Case No. 1738

Action Requested:

Variance of average lot width from 200' to 130.84'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 9; a Variance of lot area from 2 to 1.772 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of land area per dwelling unit from 2.2 to 1.806 acres in an AG district. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located at 2146 E. 161st St. S.

Presentation:

The applicant, **John Leatherwood**, 2146 E. 161st St. S., stated that he wants to place a manufactured home on his parents' property. A part of the property will be deeded to him.

Protestants:

None.

Board Action:

On **MOTION** of **Alberty**, the Board voted 3-0-0 (Walker, Alberty, and Tyndall "aye"; no "nays"; no "abstentions"; Looney, and Dillard "absent") to **APPROVE** a **Variance** of average lot width from 200' to 130.84'; a **Variance** of lot area from 2 to 1.772 acres; and a **Variance** of land area per dwelling unit from 2.2 to 1.806 acres in an AG district, finding the hardship to be the panhandle and that it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Beg. 290' S NE/c NW/4 NE/4; thence S 350' W 200' N 590' E 30' S 240' E 170' to POB, Tulsa County, State of Oklahoma.

Case No.1739

Action Requested:

Special Exception to allow a manufactured home in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located at 5920 S. 60th W. Ave.

Mr. Looney arrived.

Presentation:

Michael Tiger, P.O. Box 58, Okmulgee, stated he wants to put a mobile home in the Oakhurst area. He stated that his supervisor at work Samuel Whitlow made the application, but he is presenting today for Creek Nations Housing Authority. There are several mobile homes in the area, and Mr. Tiger provided photographs (Exhibit D-1). Mr. Tiger stated that the property is on a City sewer system.

Case No. 1739 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Walker, Alberty, Looney and Tyndall “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** a **Special Exception** to allow a manufactured home in an RS zoned district, subject to DEQ approval, county building permit, skirting, and tie-down requirements, finding 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 36 & 37 & N 10' vacated alley adjacent on south, Block 2, New Taneha, Tulsa County, State of Oklahoma.

Case No. 1740

Action Requested:

Variance to allow two dwelling units on one lot, Section 208. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6, located 11313 E. 191st St. S.

Presentation:

The applicant, **Charles Helms**, 11840 S. 87th E. Ave., Bixby, stated he has owned the property since 1960. He has a mobile home on the property and he would like to move another mobile home on the property, one for his mother and one for his family until he constructs a permanent dwelling. After he builds his home he plans to move the second mobile home out. Eventually, after his mother no longer needs the mobile home it would be moved out.

Comments and Questions:

Mr. Looney asked about the time frame for building the permanent home. Mr. Helms estimated the construction would be finished by July or August next year.

Protestants:

None.

Board Action:

On **MOTION** of **Looney**, the Board voted 4-0-0 (Walker, Alberty, Looney and Tyndall “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** a **Variance** to allow two dwelling units on one lot, (including one “grandfathered-in” mobile home) until the completion of construction of a new home, with a time limit of 1 ½ years to remove one mobile home, finding it will not cause detriment to the

Case No. 1740 (continued)

public good or impair the purposes, and intent of the Code, or the Comprehensive Plan, on the following described property:

A tract of land located in the S/2 SW/4, Section 5, T-16-N R-14-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Beg. at the SW/c of said Section 5; thence N 0°03'01" W along the W line thereof for 537.97'; thence S 89°50'28" E for 24.75'; thence N 58°00'00" E for 124.34'; thence N 0°03'01" W for 117.74'; thence S 89°50'28" E for 199.85'; thence S 0°03'19" E for 721.90' to the S line of said Section 5; thence N 89°50'28" W and along the said S line for 330.16' to the POB.

Case No. 1741

Action Requested:

Variance of the required average lot width in an AG district from 200' to 151.19'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE, located at 16710 S. Lewis.

Presentation:

The applicant, **Curtis Evans**, 9248 S. 87th E. Ave., stated that his parents own the subject property and want to split off two acres to build a home on. It is on a hill and they need a road to the property, changing the width of the property. The house would be on 2.1 acres.

Protestants:

None.

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Walker, Alberty, Looney and Tyndall "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a **Variance** of the required average lot width in an AG district from 200' to 151.19', finding that it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A tract of land in the NE/4 SE/4 of Section 30, T-17-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit; Commencing at a point on the E line of said NE/4 SE/4 a distance of 536.23' S of NE/c thereof, thence S 89°52'48" W and perpendicular to said E line for 292.68' to the POB, thence continuing S 89°52'48" W for 300', thence S 0°07'12" E and parallel with the E line of said NE/4 SE/4 a distance of 300', thence N 89°52'48" E for 300', thence N 0°07'12" W for 300' to the POB, and a tract of land that lies 15' on each side of a line described as Beg. at a point on the E line of said NE/4 SE/4 a distance of 654.84' S of NE/c thereof, thence S 89°52'48" W and perpendicular to said E line

Case No. 1741 (continued)

for 23.94', thence on a curve to the left having a radius of 170' and a central angle of 42°57'52" for 127.48', thence S 42°48'15" W for 15.53', thence on a curve to the right having a radius of 30' and a central angle of 89°03'28" for 46.63', thence N 48°08'17"

W for 15.40', thence on a curve to the right having a radius of 150' and a central angle of 23°49'46" for 62.39', thence N 24°18'31" W for 23.91', thence on a curve to the left having a radius of 35' and a central angle of 65°48'41" for 40.20', thence S 89°52'48" W for 10.29' to a point on the E line of the above described tract of land a distance of 74.64' S of NE/c thereof, containing 2.318 acres more or less.

