

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 46
Friday, April 13, 1984, 9:00 a.m.
Room 119, Administration Building
500 South Denver Avenue, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Martin Tyndall Walker (in at 9:18 a.m., out at 10:41 a.m.)	Wines	Gardner Jones Wiles	J. Edwards, Building Insp.

The notice and agenda of said meeting were posted in the Office of the County Clerk on Tuesday, April 10, 1984, at 11:29 a.m., as well as in the Reception Area of the INCOG offices.

Mr. Martin called the meeting to order at 9:05 a.m.

MINUTES:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to approve the Minutes of March 16, 1984 (No. 45).

UNFINISHED BUSINESS:

Case No. 433

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1205 - Request for an exception to permit a church use in an AG District under the provisions of Section 1680, located south of the SE corner of East 191st Street and South Lewis Ave.

Presentation:

John L. Bennett, Route 1, Box 136, Mounds, was present.

Mr. Alberty informed that this application was continued to allow the applicant to discuss this with the Health Department. He read a letter that was sent from the Health Department to the Board of Adjustment stating that the Health Department will not be able to provide approval for construction of a new lagoon to serve a church on the subject property (Exhibit "A-1"). The existing lagoon facility only has a capacity to serve a church with a seating capacity of 50 members.

Mr. Bennett informed they spent a lot of time with the County Health Department, and it became obvious that they could not meet the requirements of the County Health Code. They do not want to be in any place that will be detrimental to anybody. They are now trying to sell the subject tract and are looking for a place to move the church body to. At this point, they have no other place to meet until they do find a new location. One of the neighbors, Mr. Oliphant, has said that he

Case No. 433 (continued)

has no problem with the church meeting on the subject tract until they can find another place to meet. Mr. Bennett stated they are currently using about 1,950 gallons of water per month. They can see no way that they will exceed the 3,000 gallons a month that the sewage system is capable of handling. They would like the Board to grant them permission to stay on the subject tract temporarily until they can secure a different place and move the congregation.

Comments and Questions:

Mr. Alberty asked the applicant if he had any idea of how long he would need, and the applicant informed him that he really does not know. Mr. Alberty informed that for the matter of the record the Board will have to have a time specific. The Board cannot leave it open-ended. Mr. Bennett informed they would like to have 90 days in which to relocate. He does not think they would have any trouble finding a place in 90 days.

Protestants:

George Parker, R. R. 1, Box 118, Mounds, informed he owns the property to the south of the subject tract. They feel that 60 days would be adequate for the church to find another meeting place. They would like to be sure that the building on the tract is according to the building codes while they are meeting there.

Ward Oliphant, Route 1, Box 116, Mounds, owns the property just north of the subject tract. They do not want to force a hardship on the church at all and they do not want to cause any hard feelings. Mr. Bennett had told him that the church would need four or five weeks to find another location. He and Mr. Parker felt that that would be too soon for him to find a place, so they agreed to let him have 60 days.

Comments:

Mr. Gardner informed the Board could deny this case and instruct the Building Inspector to give them a certain amount of time in which to remove the church. They could approve it for a specific period of time, or they could continue the application for 30 days. At the end of 30 days, if they need more time, they could continue it again. The continuance is probably the most appropriate of the alternatives. If the Board approves something for a specified period of time, they are saying the use is alright. If it is alright, it should be alright for an unlimited period of time.

Mr. Alberty asked if the Board will have to deny this at some point. He thinks the continuance sounds good.

Mr. Gardner informed that the applicant would need to withdraw the application, or the Board could deny it. They need to specifically agree on a time so that the applicant knows how much time he has.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to continue Case No. 433 to the May 18, 1984, meeting, to allow the applicant continued time to seek a solution to the problem with the obvious understanding that at the end of that time, if need be, the applicant can be present to ask for additional time. At that time, the Board can consider granting additional time.

