

COUNTY BOARD OF ADJUSTMENT
Meeting No. 101
Tuesday, October 18, 1988, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Eller Looney Tyndall Walker		Gardner Jones Moore	Ron Fields, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Friday, October 14, 1988 at 9:20 a.m.

After declaring a quorum present, Chairman Looney, called the meeting to order at 1:35 p.m.

MINUTES

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the **Minutes** of September 20, 1988 (No. 100).

UNFINISHED BUSINESS

Case No. 846

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow for a day care center in an existing church in an AG zoned district.

Presentation:

The applicant, Bruce Mason, 8315 South 61st West Avenue, Tulsa, Oklahoma, stated that this case was continued from the September Board of Adjustment meeting to allow sufficient time to meet with the protestants. He informed that they have met and agreed upon a new location for the day care playground, and the church has also agreed to erect a fence around the trash area, as well as the first three air conditioners from the back of the property. Mr. Mason explained that these three air conditioners are used for the day care during the week. A plot plan (Exhibit A-1) was submitted.

Case No. 846 (continued)

Comments and Questions:

Mr. Looney asked if the protestants request that no additional air conditioners be installed along the north side of the building was addressed, and Mr. Mason replied that the church did not agree to comply with that request.

Mr. Looney asked if the request that no playground equipment be placed within 75' of the south property line was discussed, and the applicant replied that the church will not install permanent equipment within 75' of the property line.

Protestants:

Ed Poston, 7335 South Lewis, Tulsa, Oklahoma, submitted suggested conditions (Exhibit A-2) and stated that the church has agreed to install a 6' fence around the trash containers and erect noise buffers around the air conditioners near the residences. He emphasized that his clients would like some assurance that additional air conditioning units will not be installed next to the residential area, and that playground equipment will be restricted to the designated area on the plot plan, or no closer than 75' to the the residences. Mr. Poston stated that the protestants are not opposed to the new location of the playground.

Additional Comments:

Mr. Alberty commended the applicant and the protestants for the progress made in resolving the issue concerning the location of the playground.

There was discussion as to the location of any new air conditioning units, and Mr. Walker stated that he visited the site and was surprised that the operation of the units, approximately 125' from the houses, would be a problem for the residents. He suggested that the Board agree on a time frame for the completion of the required conditions.

Mr. Mason stated that, due to the current construction, it would be impossible to determine an exact date for meeting all of the imposed conditions, but they will be met as soon as the brick work is finished on that side of the building.

Mr. Tyndall remarked that the playground will not be a problem during the winter months, and winter weather could be a factor in the length of time required for completion of the building.

Mr. Walker stated that he is in the construction business, and that cold and wet weather can probably be expected until April.

Mr. Alberty asked Mr. Mason the number of children the center can accommodate, and he replied that they are presently licensed to care for 45 children.

Case No. 846 (continued)

Protestants: None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow for a day care center in an existing church in an AG zoned district; subject to all State requirements being met; subject to the trash containers being enclosed by a 6' screening fence; subject to the air conditioners being buffered by a screen; and subject to the existing playground being moved to the location depicted on the plot plan (Exhibit A-2), and this condition, as well as all above stated requirements, being met by April 1, 1989; finding that the day care operation, as presented, will not be detrimental to the area and will be in harmony with the spirit and intent of the Code; on the following described property:

The NW/4, SW/4, SE/4, SW/4, Section 20, T-19-N, R-12-E, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 849

Action Requested:

Use Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1217 - Request a use variance to allow for Use Unit 17 in an AG zoned district.

Variance - Section 1217.4 - Off-Street Parking Requirements - Use Unit 1217 - Request a variance of the parking requirements.

Variance - Section 1340.(d) - Design Standards for Off-Street Parking Areas - Use Unit 1217 - Request a variance of the paving requirements, located 1/2 mile north of NW/c 126th Street North and 135th East Avenue.

Comments and Questions:

Mr. Jones informed that Collinsville has recommended approval of the application.

Presentation:

The applicant, Olen Shults, Route 2, Box 187, Collinsville, Oklahoma, stated that he opened a business at the corner of 126th Street North and Highway 169 approximately two years ago and began to have auctions to attract customers to his business site. He stated that the auction has been very successful and the area is now experiencing some traffic problems. Mr. Shults explained that his home is located on a 7 1/2-acre tract in the area and asked the Board to allow the auction to be held on this property. He informed that most of the items sold at the auction are small. A plot plan and photographs (Exhibit B-1) were submitted.