Case No. 1742

Action Requested:

Use Variance to permit a heating and air conditioning installation business (Use Unit 15) and parking of trucks in an AG district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS – Use Unit 15, 23, located at 8977 N. Harvard Ave.

Presentation:

The applicant, **George Mullican**, 601 S. Boulder, Ste. 700, stated that he was representing Mr. and Mrs. Shatwell, P.O. Box 75, Owasso, OK 74055. He submitted a packet to the Board (Exhibit A-1). He pointed out the site plan that would illustrate what they desire to do and have done since 1970, to park 10 to 12 vans for their heating and air conditioning business in one of their three tracts of land. The parking area is behind an unoccupied storage building, with no phone access, and is invisible from the street. No inventory is kept there and customers are not met there. He submitted photographs (Exhibit A-2) and pointed out the numerous businesses in the area.

Comments and Questions:

Mr. Alberty commented that if this business has been in operation for the last 30 years, then it would qualify for a non-conforming use. Mr. Mullican stated that they did not pursue that avenue. Mr. Stump commented that if there is evidence that the business existed prior to 1970 and has continued to be used for that purpose in the area he used then and uses now, it could fall under the grandfather clause. Mr. Walker asked what proof they could offer. Mr. Mullican stated they could offer tax returns and an affidavit.

Mr. Mullican offered more photographs that show trees that serve as a buffer from the road (Exhibit A-2).

Protestants:

Mary Debout, 9033 N. Harvard, Sperry, OK, 74073, stated that her property abuts to the north of this property. She pointed out that the business has only been at this location since about November 1999. She stated that the parking area was moved from an eighth mile down the road near the Shatwell's home. Gravel was poured in November for the new parking lot. She stated that she and her husband built their home and have lived there almost 16 years. They have enjoyed the quiet and rural atmosphere. There are six to seven vans and ten to twelve employees in and out daily at the business parking area. There are two floodlights that point to the east where the vans are parked, and one flood light is pointed directly at her house to the south where her bedrooms are located. She made a call and left a message asking if the light could be re-directed, so it would not be directed on her house. It has not been changed. Since then a new yellow light has been installed in the front of the property with about a light radius of about 300'. She submitted photographs taken at 8:30 p.m. (Exhibit A-3). She listed other concerns: fire hazard (two gas tanks placed near a hay meadow); noise pollution, and light pollution. She added that the house next door, which has been abandoned for a number of years, appears to be used now since she sees people going in and out.

Applicant's Rebuttal:

Mr. Mullican stated that the parking area is on the same 3.02 acre tract of land for the last 30 years. They had to relocate the actual site of the parking area from the south side of the house to the north side of the house. Mr. Shatwell added that the reason the vans were moved and the lights were put in was because someone stole gas from them and broke into their home. He stated that they put up a wrought iron fence and moved the trucks to the other end of the property. Mr. Mullican offered that the Shatwell's would change the lighting and do whatever is necessary so their neighbors can enjoy their property.

Comments and Questions:

Mr. Walker asked Mr. Shatwell to point out on the map where the changes were made.

Board discussion ensued.

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Walker, Alberty, Looney and Tyndall "aye"; no "nays"; no "abstentions"; Dillard "absent") to **DENY** a Use **Variance** to permit a heating and air conditioning installation business, finding that it would cause substantial detriment to the public good.

Case No. 1743

Action Requested:

Special Exception to permit a single-wide mobile home in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located at 13716 E. 59th St. N.

Presentation:

The applicant, **Kris Goodwin**, 13716 E. 59th St. N., stated his request to place a mobile home on subject property until he can build a home. Mr. Goodwin submitted photographs (Exhibit B-1).

Protestants:

None.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Walker, Alberty, Looney and Tyndall “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** a **Special Exception** to permit a single-wide mobile home in an RS district subject to DEQ approval, county building permit, skirting, and tie-down requirements, 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 lying in the S 1,646.00' of W/2 W/2 SE/4, Section 4, T-20-N, R-14-E Tulsa County, State of Oklahoma, described as follows: Beg. 986.00' N of SW/c of said SE/4, thence E and parallel to the S line of said SE/4 a distance of 327.35', thence N and parallel to the E line of said SE/4 a distance of 660.00', thence W and parallel to the S line of said SE/4 a distance of 323.39', thence S along the W line of said SE/4 a distance of 660.00' to the POB, less the N 25' for roadway purposes.