Case No. 433 (continued)

Additional Comments:

Mr. Alberty informed he feels the Board's intent is to allow relief on the amount of time up to 60 days to allow for the relocation of the church.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 443

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Use Unit 1206 - Request for a variance of the required lot area from 2 acres to 1.25 acres to permit a lot split in an AG District under the provisions of Section 1670.

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request for a variance of the required 30' street frontage to 0' to permit a lot split in an AG District under the provisions of Section 1670, located 1/2 mile south of the SE corner of East 131st Street and South Lewis Avenue.

Presentation:

Lynda Burris, 221 West Main, Jenks, requested by letter (Exhibit "B-1") that this application be withdrawn and that she be refunded her fees.

Protestants: None.

Comments:

Mr. Jones informed that all the work has been done on this case except for the public hearing. The Board could refund the \$25 public hearing fee.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to withdraw Case No. 443 and refund \$25 to the applicant.

NEW APPLICATIONS:

Case No. 440

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit a mobile home in an RS District under the provisions of Section 1680, located at the SW corner of West 55th Street and South 65th West Avenue.

Presentation:

Karen Walker, 2242 #A South 137th East Avenue, requested by telephone conversation that this item be withdrawn. A letter is forthcoming. She did not ask for a refund of fees.

Protestants: There was a protestant present.

Case No. 440 (continued)

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to withdraw Case No. 440.

Case No. 442

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217 - Request for an exception to permit a home occupation (auto body repair) in an RE District under the provisions of Section 1680, located south of the SE corner of East 91st Street and Main Street.

Presentation:

Stephen Carrera, 2015 South Main Street, Broken Arrow, requested by letter (Exhibit "C-1") that this item be continued to the May 18, 1984, meeting.

Protestants: None.

Board Action:

On MOTION of TYNDALL and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to continue Case No. 442 to the May 18, 1984, meeting.

Case No. 444

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1205 - Request for an exception to permit a church in an AG District under the provisions of Section 1680, located south of the SW corner of 126th Street North and Garnett Road.

Presentation:

June Taylor, Route 1, Box 233-X, Skiatook, presented a graph to show where the church will be located.

Protestants: None.

Comments and Questions:

Mr. Jones submitted a letter from the Owasso City Planner stating that the Owasso Board of Adjustment has heard this as a referral item and have recommended it be approved per conditions (Exhibit "D-1").

Mr. Alberty informed that the plans show a church building of the size of 48' by 120'. The 120' side will run north and south. The building will be setting back the proper distance from the centerline of Highway #169. Mr. Alberty asked the applicant how many parking spaces they would have. Ms. Taylor informed it was her understanding that for every 40 sq. ft. of sanctuary space they would need one parking spot. That would probably be around 62 parking spaces. The sanctuary area will be somewhere around 2,480 sq. ft.

Mr. Alberty informed the gist of the letter from Owasso was to recommend approval with four conditions:

Case No. 444 (continued)

- (1) Limit access to the site to one four-lane, striped driveway to provide access and turn lanes for cars going both directions on Garnett and to reduce traffic congestion caused by the increased number of cars going to this location;
- (2) Require a hard-surface, weatherproofed paved parking lot and drives for adequate off-street parking. Require appropriate stormwater drainage improvements to compensate for the buildings and paved parking lot;
- (3) Do not allow parking along either side of Garnett Road;
- (4) Request County Board and the Staff to review a site plan of the church to ensure appropriate setbacks of buildings (particularly from the house immediately to the north) and design of driveway and parking areas.

Ms. Taylor informed the building will be over 50 feet from either side of the property. She described why they chose this piece of property.

Mr. Alberty informed the applicant that when she goes in for a building permit, she will have to have a site plan. The Staff needs to review the site plan prior to her going to the Building Inspections Department.

