

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 246  
Tuesday, November 21, 2000, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

**MEMBERS PRESENT   MEMBERS ABSENT   STAFF PRESENT   OTHERS PRESENT**

|         |               |           |              |
|---------|---------------|-----------|--------------|
| Alberty | Looney        | Butler    | West, Zoning |
| Tyndall | Walker, Chair | Fernandez |              |
| Dillard |               |           |              |

The notice and agenda of said meeting were posted in the Office of the County Clerk on, Friday, November 17, 2000 at 9:23 a.m., as well as in the Reception Area of the INCOG offices.

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

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**MINUTES:**

On **MOTION** of Tyndall, the Board voted 3-0-0 (Alberty, Dillard, Tyndall, "aye"; no "nays", no "abstentions"; Looney, Walker "absent") to **APPROVE** the Minutes of October 17, 2000 (No. 245).

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**Case No. 1784**

**Action Requested:**

Variance of the required 30' frontage on a public street to 0' to allow a lot split. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located E of SE/c E. 131<sup>st</sup> St. & S. Peoria.

**Presentation:**

**Diane Fernandez** stated that the applicant has withdrawn this application, with request for refund. Staff recommends a refund of \$75.00.

**Board Action:**

On **MOTION** of Dillard, the Board voted 3-0-0 (Alberty, Dillard, Tyndall "aye"; no "nays"; no "abstentions"; Looney, Walker "absent") to **APPROVE** a refund of \$75.00.

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## UNFINISHED BUSINESS

### Case No. 1785

#### Action Requested:

Variance of minimum required lot width from 200' to 181' and 161' to permit a lot split. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, located 9940 E. 126<sup>th</sup> St. N.

#### Presentation:

**Ray Heinrichs**, stated he was the realtor for Patty Shadrick, 9940 E. 126<sup>th</sup> St. N., who is applying for this Variance. Ms. Shadrick is selling a portion of her property, and she will continue to live on the remainder of the property. There was a lot split similar to this request to the west of her property.

#### Comments and Questions:

Mr. Alberty commented that the Board received a letter from the City of Owasso, stating they have no objection to the application.

#### Interested Parties/Protestants:

None.

#### Board Action:

On **MOTION** of **Tyndall**, the Board voted 3-0-0 (Alberty, Dillard, Tyndall “aye”; no “nays”; no “abstentions”; Looney, Walker “absent”) to **APPROVE** a **Variance** of minimum required lot width from 200' to 181' and 161' to permit a lot split, finding the hardship that there are other lots in the area that are smaller than this will be after it is divided, on the following described property:

A tract of land in Government Lot 4, Section 6, T-21-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, described by metes and bounds as follows, to-wit: Beg. at the NW/c of Government Lot 4, thence S 89°39'41" E along the N line of the NW/4 a distance of 375.91' to the POB; thence continuing S 89°39'41"E a distance of 342.39' to a point that is 660' W of the NE/c of Government Lot 4; thence S 00°04'46" E and parallel with the E line of said Government Lot 4 a distance of 678.02'; thence N 89°42'20" W a distance of 342.39'; thence N 00°04'46" W a distance of 678.29' to the POB, said tract subject to a 33' right-of-way easement on the north side of the above described property.

### Case No. 1786

#### Action Requested:

Variance of lot area from 2 to 1 ½ acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6; Variance of land area per dwelling unit from 2.2 to 1 ½ acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of 30' of frontage on a public road to 26' of frontage to permit a lot split. SECTION 207. STREET FRONTAGE REQUIRED, located N. Peoria & S of 156<sup>th</sup> St. N.

Case No. 1786 (continued)

**Presentation:**

**Judy Marrs**, with John Hausam Realtors, stated she was realtor for Ronnie Madison, the owner of the subject property. She stated that Mr. Madison needs a lot split to sell an acre and a half.

**Comments and Questions:**

Mr. Alberty requested clarification of what part of the property is in the flood plain. Mr. Madison explained that the 5-¼ acres is in the flood plain, he would keep it attached to his 14 acres of property to the north, and leave it undeveloped.

**Interested Parties/Protestants:**

None.