Case No. 1744

Action Requested:

Variance of Section 207 requiring 30' of frontage on a public street to 0' in an AG district. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located at 2107 E. 122nd Pl. N.

Presentation:

The applicant, **Sandra Cardillicchio**, 1425 S. New Haven Ave., stated the she and her husband purchased the subject property from the owner. They used a closing company and an attorney, and were assured that an easement was all that they needed. They have since found out they need to own 30' of frontage. Someone else owns the property in front of the subject property, and they do not have the option to buy it. The deed states, “plus a thirty foot easement”. The survey shows that it was proposed at the time.

Case No. 1744 (continued)

Comments and Questions:

Mr. Alberty asked if there are any improvements on the easement right now. Ms. Cardillicchio replied that there are not. They plan to haul gravel in for the road. He asked also if the neighbor is aware that a road will be put in. She replied that they were aware. He asked if it was put in the neighbor's deed. She responded that the deeds have not been recorded yet.

Protestants:

None.

Board Action:

On **MOTION** of **Looney**, the Board voted 4-0-0 (Walker, Alberty, Looney and Tyndall "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a **Variance** of Section 207 requiring 30' of frontage on a public street to 0' in an AG district, subject to an easement being filed of record providing a drive to the property, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

The S/2 of NW/4 SE/4 NE/4 plus a 30' easement along the S line of S/2 NE/4 SE/4 NE/4 of Section 6, T-21-N, R-13-E of the IBM, Tulsa County, State of Oklahoma.

Case No. 1745

Action Requested:

Use Variance to allow a trucking establishment in an AG district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS – Use Unit 17 and 23, located at 19800 South Highway 75.

Presentation:

The applicant, **Geralyn Crenshaw**, 2403 W. 201st St. S., Mounds, OK, stated they would like to move their trucking company to the property where they live. She stated that they have 25 trucks, of which 90% are over-the-road trucks and are gone for two to three weeks at a time. The other 10% of the trucks have local daily routes and return in the evening. She provided a site plan (Exhibit C-1) to the Board.

Comments and Questions:

Mr. Walker asked about proposed signage. She stated that they planned to use the sign they are now using, a 10' x 4' sign with no lighting. She then stated that a nightlight had been added to it. Mr. Walker asked about the plans for the metal building. She responded that would be office space for herself, her husband and two employees. He asked if there would be any mechanic work done there. She replied there would not. She pointed out the two bays, to be used for tire changes, and replacement of lights on the trucks. He asked about the size of the property,

Case No. 1745 (continued)

estimating the five-acre range. She replied in the affirmative.

Protestants:

Mike McLaughlin, 2408 W. 201st St., stated he resides directly across from the Crenshaw home. He submitted a petition and photographs (Exhibits C-2 and C-3). Total value of three homes shown in pictures, including the Crenshaw's and his own, which have been built in the last two years is approximately \$1.7 million. He stated that there has been a tremendous investment made in that area. He listed concerns of: the proximity of the proposed site in relationship to the value of the homes that have been built, non-compliance with relationship to the residential precedence that has been set, the ingress/egress of trucks to Highway 75 because of the size of the truck/trailers, the proximity to the junction with W. 201st St. S. and the hill on Highway 75.

Tuan Nguyen, 2130 W. 201st St. S., Mounds, stated he moved into his house a month ago. His concern is the loss of property value, City of Tulsa would lose tax money, and City of Glenpool will also lose.

Richard Schaum, 1611 W. 201st St. S., stated he lives on the corner of Highway 75 and 201st. He stated his concern about the traffic, noise, and expansion of business. His wife, **Pauline**, added that there have been numerous traffic accidents with serious injuries and deaths at that location.

Gary Schaum, 1511 W. 201st St. S., emphasized to the Board the fact that there have been a number of fatalities, the high rate of speed on the highway, and no lanes to move over.

Applicant's Rebuttal:

Ms. Crenshaw stated the property is 1200' from the corner of 201st Street S. She suggested that a turning lane could be constructed out of the median.

Comments and Questions:

Mr. Alberty commented that the photographs indicated that improvements have already begun, with new gravel laid. Ms. Crenshaw responded in the affirmative. He pointed out the gate and driveway cut, to which Ms. Crenshaw replied that the driveway and gate were already in place when they purchased the property in 1992.

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Walker, Alberty, Looney and Tyndall "aye"; no "nays"; no "abstentions"; Dillard "absent") to **DENY** the **Variance** to allow a trucking establishment in an AG district, finding this to be an inappropriate use for a tract this size, and that it would cause detriment to the

Case No. 1745 (continued)

public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

There being no further business, the meeting was adjourned at 2:48 p.m.

Date approved: _____

7/18/00
Robert L. Walker
Chair