Mr. Alberty informed this property is subject to a plat. He described the platting process.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District - under the provisions of Use Unit 1205) to permit a church in an AG District under the provisions of Section 1680, subject to the following listed conditions: (1) Limit access to the site to one four-lane, striped driveway to provide access and turn lanes for cars going both directions on Garnett and to reduce traffic congestion caused by the increased number of cars going to this location; (2) Require a hard-surface, weatherproofed paved parking lot and drives for adequate off-street parking. Require appropriate stormwater drainage improvements to compensate for the buildings and paved parking lot; (3) do not allow parking along either side of Garnett Road; and (4) Request County Board and the Staff to review a site plan of the church to ensure appropriate setbacks of buildings (particularly from the house immediately to the north) and design of driveway and parking areas; and subject to the applicant returning with a site plan to be approved by the Staff, on the following described property:

The N/2 of the SE/4 of the SE/4 of the NE/4 of Section 6, Township 21 North, Range 14 East of the I.B. & M., Tulsa County, State of Oklahoma; less and except the North 100.0 feet of the East 485.0 feet of said N/2 of the SE/4 of the SE/4 of the NE/4 of Section 6, Township 21 North, Range 14 East, less the East 50.0 feet thereof for U. S. Highway #169 Right-of-Way.

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Units 1206/1209 - Request for a variance to allow two dwelling units (one mobile home and one frame dwelling) on a lot of record in an AG District under the provisions of Section 1670, located west of the SW corner of 161st Street and South Yale Avenue.

Presentation:

Arnold Due, Route 2, Box 248, Bixby, informed he lives in the existing frame dwelling on the property. A close friend of theirs will occupy the mobile home.

Protestants: None.

Comments and Questions:

Mr. Alberty informed that normally in a case where they have a request for an additional residence, it is for a family member or for a temporary period of time with a hardship situation. The Ordinance restricts more than one dwelling on a lot of record. The subject tract is 4 1/4 acres, so it could be split and, technically and legally, he could have two pieces of property, each with a dwelling on it. Mr. Alberty wanted the applicant to tell the Board why he is requesting to put two dwellings on the piece of property.

Mr. Due informed he is going to rent out the mobile home for the payments on it. He will have to put a septic tank on the property. He is, in effect, wanting to create a rental piece of property on the land in addition to his dwelling.

Mrs. Due informed they want to split the lot and give each of their children half of the property. The person they want to rent the property to is someone they have known for many years--he is almost like family. They have not applied for a lot split to split the property. They were just going to make a will to give the property to their two children.

Mr. Jones informed this is inside the Bixby fenceline. The Bixby City Planner has no comment on this.

Mr. Alberty asked Mr. Due if they have checked with the Health Department in terms of the land percolating. They have and the land did pass the percolation test. They will have two individual septic tank systems.

Mr. Martin feels this request can be accomplished in one way or another. He feels that the applicant should get a lot split and make two lots out of the property. This would ultimately deal with the property the way the applicants have indicated that they would like the property to be split. He asked if the mobile home will be placed on the property in a way that would have it located on the other tract should the property be split. Mrs. Due informed it would be placed on the other part of the property.

Mr. Alberty asked if there is adequate frontage on this tract. Mr. Gardner informed that, if they were to split the lot, they would need a variance of the frontage. If this is a condition of the Board, he would suggest that the application be continued so a lot split can be advertised for.

Case No. 445 (continued)

Mr. Alberty thinks that a lot split would be the most logical thing. He thinks the applicant should check with the Staff concerning a lot split application. The Board could continue this should they need a variance.

Mr. Gardner informed they could go ahead and act on the request for the two dwellings and then continue the application for possible re-advertisement.

Mr. Martin informed that the Board is going to have no objection to the use that they want to make of the property. They think that this matter should be continued to allow the applicant time to go ahead and make the lot split and let the Board consider a lot split and the necessary variance of the frontage.

Mr. Gardner informed that if the Board makes it a condition that they must have a lot split, then the application needs to be continued so they can advertise for the variance of the frontage. They cannot give their property to their children without a lot split. They can split the property and deed it from themselves to themselves.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Units 1206/1209) to allow two dwelling units (one mobile home and one frame dwelling) on a lot of record in an AG District under the provisions of Section 1670, subject to a lot split, Health Department approval, and the issuance of a building permit, and to continue this so the applicants can readvertise for the lot split variances, on the following described property:

The North 605 feet of the East 305 feet of the NE/4 of the NW/4 of the NE/4 of Section 28, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 446

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit a mobile home in an RS District under the provisions of Section 1680, located at the NE corner of 59th Place North and Quincy Avenue.