**Board Action:**

On **MOTION** of Tyndall, the Board voted 3-0-0 (Alberty, Dillard, Tyndall "aye"; no "nays"; no "abstentions"; Looney, Walker "absent") to **APPROVE** a **Variance** of lot area from 2 to 1 ½ acres; a **Variance** of land area per dwelling unit from 2.2 to 1 ½ acres; and a **Variance** of 30' of frontage on a public road to 26' of frontage to permit a lot split, finding the hardship to be the flood plain, and he is attaching it to land he already owns, exceeding the 30' frontage requirement, on the following described property:

A tract of land beginning at the SE/c of the NE/4, Section 24, T-22-N, R-12-E, then go N 722.00', then W 292.00' for the POB, thence E another 292.00', thence S 120.00', thence W 255.00', thence NW 127.00' to the POB, AND a tract of land commencing at the SE/c of the NE/4 of Section 24, T-22-N, R-12-E, thence due N along the E line of said NE/4 a distance of 722.00' to the POB, thence due W a distance of 292.00', thence due N a distance of 112.00', thence due E a distance of 292.00' thence due S a distance of 112.00' to the POB, AND a tract of land commencing at the SE/c of the NE/4 of Section 24, T-22-N, R-12-E, thence due N along the E line of said NE/4 a distance of 834.00' to the POB, thence W a distance of 292.00', thence S a distance of 112.00', thence W a distance of 313.00' thence S a distance of 722.00', thence W a distance of 207.00', thence N a distance of 860.00', thence E a distance of 812.00', thence S a distance of 26.00' to the POB, all in Tulsa County, State of Oklahoma.

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**Case No. 1787**

**Action Requested:**

Variance of required 30' street frontage to 0' for lot split. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 3/6, located E of NE/c E. 66<sup>th</sup> St. N. & 129<sup>th</sup> E. Ave.

Case No. 1787 (continued)

**Presentation:**

**Harold Charney**, attorney for the applicant, stated the property was originally a part of a ten-acre tract. The frontage is on the south on 66<sup>th</sup> St. N. The applicant would like to sell one tract and build a home on the other tract. They have filed a road easement 20' in width on tract one from 66<sup>th</sup> St. N.

**Comments and Questions:**

Mr. Alberty asked Mr. Charney if he was aware of the requirements from the City of Owasso for a 50' easement, and surfacing. Mr. Charney replied that they were unaware of the specifications made by the City of Owasso. He asked that the case be tabled until he could contact the applicant. Mr. Alberty agreed to his request.

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**Case No. 1788**

**Action Requested:**

Special Exception to allow a singlewide manufactured home in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located 5908 S. 69<sup>th</sup> W. Ave.

**Presentation:**

**Geraldine Legrand**, 5908 S. 69<sup>th</sup> W. Ave., stated she was the owner of the property and desired to move a 16' x 60' mobile home onto the property.

**Comments and Questions:**

Mr. Alberty recognized that there were numerous mobile homes in the area. Mr. Alberty asked about sewer system. Ms. Legrand stated that the City sewer system goes through her back yard, so she would be able to be on the system. She stated she would have it skirted and tied down.

**Interested Parties/Protestants:**

None.

**Board Action:**

On MOTION of Tyndall, the Board voted 3-0-0 (Alberty, Dillard, Tyndall “aye”; no “nays”; no “abstentions”; Looney, Walker “absent”) to **APPROVE** a Special Exception to allow a single-wide manufactured home in an RS zoned district, finding it to be consistent with the neighborhood, on the following described property:

Lots 1 and 2, Block 69, Taneha Addition, Tulsa County, State of Oklahoma.

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**Case No. 1790**

**Action Requested:**

Use Variance to allow a Use Unit 25 (metal refinishing business) in an AG zoned district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 25, located W of SW/c E. 161<sup>st</sup> St. & S. Peoria.

**Presentation:**

Ronald Dean Dickinson, 1010 E. 161<sup>st</sup> St., stated that he did not attend the City of Glenpool Board of Adjustment hearing. He stated that he had understood his property was zoned to allow for a business. He talked with Mr. Sloan with the City of Glenpool, and discovered that the land was not zoned properly and the proposed site for his building was too close to the property line. Mr. Dickinson provided two samples of his products for the Board to see.

**Comments and Questions:**

Mr. Alberty stated that it was unfortunate that the applicant did not understand the type of zoning and permitted uses for his property. A Comprehensive Plan has been adopted on this property that designates this area as residential. He noted that the predominant use of the properties around the subject property is residential.

**Interested Parties/Protestants:**

None.

