

COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 278
Tuesday, July 15, 2003, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair Hutson Butler Painter, Co. Inspect.
Dillard, Vice Chair Walker Beach
Tyndall

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, July 10, 2003 at 1:49 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:34 p.m.

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MINUTES

On **MOTION** of Tyndall, the Board voted 3-0-0 (Alberty, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Walker, Hutson "absent") to **APPROVE** the Minutes of June 17, 2003 (No. 277).

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Case No. 2046

Action Requested:

Special Exception to modify a previously approved condition to extend time limit from two years to five years. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2, located 524 N. 49th W. Ave.

Presentation:

Randy Coleman, 4114 N. 37th W. Ave., stated his request for an extension of the time limit to five years for a fireworks stand.

Comments and Questions:

Mr. Alberty asked how this season went to which Mr. Coleman replied that it went well with no complaints.

Interested Parties:

Jackie Shamal, stated she represented her mother-in-law, who lives on an adjacent lot. Mr. Coleman promised them there would not be a portable toilet, and the grass would be mowed. She complained that he did not keep either promise and fireworks trash was left on the property. The main complaint is that she made a verbal agreement with Mr. Coleman to purchase the subject property this year. He has not been in touch with her since the agreement. Now she is very confused since he is asking for a five-year extension. She submitted photographs of the property (Exhibit A-1).

Applicant's Rebuttal:

Mr. Coleman responded that initially he had planned to run the fireworks stand but was not able to, so he leased it to Big Blast Fireworks. He stated he was not aware of the portable facilities. He considered the agreement to still be on but he was waiting until after the holiday. He added that his sisters are part owners and he was waiting for them to get back in town. Mr. Coleman stated there was another party interested in purchasing the property. He was not sure she still wanted it but he did promise her the first opportunity.

Board Action:

On **Motion** of **Tyndall** to **APPROVE**, the motion **DIED** for lack of a second to the motion.

On **Motion** of **Dillard**, the Board voted 3-0-0 (Alberty, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson, Walker "absent") to **CONTINUE** Case No. 2046 to the meeting on August 19, 2003, pending possible sale of the property described as follows:

A certain tract of land located in Lot 1 of Section 5, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at a point 24.75' S and 1,200' E of the NW/c of Lot 1, in Section 5, T-19-N, R-12-E; thence S and parallel with the W line of Lot 1, a distance of 320.00' to a point; thence E and parallel with the N line of Lot 1, a distance of 98.4' to a point, said point being 24.75' W of the E line of Lot 1; thence N and parallel with the E line of Lot 1, a distance of 330.00' to a point, said point being 24.75' W and 24.75' S of the NE/c of Lot 1; thence W and parallel with the N line of Lot 1, a distance of 99.25' to the POB.

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Case No. 2048

Action Requested:

Parcel 2: Variance of average lot width from 150.00' to 105.00'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of land area per dwelling unit from 2.1 to 1.48 acres and lot area 2.0 acres to 1.47 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE

AGRICULTURE DISTRICTS; a Variance of lot area from 2.0 acres to 1.47 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Parcel 1: Variance of land area per dwelling unit from 2.1 acres to 1.80 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of lot area from 2 acres to 1.67 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of required 30' street frontage to 25'. SECTION 207. STREET FRONTAGE REQUIRED; a Variance of required side yard from 15' to 5'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 7311 E. 156th St. N.

Presentation:

Marjorie K. Harrell, 7311 E. 156th St. N., Collinsville, Oklahoma, stated when she presented her case at the last meeting there was a question about the distance from the house and barn to the new property line. The barn is five feet from the property line and the eave of the house is twenty-two feet from the property line. She stated that she checked at the County Assessor's office and found there were other smaller lots in the area, which she listed. A letter was submitted to the Board from the applicants (Exhibit B-1).

Interested Parties:

Tony Foster, 400 W. 4th St., Claremore, Oklahoma, stated he represented Rogers County Bank, in opposition of the application because it would increase the density of the area. The bank owns the property at 7515 E. 156th St. N., adjacent to the subject property. He stated other properties nearby are larger.