Presentation:

The applicant, Lois Steinke, was not present.

Protestants:

William L. Smith, 1929 West Nashville, Broken Arrow, informed he owns the property just east of the subject property and across the street from the subject property. His property is rental property. Most of the property in the area is owner occupied. The subject tract is unimproved. It has a new foundation on it, but a house was never built. He does not think the utilities come to the lot. He does not want mobile homes brought into the area. There are several empty lots in the area, and he is concerned that this could set a precedent. There are two mobile homes in the area. He described where the other mobile homes are located. Most of the people in the area are older people.

Case No. 446 (continued)

There was a letter of protest sent by Andrew F. Tilne (Exhibit "E-1").

Board Action:

On MOTION of TYNDALL and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines ("absent")) to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1209) to permit a mobile home in an RS District under the provisions of Section 1680, on the following described property:

Lots 31, 32 and 33, Block 4, East Turley, an addition to Tulsa County, Oklahoma.

Case No. 447

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request for a variance to permit three dwelling units (3 mobile homes) per lot of record in an AG District under the provisions of Section 1670;

OR a Variance - Section 207 - Street Frontage Required - Use Unit 1209 - Request for a variance of the required street frontage from 30' to 0' in an AG District under the provisions of Section 1670, located at the SW corner of 106th Street North and Memorial Drive.

Presentation:

Lloyd F. Leach, 7842 North 88th East Avenue, Owasso, Okla., informed the subject tract is 10 acres in size, and he bought it with the intention of dividing it up and giving it to his children. At the present time, his children plan to put mobile homes on the tract. His daughter already has a mobile home on the front of the lot along 106th Street. His son plans to construct a home on one of the lots, rather than having a mobile home. A plot plan was presented to show how he wants the property to be divided.

Protestants: None.

Comments and Questions:

Mr. Gardner informed the applicant could split the property three ways if each tract would have more than 2 1/2 acres. All of them would have frontage on a dedicated street. His question is how the homes will be situated on the tract. Mr. Leach described how the property will be divided. He informed that the County Health Department has approved the sewer systems and they have installed them on the lots.

Mr. Alberty informed he sees no problem in this being approved as a lot split. Mr. Gardner informed if the applicant prepared three deeds all over 2 1/2 acres, he would not even need a lot split--he would not need to be here. If he is not planning to split the property, then he does need to be here.

Mr. Leach informed that he does plan to split the property into three different lots.

Case No. 447 (continued)

Mr. Gardner suggested that the Board approve this subject to there being one dwelling per each legal description that was submitted (Exhibit "F-1").

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1209) to permit three dwelling units (3 mobile homes) per lot of record in an AG District under the provisions of Section 1670, subject to the descriptions as shown on the exhibit--they will make the location of a dwelling (mobile home or otherwise) on each of the lots so that each one will conform to the necessary setbacks, etc., and subject to the Health Department approval and the issuance of Building Permits, on the following described property:

The W/2 of the W/2 of the NE/4 of the NE/4 of Section 14, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 448

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit church use in an RS District under the provisions of Section 1680.

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit a mobile home in an RS District under the provisions of Section 1680, located at the NW corner of 59th Street North and Cincinnati Avenue.

Presentation:

John Rich, 10 West 61st Street North, was represented by Wesley Butler, Route 4, Box 342, Sapulpa, Okla. They want to move the mobile home on the tract for Mr. Butler to use as a parsonage. They have 2 1/2 acres on each side of 59th Street, so they will have the church on one side and the mobile home on the other side. There is an existing building on the north side of the road that they will be using for a church building. The parking for the church will be adequate. The dimensions of the building will be 72' by 48'. The mobile home is 14' by 76'. They will put a new septic system on the property for the mobile home. The existing building is already on a septic system.