**Board Action:**

On **MOTION** of Tyndall, the Board voted 3-0-0 (Alberty, Dillard, Tyndall “aye”; no “nays”; no “abstentions”; Looney, Walker “absent”) to **DENY** a *Use Variance* to allow a Use Unit 25 (metal refinishing business) in an AG zoned district, finding it would cause substantial detriment to the public good or impair the purposes, spirit and intent of the Code, and the Comprehensive Plan.

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**Case No. 1787**

**Action Requested:**

Mr. Alberty recognized Mr. Charney regarding Case No. 1787, upon his return to the hearing. Mr. Charney stated that since they were not informed of the City of Owasso requirements before this hearing, he asked for a Continuance to December 19, 2000.

**Board Action:**

On **MOTION** of Dillard, the Board voted 3-0-0 (Alberty, Dillard, Tyndall “aye”; no “nays”; no “abstentions”; Looney, Walker “absent”) to **CONTINUE** Case 1787 to the next hearing on December 19, 2000.

**Case No.1791**

**Action Requested:**

Variance of the required 30' frontage on public road to 0'. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6; and a Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located N of NE/c E. 176<sup>th</sup> St. & Mingo.

**Presentation:**

Joyce Hodge, 13004 E. 127<sup>th</sup> Pl. N., stated they purchased the subject property of ten acres, Lot 2.

**Comments and Questions:**

Mr. Alberty asked the applicant for clarification on proposed access to the property. Ms. Hodge replied that there is an existing road and the seller provided them with a document allowing an easement. Mr. Alberty observed that the seller was selling parcels of a 40-acre tract that have not been duly subdivided. He asked Ms. Hodge if they had an attorney when they purchased the property. Ms. Hodge responded that they used the same attorney as the seller. Ms. Hodge added that utility easement is alongside the road easement, water line has been placed, and the gravel road has been put in and is in use. She stated that they know the neighbors, the neighbors know about the hearing and none have voiced an objection. Mr. Alberty asked how they came up with a 23' roadway easement. She responded that she did not know.

Mr. Alberty asked Mr. West if he had any input to the case. Mr. West responded that this case would set precedence for the next two who would purchase the other lots.

Board discussion ensued.

**Interested Parties/Protestants:**

None.

**Board Action:**

On **MOTION** of Tyndall, the Board voted 3-0-0 (Alberty, Dillard, Tyndall "aye"; no "nays"; no "abstentions"; Looney, Walker "absent") to **DENY** Case 1791, finding lack of required 30' of frontage or dedicated right-of-way on a public street.

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**Case No.1792**

**Action Requested:**

Use Variance to permit storage of a vehicle containing compressed air in an AG district, located 16601 N. Peoria.

Case No. 1792 (continued)

**Presentation:**

Ms. Fernandez announced that the applicant requested to withdraw. Applicant did not make the withdrawal in writing and was not present at this hearing. Ms. Fernandez did not expect any refund to be recommended.

**Board Action:**

On **MOTION** of **Dillard**, the Board voted 3-0-0 (Alberty, Dillard, Tyndall "aye"; no "nays"; no "abstentions"; Looney, Walker "absent") to accept the applicant's withdrawal.

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**Case No.1793**

**Action Requested:**

Variance of minimum lot width from 200' to 178' to permit a lot split in an AG district. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit, located 16807 W. 19<sup>th</sup> Pl.

**Presentation:**

**Pam Jones**, 16807 W. 19<sup>th</sup> Pl., stated that family had deeded the land to her and her sister, and they needed a lot split.

**Comments and Questions:**

Mr. Alberty asked for a site plan or the footage for the lot width. The applicant stated it was 353' wide. He asked if they have any plans to develop the property. They stated they have no plans to develop.

**Interested Parties/Protestants:**

None.

**Board Action:**

On **MOTION** of **Tyndall**, the Board voted 3-0-0 (Alberty, Dillard, Tyndall "aye"; no "nays"; no "abstentions"; Looney, Walker "absent") to **APPROVE** a **Variance** of minimum lot width from 200' to 178' to permit a lot split in an AG district, finding the lot is sufficient size to allow this relief, on the following described property:

The E/2 of a tract of land situated in SE/4 of Section 7, T-19-N, R-11-E, Tulsa County, State of Oklahoma, more particularly described as: Beg. at the NW/c of SE/4 of Section 7; thence E along the N line of SE/4, a distance of 353'; thence S parallel with the W line of SE/4, a distance of 1271.73' to a point on N property line of the St. Louis & San Francisco Railway; thence in a NWly direction along the N property line of said railway, a distance of 360.90' to a point on W line of SE/4 of Section 7; thence N along said W line, a distance of 1197.13' to POB, containing in all 10 acres, more or less, less the S 50' dedicated for roadway purposes.