10.18.88:101(3)

Case No. 849 (continued)

Comments and Questions:

Mr. Looney inquired as to the hours of operation for the business, and Mr. Shults replied that he works from 8:00 a.m. to 6:00 p.m.

Mr. Albery asked the applicant what type of business he is operating, and he replied that lawn and garden items are sold at the present location, which he has leased for two more years. Mr. Shults informed that there have been as many as 145 customers registered for the auction.

Mr. Tyndall asked if any construction is proposed, and the applicant replied that he does not plan to build additional buildings.

In response to Mr. Tyndall's inquiry about outside storage, the applicant informed that most of the items are sold and removed from the site.

Interested Parties:

Rick Clark represented the Collinsville Board of Adjustment and stated that the Board is supportive of the application, subject to a yearly inspection by the City of Collinsville, and County Board of Adjustment approval.

Additional Comments:

There was Board discussion as to a time limitation for the use, and Mr. Albery stated that the opening of the nearby expressway may attract residential development, and is not supportive of long term use as a site for an auction.

Mr. Looney stated that a two-year approval would allow the auction business at the applicant's home to coincide with the two-year lease at his present business location.

It was the general consensus of the Board that a temporary two-year approval of the auction would allow the applicant to continue his business operation in the area, and also allow Collinsville to review the development trend at the end of that time period.

Mr. Jones pointed out that Use Unit 17 includes a broad number of uses and the Board might consider limiting the application to auction use only.

Mr. Albery asked the applicant if the auction sale is exclusively for farm equipment, and Mr. Schults stated that he sells farm equipment, as well as cars and trucks.

Mr. Walker stated an intent to move that the application be approved for a one-year period, with a review by the Board at that time.

Case No. 849 (continued)

Mr. Jones noted that legislation was adopted which eliminated use variances, previously heard by the City Board of Adjustment. He pointed out that use variances are still granted by the County Board, but there is no guarantee that similar legislation will not be adopted for the County, in which case, the applicant would not be permitted to request another use variance at the end of the one year period.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Use Variance** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1217) to allow for Use Unit 17, auction use only, in an AG zoned district; to **APPROVE** a **Variance** (Section 1217.4 - Off-Street Parking Requirements - Use Unit 1217) of the parking requirements; and to **APPROVE** a **Variance** (Section 1340.(d) - Design Standards for Off-Street Parking Areas - Use Unit 1217) of the paving requirements; subject to a time limit of two years; subject to outside storage of merchandise being permitted one week prior to and one week following the date of the auction only; subject to the number of auction sales being limited to one sale per month; and subject to City of Collinsville approval and an annual inspection by that City; finding that the large acreage is surrounded by vacant land, and that the temporary use is compatible with the area; on the following described property:

The south 188.68' of the north 1698.12', W/2, E/2, SW/4, LESS the east 25' for Right of Way, Section 33, T-22-N, R-14-E, Tulsa County, Oklahoma.

Case No. 850

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 0', located south of SE/c of 120th East Avenue and 179th Street North.

Comments and Questions:

Mr. Jones informed that the City of Collinsville has recommended approval of the application.

Presentation:

The applicant, Jim Walter Homes, PO Box 581027, Tulsa, Oklahoma, was represented by Lane Caves, 6730 East 91st Street, Tulsa, Oklahoma. Mr. Caves submitted a plot plan (Exhibit C-1) and informed that he is proposing to split a five-acre parcel with a 25' access on 120th East Avenue. He noted that the north tract and the south tract will each contain 2 1/2 acres, and that a 50' access easement is provided, which will be maintained by the owners. Mr. Caves informed that the lots in the abutting addition are also 2 1/2 acres.

Case No. 850 (continued)

Additional Comments:

Mr. Looney asked if only one home is proposed, and Mr. Caves replied that one 1800 sq. ft. house will be constructed on the north lot.

Mr. Jones stated that it appears that the tract to the north would have approximately 25' of frontage on 120th East Avenue, and would only require 5' of relief, with the southern lot having 0 access.