Protestants: None.

Comments and Questions:

Mr. Jones informed the Board approved a horse barn just to the east of this tract.

Mr. Martin asked what the applicant's future plans are for the existing building. Mr. Rich described their plans. They do plan to build a new sanctuary at a later date.

Mr. Martin was concerned about how long the mobile home will need to be located in a residentially zoned area. He asked how many other mobile homes are located in this area. Mr. Rich informed there are a few

Case No. 448 (continued)

mobile homes in the area--he does not know exactly how many. There is a horse barn just up the road from them.

Mr. Martin informed it is easier for the Board to grant mobile home use in a residential area on a temporary basis rather than on a permanent basis. Normally a mobile home in a residentially zoned area does not do a great amount of good in increasing the property value of the residential homes in the area. He asked the applicant if he would be comfortable with a temporary approval for the mobile home, because, ultimately, the mobile home should not be on the lot. Generally speaking, a mobile home is not compatible with a residentially zoned area.

Mr. Rich informed they do not have funds or plans to build a parsonage right now, but he feels in the future that they will build a parsonage.

Mr. Gardner informed the area is zoned RS, but the only part that is residentially developed is a subdivision that is further to the west. The rest of the area, including the area where they are wanting the church and the mobile home, is AG in nature. That is the hardship involved here. The zoning really doesn't match the land use. They could put a mobile home as a matter of right just south of the lot where they are requesting to put one. The area is very rural and agricultural in nature.

Mr. Alberty informed the applicant that for future expansion of the church, the applicant would need to bring a site plan in for review.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1205) to permit church use in an RS District under the provisions of Section 1680, and a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1209) to permit a mobile home in an RS District under the provisions of Section 1680, subject to Health Department approval and the issuance of a Building Permit, and subject to the applicant bringing back a site plan if there is any future expansion to the church, on the following described property:

The E/2 of the SW/4 of the NE/4 of the SE/4 of Section 2, Township 20 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 449

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to allow a mobile home in an RE District under the provisions of Section 1680.

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1209 - Request for a variance of the required setback from the centerline of a County road from 60' to 31' in an RE District under the provisions of Section 1670.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to permit two dwelling units (1 mobile home, 1

house) per lot of record, located west of the SW corner of East 77th Place North and Madison Avenue.

Presentation:

David Frazier, 716 East 77th Place North, informed that there is an existing house on the subject property. The mobile home will be occupied by a friend of his. He submitted a plat (Exhibit "G-1"). Mr. Frazier informed he has 2 1/2 acres. The previous owner of the subject tract installed a septic system and the utilities where he wants to locate the mobile home. The mobile home is new and is 14' by 76' in size. The family that wants to use the land for the mobile home is currently living in a 15' x 20' dwelling. Mr. Frazier will not be charging his friend rent to have the mobile home on the tract. The mobile home will be tied down and will be skirted. There are other mobile homes in the area--he described where these are located. He does not know of any other lots in the area with two dwelling units on them. Mr. Frazier informed that just south of 76th Street there are a number of mobile homes.

Comments and Questions:

Mr. Alberty asked if this could be split. Mr. Gardner informed that in an RE District the lots have to be 1/2 acre in size. The key is the septic tank in that area. He is not sure that the area percs that will. Mr. Frazier informed that he has had a perc test run for his own home. He does not know the situation for the septic tank that the previous owner put on the property.

Protestants:

Frank Crouch, 723 East 77th Place North, lives just east of the subject tract. The Board approved one other mobile home in the area for a person's parents. Other mobile homes in the area have not been approved by the Board. A nice mobile home on the lot would be worth more than most of the houses are worth. He does not want the mobile home to be used for rental purposes. He wants to see the property improved. He is concerned about a precedent that this could set in the area.

Applicant's Rebuttal:

Mr. Frazier reminded the Board that this is not for his own benefit. He will not be charging his friend rent. This is to allow them a place to put their mobile home.