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**Case No.1794**

**Action Requested:**

Special Exception to permit an existing church and an addition to the church.  
SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE  
DISTRICT – Use Unit 5, located 13502 N. 119<sup>th</sup> E. Ave.

**Presentation:**

**Kelvin Limbocker**, 11802 E. 136<sup>th</sup> St. N., stated they plan to add on to the church on the subject property. It is zoned AG and they were unaware of that.

**Comments and Questions:**

Mr. Alberty asked if they went to the County Inspector with the original plans. The applicant replied that they did not. He added that they went to INCOG, where they were advised to come before this Board. Mr. Alberty explained that any action the Board would take would be subject to the County Inspector's requirements. Mr. Alberty commented that this would almost double the sanctuary, and asked if this would be a new sanctuary. Mr. Limbocker replied it would be a gymnasium, classrooms, youth room, and children's church. Mr. Alberty asked if they have adequate parking now. The applicant replied they do, but they plan to provide more with the new facility. Mr. Alberty informed him that parking is based on the size of the sanctuary. Mr. Dillard asked what the average attendance is. Mr. Limbocker responded from 165 -185. Mr. Dillard asked about a bus ministry. He replied it is very small. Mr. Dillard asked if they average four units per car or 200 people per 50 car spaces. He replied that they do. Mr. West stated that he would need a site plan to determine setbacks and parking needs. Mr. Dillard inquired if there is a possibility they could purchase more property around them. Mr. Limbocker stated it is just fields, zoned AG, but the owner does not seem inclined to sell any of it.

**Interested Parties/Protestants:**

None.

**Board Action:**

On **MOTION** of **Dillard**, the Board voted 3-0-0 (Alberty, Dillard, Tyndall "aye"; no "nays"; no "abstentions"; Looney, Walker "absent") to **APPROVE** a **Special Exception** to permit an existing church and an addition to the church, subject to site plan as submitted and approved by the County Inspector, and based on the fact that it is an existing use, on the following described property:

A tract of land situated in the NW/4 NE/4 NW/4 of Section 32, T-22-N, R-14-E, and more particularly described as follows: Beg. at the NW/c of NE/4 NW/4, Section 32, T-22-N, R-14-E, thence S a distance of 660', thence E a distance of 287.6', thence NE and parallel with the A.T.S.F. RR a distance of 346', thence W a distance of



Case No. 1794 (continued)

125.1', thence N a distance of 345', thence W a distance of 305' to the POB, Tulsa County, State of Oklahoma.

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**Case No.1795**

**Action Requested:**

Special Exception to permit Use Unit 27 in an IM district. SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 27, located 4422 W. 49<sup>th</sup> St. S.

**Presentation:**

**Tariq Mahmood**, 3216 E. 47<sup>th</sup> St., would like to buy the subject property. It is zoned IM.

**Comments and Questions:**

Mr. Alberty noted it is zoned industrial, but does not permit the intended use. Mr. Alberty asked about EPA requirements. Mr. Mahmood replied that they have to comply with regulations on exposure limits to employees, with the use of controlled pipeline to move acids through the reactor, scrubber, and neutralization of the wastewater with lime. Mr. Alberty asked about emission tolerance levels. He responded that they would need to negotiate with the EPA and the City about the limits. Mr. Alberty asked about gas emissions into the atmosphere. Mr. Mahmood responded no, that all contaminates are handled by the scrubber. Mr. Alberty asked if they have contacted the Department of Environmental Quality (DEQ). Mr. Mahmood replied that they were waiting until after the BOA hearing. Mr. Dillard asked for definition of a scrubber. Mr. Mahmood described the function of the scrubber to protect the environment from acids. Mr. Tyndall asked if the processes give off odors. Mr. Mahmood replied it does not.

**Interested Parties/Protestants:**

None.

**Board Action:**

On **MOTION** of Tyndall, the Board voted 3-0-0 (Alberty, Dillard, Tyndall “aye”; no “nays”; no “abstentions”; Looney, Walker “absent”) to **APPROVE** a **Special Exception** to permit Use Unit 27 in an IM 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 9, and 10, Block 1, Greater Tulsa Industrial District, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 2:34 p.m.

Date approved: Dec. 19, 2000

Robert L. Walker  
Chair