Board Action:

On **Motion** of **Tyndall**, the Board voted 3-0-0 (Alberty, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson, Walker "absent") to **APPROVED** a Parcel 2: **Variance** of average lot width from 150.00' to 105.00'; **Variance** of land area per dwelling unit from 2.1 to 1.48 acres; and a **Variance** of lot area from 2.0 acres to 1.47 acres; Parcel 1: a **Variance** of land area per dwelling unit from 2.1 acres to 1.80 acres; a **Variance** of lot area from 2 acres to 1.67 acres; a **Variance** of required 30' street frontage to 25'; and a Variance of required side yard from 15' to 5', finding the configuration of the lot, this is the only way to utilize the rear of the property, on the following described property:

Parcel 1: A tract of land in the SW/4 SW/4 SE/4 of Section 14, T-22-N, R-13-E of the IBM, more particularly described as follows, to-wit: Commencing at the SW/c SE/4 of Section 14, T-22-N, R-13-E; thence S 89°51'10" E along the S line SE/4 a distance of 239.00' to the POB; thence continuing S 89°51'10" E a distance of 195.51'; thence N 00°00'25" E a distance of 413.00'; thence N 89°51'10"W a distance of 200.50'; thence S 00°00'29" W a distance of 383.00'; thence S 89°51'10" E a distance of 5.00'; thence S 00°00'29" W a distance of 30.00' to the POB AND Parcel 2: A tract of land in the SW/4 SW/4 SE/4 of Section 14, T-22-N, R-13-E IBM, more particularly described as follows, to-wit: Commencing at the

SW/c SE/4 of Section 14, T-22-N, R-13-E; thence S 89°51'10" E along the S line of the SE/4 a distance of 209.00'; thence continuing S 89°51'10" E a distance of 30.00'; thence N 00°00'29" E a distance of 30.00'; thence N 89°51'10" a distance of 5.00'; thence N 00°00'29" E a distance of 383.00'; thence S 89°51'10" E a distance of 200.50'; thence N 00°00'25" E a distance of 247.30'; thence N 89°51'44" W a distance of 225.495'; thence S 00°00'29" W a distance of 660.26' to the POB, Tulsa County, Oklahoma.

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Case No. 2049

Action Requested:

Variance of lot area from 1.00 acre to .85 acre for lot split. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, located 13302 E. 66th St. N.

Presentation:

Edward L. Smothers, Jr., 219 W. 1st St., Owasso, Oklahoma, stated he purchased one and a quarter acres (Tract A) on which to build a home. He found out later that previous owners did not get the necessary lot split. Also, Tulsa County now requires more street frontage leaving only .85 acres on which to build. He submitted a letter from the homeowner's association in support of the application and photographs (Exhibits C-1 and C-2).

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Dillard**, the Board voted 3-0-0 (Alberty, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson, Walker "absent") to **APPROVE** a **Variance** of lot area from 1.00 acre to .85 acre for lot split. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, finding the same size lots across the street, on the following described property:

Part of the NE/4 NW/4 of Section 4, T-20-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma, to-wit: Beg. at a point 994.4' W of the NE/c of said NW/4; thence S 219.7'; thence W 248.6'; thence N 219.7'; thence E 248.6' to the POB, less the W 30.00' and N 50.00' for road, AND beg. at a point 994.4' W and 219.7' S of the NE/c of said NW/4; thence S 219.7'; thence W 248.6'; thence N 219.7'; thence E 248.6' to the POB, less the W 30' for road.

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Case No. 2050

Action Requested:

Special Exception to allow commercial recreation: Intensive (rodeo facility) in an AG zoned district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 20; and a Variance of all-weather surface for parking. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 13232 N. Yale.

Presentation:

Samuel Gaytan, 13232 N. Yale, Collinsville, Oklahoma, stated he built a small roping arena and now he would like to expand it. He stated they keep the property clean, pay their taxes for sale of beer, and provide enough outside lighting for security. They stop the rodeos just before dark. He plans for four to six events per year, open to the Spanish community. The Sheriff's Department provides traffic control.

Comments and Questions:

Mr. Alberty asked about attendance at the events. Mr. Gaytan replied 200-300 people attend.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Tyndall**, the Board voted 3-0-0 (Alberty, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson, Walker "absent") to **APPROVE** a **Special Exception** to allow commercial recreation: Intensive (rodeo facility) in an AG zoned district; and a **Variance** of all-weather surface for parking, with a condition for a three year time limit and six events per year, 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:

TR Beg. 1979.30' S NE/c of Section, thence W 508.10' to E R/W US-75; thence SWly 402.70' E 625.60' N 385.00' to POB less E 30.00' for road, Section 33, T-22-N, R-13-E, Tulsa County, State of Oklahoma.

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Case No. 2051

Action Requested:

Variance of the required land area per dwelling unit from 2.1 acres to allow two dwelling units on one lot of record. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, located 2010 E. 96th St.

Presentation:

Lonnie Dick, 2012 E. 96th St. N., Sperry, Oklahoma, stated he owns the property. He proposed to place a mobile home there in the future for his son. Utilities are in and ready to hook up. One son will live in the existing house and the other son in the mobile on the property. He stated the neighbors are not in opposition.