Comments and Questions:

Mr. Alberty asked the applicant if he wants this granted for a permanent basis or as a temporary thing. Mr. Frazier informed that it would be temporary.

Mr. Alberty asked Mr. Crouch if he would object to temporary approval of the mobile home. Mr. Crouch wanted to know what they mean by temporary.

Mr. Alberty asked the applicant how long they would like this approved for. Mr. Frazier informed he would like for it to be approved by three years if that is the maximum then can get.

Mr. Walker informed he was thinking of approving it for one year rather than three. Mr. Martin informed they can approve it for one year and let the applicant come back at the end of that time if they still need to use the property for that use.

Case No. 449 (continued)

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1209) to allow a mobile home in an RE District under the provisions of Section 1680, a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the provisions of Use Unit 1209) of the required setback from the centerline of a County road from 60' to 31' in an RE District under the provisions of Section 1670, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to permit two dwelling units (one mobile home and one house) per lot of record, for a period of one year, subject to Health Department approval and the issuance of necessary permits, on the following described property:

Lot 1, Block 2, Cedar Hill Second Addition an addition to Tulsa County, Oklahoma.

Case No. 450

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Request to allow a mobile home in an AG-R District, located at the NW corner of 137th East Avenue and 205th Street South.

Presentation:

Tom Rodgers, 13524 East 205th Street South, Bixby, Okla., was present.

Protestants: None.

Comments:

Mr. Jones informed that Bixby has annexed this subdivision and it is no longer inside this Board's jurisdiction. No work was done on this case. If it was annexed before the applicant made his application, the Staff should have caught it. In that case, the applicant's fees should be refunded. The applicant will have to go through the Bixby Board of Adjustment.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to withdraw Case No. 450 and to refund the applicant's fees.

Case No. 451

Action Requested:

Variance - Section 310 - Principal Uses Permitted in the Agriculture District - Use Units 1203/1215 - Request for a variance to allow a landscape contractor along with a horticultural nursery and related uses in an AG District under the provisions of Section 1670, located west of the NW corner of 131st Street and Peoria Avenue.

Presentation:

Mark Sharp, 11385 South Birch, Jenks, Okla., informed they went before the Jenks Board of Adjustment, and the Staff recommendation from Jenks

Case No. 451 (continued)

was for approval. It was passed 5-0 with no conditions or stipulations with it. This is a 10-acre tract of land that is zoned AG. Mr. Sharp informed that the horticultural nursery is permitted by right in an AG District as are the offices that go along with it. Mr. Babb, the proposed buyer of the subject tract, is a landscape contractor. They were told by Mr. Edwards, the Building Inspector, that there might be some question as to whether or not he could work out of the same building because a landscape contractor was not by right in an AG District. They feel it would be a hardship for Mr. Babb to have to maintain two offices for a related business.

Comments and Questions:

Mr. Tyndall informed the Jenks Board of Adjustment heard this in referral and recommended approval.

Mr. Gardner informed the Board needs to know what related uses are. If there will be retail sales on the property, the applicant has not stated that. The Board also needs to know what kind of signage there will be.

Mr. Sharp informed that it was their understanding that they could sell the plants that are raised on the property.

Mr. Alberty asked the prospective buyer of the subject tract to explain the actual use of the property--is it a wholesale or retail operation? Bud Babb, P. O. Box 1052, Jenks, informed that he wants his business to evolve into a wholesale and retail operation. Right now the business is strictly landscape contracting. Mr. Alberty asked the applicant if he plans to run a retail business on this site--would he actually build a building where people come there and purchase plants in a retail capacity or will he just be taking the plants somewhere else to sell them? Mr. Babb informed that he will be taking them and selling them but if someone came in and wanted to buy some plants, he would like to be able to sell them to them. Mr. Alberty asked the applicant if he plans to build a retail facility where he would carry seeds, accessory items, and garden tools, etc. He does not plan to now, but he would like to in the future, with this variance, be able to do that with plant materials only.