Mr. Caves informed that he is only requesting a variance of the required street frontage for the northernmost lot in this application.

Mr. Alberty asked who will build the street, and the applicant stated that the street will be gravel and is to be constructed by the owner.

Protestants: None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the required street frontage from 30' to 25' to permit the construction of one single family dwelling; on the following described property:

The N/2, E/2, NE/4, SE/4, SW/4, and the west 66' of the NW/4, SW/4, SE/4, Section 5, T-22-N, R-14-E, of the Indian Base and Meridian, Tulsa County, Oklahoma.

Case No. 851

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1219 - Requests special exception to allow for a Use Unit 19 (recreation uses) in an IL District.

Variance - Section 1219.3 - Use Conditions - Use Unit 1219 - Request a variance of the screening requirements, located 4303 East Pine Place.

Presentation:

The applicant, David McGuire, Chapman and Associates Realtors, 2865 East Skelly Drive, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) and stated that he is representing the owner of the property in question. He explained that a softball training program for young girls will be conducted inside the building, with six girls being trained in each session and no more than 12 students on site during class changes. Mr. McGuire informed that the days and hours of operation on alternating weekends will be Friday, 5:00 p.m. to 10:00 p.m., Saturday, 8:00 a.m. to 8:00 p.m. and Sunday, 8:00 a.m. to 6:00 p.m.. He stated that there is ample parking for

Case No. 851 (continued)

the proposed operation and requested that the screening requirements be waived, due to the fact that all training sessions will be conducted inside the building.

Comments and Questions:

Mr. Alberty asked if the building is surrounded by industrial buildings, and the applicant answered in the affirmative.

Mr. Looney inquired as to the occupancy of buildings in the area, and Mr. McGuire stated that most of the buildings are occupied.

Protestants: None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1219) to allow for a Use Unit 19 (recreation uses) in an IL District; and to **APPROVE** a **Variance** (Section 1219.3 - Use Conditions - Use Unit 1219) of the screening requirements; subject to days and hours of operation being Friday, 5:00 p.m. to 10:00 p.m., Saturday, 8:00 a.m. to 8:00 p.m. and Sunday, 8:00 a.m. to 6:00 p.m.; and subject to all training sessions being conducted inside the building; finding that the requested use is compatible with the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Part of the S/2, SE/4, beginning at the NW/c, SW/4, SE/4, SE/4 of said section, thence east 483.14', south 251.22', west 144', south 75', west 60', south 50', west 439', southwest 258.32', west 447.13', northeast 568.49' to the south line of the railroad right-of-way, thence northeasterly along curve to the right 483.57', south 57.26' to the Point of Beginning, Tulsa County, Oklahoma.

Case No. 853

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 0', located south of SW/c 120th East Avenue and 179th Street North.

Comments and Questions:

Mr. Jones informed that Staff has received a letter (Exhibit E-1) from the City of Collinsville recommending approval of the application.

Case No. 853 (continued)

Presentation:

The applicant, Dale W. Schubert, 12344 East 13th Place, Tulsa, Oklahoma, submitted a drawing (Exhibit E-2) and stated that he is proposing to build a house on the property in question. He informed that his tract is to the immediate west of the property previously dealt with in Case No. 850.

Comments and Questions:

Mr. Tyndall asked the applicant if he is proposing to build only one house on the lot, and he replied that only one home will be constructed on the five-acre tract.

Mr. Jones stated that it appears that the tract would have approximately 25' of frontage on 120th East Avenue, and would only require 5' of relief.

Protestants: None.

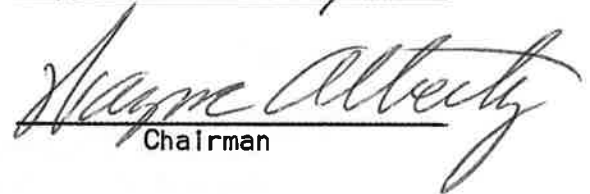
Board Action:

On **MOTION** of TYNDALL, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the required street frontage from 30' to 25' to permit the construction of one single-family dwelling; finding a hardship demonstrated by the large size of the lot and limited street access; on the following described property:

The W/2, NE/4, SE/4, SW/4, Section 5, T-22-N, R-14-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:30 p.m.

Date Approved November 15, 1988


Chairman