Comments and Questions:

Mr. Alberty asked if there would be two septic systems to which Mr. Dick replied in the affirmative. Mr. Beach informed the Board that the mobile home has not been purchased but will not be the same size as the one indicated on the site plan, according to the applicant.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Tyndall**, the Board voted 3-0-0 (Alberty, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson, Walker "absent") to **APPROVE** a **Variance** of the required land area per dwelling unit from 2.1 acres to allow two dwelling units on one lot of record, finding the configuration of the lot, and the creek, on the following described property:

Beg. 24.75' S NW/c NE NW NE; thence E 385.00' S 366.95' NW to pt N 215.25' to Beg., Section 19, T-21-N, R-13-E, Tulsa County, State of Oklahoma.

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Case No. 2052

Action Requested:

Variance of allowable accessory building in an RS zoned district from 750.00 square feet to 3,600 square feet. SECTION 240.2.E. YARDS, Permitted Yard Obstructions, located 2828 S. 49th W. Ave.

Presentation:

Ted R. Cole, Jr., 2828 S. 49th W. Ave., asked for a continuance since there were only three Board members present.

Board Action:

On **Motion** of **Dillard**, the Board voted 3-0-0 (Alberty, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson, Walker "absent") to **CONTINUE** Case No. 2052 to the meeting on August 19, 2003, regarding the following described property:

The N 212.00' of the E 212.00' to the S 3 acres, E/2 NE/4 SE/4 SE/4 of Section 17, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma.

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Case No. 2053

Action Requested:

Special Exception to amend a previously approved plan. SECTION Use Unit 5, located 13413 E. 106th St. N.

Presentation:

Charles Horstman, 13413 E. 106th St. N., stated he was representing the Owasso First Freewill Baptist Church. He informed the Board the current plans are basically the same as they submitted last year but on a smaller scale. A site plan was provided (Exhibit D-1).

Comments and Questions:

Mr. Alberty clarified they want to place two prefabricated buildings temporarily, three to five years on the property. He also determined that the new plans are for attached additions of Phase 1 and Phase 2 rather than unattached.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Dillard**, the Board voted 3-0-0 (Alberty, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson, Walker "absent") to **APPROVE** a **Special Exception** to amend a previously approved plan, 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:

Lot 1, Block 1, Owasso Freewill Baptist Church, a subdivision in the SE/4 SW/4 of Section 9, T-21-N, R-14-E; AND a tract of land that is part of the SE/4 SW/4 of Section 9, T-21-N, R-14-E, of the IBM, starting at the SW/c of the SE/4 SW/4 of said Section 9; thence N 88°44'40" E along the Sly line of said Section 9 for 390.00'; thence N 01°13'58" W and parallel with the Wly line of the SE/4 SW/4 for 71.42' to the POB of said tract of land; thence continuing N 01°13'58" W and parallel with the Wly line of said SE/4 SW/4 for 1002.52'; thence N 88°44'37" E for 593.73'; thence S 11°12'59" W, parallel with and 100.00' Wly of as measured perpendicular to the Wly right-of-way line of US-169 for 372.31' to the NE/c of Lot 1, Block 1, Owasso Freewill Baptist Church, thence S 88°44'37" W along the Nly line of said Lot 1 for 453.47' to the NW/c of Lot 1; thence S 01°13'58" E along the Wly line of Lot 1 for 633.00' to the SW/c of Lot 1; thence S 83°02'02" W along the Nly right-of-way line of US-169 W exit ramp for 60.30' to the POB of said tract of land; AND a tract of land beg. at the SW/c of the SE/4 SW/4 of said Section; thence N 88°44'40" E and along the S line of said SE/4 SW/4 a distance of 175.93'; thence N 1°15'20" W a distance of 50.00'; thence N 83°01'52" E a distance of 215.16'; thence N 1°13'58" W a distance of 1002.52'; thence S 88°44'37" W a distance of 390.02' to the W line of the SE/4 SW/4; thence S 1°13'58" E a distance of 1073.93' to the POB; AND a tract of land beg. at a point 1073.93' N of the SW/c of the SE/4 SW/4 and on the W line of said SE/4 SW/4

thence N 88°44'37" E a distance of 983.75' to a point 100.00' W of and at a right angle to the W line of US-169; thence N 11°17'16" E a distance of 74.14'; thence N 3°15'37" E a distance of 605.72'; thence N 1°18'03" W a distance of 249.65'; thence S 88°44'37" W a distance of 1046.98' to a point on the W line of said E/2 SW/4; thence S 1°13'53" E a distance of 929.36' to the POB, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 2:27 p.m.

Date approved: _____

Chair