Mr. Gardner informed a farmer who had a wholesale-type business generally does not have a building right out on the street. He asked the applicant where they plan to build the building. Mr. Babb informed the building will be about 75' or 100' in from 131st Street. The building will be about 5,000 sq. ft.--4,000 sq. ft. will be for the warehouse, and 1,000 will be for the offices. At the present, they have three locations. They want to consolidate everything on this piece of property. They plan to have a greenhouse on the property for only personal uses--that will be a couple of years down the line.

Protestants:

Larry Long, 13013 South Elgin, Jenks, informed that he is against this application. He feels that this proposal will hurt the property values in the area. He wants to know what kind of landscaping materials will be stored on the property if this is approved. Mr. Long informed that his property backs up to the subject tract. There is a residential area to the west of the subject tract. There are four 2 1/2 acre tracts on each side of the street in the residential area. He described the homes in the area. Mr. Long stated that he does understand that the applicant has the right to grow the plants on the subject tract.

Applicant's Rebuttal:

Mr. Babb informed that the warehouse is strictly for machinery and equipment for security reasons. Some plants will be stored on the inside with their chemicals and fertilizers. On the outside they will store railroad ties and materials that will not fit inside the building for a large job. He informed he is strictly a nursery-man and a landscape contractor. His whole desire right now is just to get the warehouse and the office together. There will be no sign that says this is open to the public. There will be no retail sales now, but he would like to go into that if he sees the need.

Comments and Questions:

Mr. Walker asked Mr. Long if he knew about the meeting that was held in Jenks. Mr. Long informed that he did not receive notice on that meeting or for this meeting.

Mr. Martin asked if it is possible that the Board may want to approve this conditioned upon it operating within the limitations of being a warehouse and a wholesale-type use and excluding the retail privilege. As he understands the needs of the applicant, his pressing need is the consolidation of his operations, not necessarily the retail situation. In the future, the applicant may find it appropriate to come back before the Board and talk about the retail sales. He feels that the Board can consider a limited use excluding retailing. He asked the applicant if that would meet his immediate requirements. Mr. Babb informed that it would.

Mr. Alberty stated that typically, in a situation like this, outside storage would be 75' from any abutting property. He would like a condition to be included which would state that any storage of materials not grown on the property and any building on the property would have to be set back a minimum of 75' from the west property line.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to approve a Variance (Section 310 - Principal Uses Permitted in the Agriculture District - under the provisions of Use Units 1203/1215) to allow a landscape contractor along with a horticultural nursery and related uses in an AG District under the provisions of Section 1670, subject to the following conditions: (1) That there be no retail activity; (2) that the building be located a minimum of 100' from the centerline of 131st and 75' from the west property line; (3) that the building not exceed 5,000 sq. ft.; (4) that outside storage of materials not grown on the property be a minimum of 75' from the west property line; and (5) that there be no business sign saying this is open to the public, on the following described property:

A part of the Southwest Quarter of the Southeast Quarter (SW/4 SE/4) of Section 1, Township 17 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at the Southeast corner of Said SW/4 of the SE/4 of Said Section 1; thence South 89°-45'-27" West a distance of 330.18 feet; thence North 0°-00'-29" West a distance of 1,324.56 feet; thence North 89°-44'-51" East a distance of 330.24 feet; thence South 0°-00'-29" East a distance of 1,324.61 feet to the point of beginning.

OTHER BUSINESS:

Case No. 441

Action Requested:

Request to withdraw application No. 441 and request for refund of filing fee.

Presentation:

The applicant, Miles Campbell, 10799 East 136th Street North, requested by letter that this item be withdrawn and that his fees be refunded (Exhibit "H-1").

Protestants: None.

Comments:

Mr. Jones informed that the applicant requested the withdrawal three days after he filed the application. No work was done on this, and he would not have a problem with refunding all the fees.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Wines, "absent") to withdraw Case No. 441 and to refund the filing fees to the applicant.

There being no further business, the Chair adjourned the meeting at 10:47 a.m.

Date Approved

May 18, 1984

B. Wayne Alberty
Chairman