COUNTY BOARD OF ADJUSTMENT

Meeting No. 121
Tuesday, June 19, 1990, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

Dent, Building Inspection 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 Monday, June 18, 1990 at 9:08 a.m.

After declaring a quorum present, Vice-Chairman Tyndall called the meeting to order at 1:32 p.m.

MINUTES:

On MOTION of LOONEY, the Board voted 3-0-0 (Eller, Looney, Tyndall, aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to APPROVE the Minutes of May 15, 1990 (No. 120).

UNFINISHED BUSINESS

Case No. 957

Action Requested:

Variance of the required lot width from 200' to 132' - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6.

Variance of the required lot area from 2 acres to 1 acre and 1.6 acres - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6.

Variance of the street frontage requirement from 30' to 0' - Section 207. STREET FRONTAGE REQUIRED - Use Unit 6, located north of 116th Street, east of Garnett Road.

Presentation:

The applicant, Sally Simons, PO Box 581027, Tulsa, Oklahoma, requested a variance of the required lot area and width to permit a lot split, which would provide three separate lots for family

Case No. 957 (continued)

members. She informed that an existing dwelling has been on the back lot for several years and an additional residence will be built on a second lot, with the third being reserved for future construction. A plot plan (Exhibit X-1) was submitted.

Comments and Questions:

Mr. Looney asked if the Technical Advisory Committee has reviewed the case, and Ms. Simons stated that the committee has reviewed the application and recommended approval, per conditions.

In response to Mr. Looney's question concerning emergency fire service for the properties, the applicant stated that the house to the rear of the property has been there for several years and all lots are accessed by a road along the east side of the property. She further noted that city water is available to all lots and the house on the back lot has already been connected to the water line. Mr. Looney asked if a percolation test has been completed on the property, and Ms. Simons replied that the process has been started, but she has not received the results at this time.

Interested Parties:

Patsy Mangrum, 11913 East 116th Street North, Collinsville, Oklahoma, stated that she lives on the tract to the east of the property in question and receives run-off water from the land to the west. She pointed out that there have been percolation problems in the area, and that she would be concerned if several homes were constructed on the subject tract.

Mr. Looney pointed out that any construction on the property would require Health Department approval.

Mr. Tyndall asked if the subject property is located inside the Owasso fence line, and Mr. Richards informed that the property is inside the Owasso fence line, but was not heard by the Owasso Board of Adjustment.

Additional Comments:

Mr. Tyndall pointed out that there are other lots in the area that are smaller than those in question.

Board Action:

On MOTION of LOONEY, the Board voted 3-0-1 (Eller, Looney, Tyndall, "aye"; no "nays"; Walker, "abstaining"; Alberty, "absent") to STRIKE a Variance of the required lot width from 200' to 132' - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6; to APPROVE a Variance of the required lot area from 2 acres to 1 acre and 1.6 acres - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6; and to STRIKE a Variance of the street frontage requirement from 30' to 0' - Section 207 STREET FRONTAGE REQUIRED - Use Unit 6; per plan submitted; subject to City/County Health Department approval of percolation tests for

Case No. 957 (continued)

septic systems, subject to a parallel 17.5' utility easement being provided along 116th Street North for future utility uses when that street is widened and improved, and other utility easements if required, subject to a mutual access easement along the "handles" on the east side of the tracts, thereby creating only one driveway cut for the two back lots (subject to approval of the County Engineer), and subject to the existing easement through the middle of the tracts being vacated, thus preventing the creation of other lots on both sides of the easement; finding that there are other lots in the area that are smaller than those in question; and finding that the applicant is no longer in need of the variance of street frontage, or lot width, due to a new lot configuration; finding that there are smaller lots in the area, and the granting of the variance request will not be detrimental to the surrounding area; on the following described property:

Beginning in the SE/c of W/2, SE/4, SW/4, Section 5, T-21-N, R-14-E of Indian Base and Meridian, Tulsa County, Oklahoma, thence north 990' thence west 264', thence south 990', thence east 264', to the Point of Beginning, less one acre tract containing five acres, more or less.

Case No. 963

Action Requested:

Special Exception to permit automobile sales in an AG zoned district (CS zoning is pending) - Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 17, located north of Highway 51, west of Coyote Trail at 269th West Avenue.

Presentation:

The applicants, Dave Shannahan and Carl Hessom, were not present.

Comments and Questions:

Mr. Richards informed that the applicant is no longer in need of the special exception, as the property in question was given a new zoning classification after the application was submitted. He stated the application has been fully processed, except for the public hearing portion, and suggested a refund of \$25.00.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to WITHDRAW Case No. 963, as requested by the applicant.

MINOR VARIANCES AND EXCEPTIONS

Case No. 967

Action Requested:

Minor Variance of the required lot width from 200' to 198' - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 9, located 15810 East 161st Street South.

Presentation:

The applicant, **Joe Dunn**, Today's Oak Creek Homes, 8118 East Admiral, Tulsa, Oklahoma, submitted a plot plan (Exhibit Z-1), and requested permission to install a modular home at the above stated location. He informed that the lot width is 2' short of the required 200'. Mr. Dunn pointed out that there are two mobile homes located to the west of the subject property, and that much of the land in the area is used for agricultural purposes.

Comments and Questions:

In response to Mr. Looney's inquiry, the applicant stated that the modular unit is 28' by 52'.

There was Board discussion initiated by Mr. Walker's question as to the size of the lot that would be created to the west of the subject property.

Mr. Fields, Building Inspection, stated that the lot to the west is approximately the same size as the lot in question.

Protestants: None.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to APPROVE a Minor Variance of the required lot width from 200' to 198'— Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS — Use Unit 9; per plot plan submitted; subject to a Building Permit and Health Department approval; finding that the abutting lot has a similar lot width, and there are numerous lots in the general vicinity that are more narrow than the lot in question; and finding that the granting of the variance request will not be detrimental to the area; the following described property:

West 198' of east 792' of the N/2, NE/4, NE/4, Section 27, R-17-N, R-14-E, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 965

Action Requested:

Variance of the required lot width from 200' to 165' and 115' - Section 330 BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Units 5 and 6.

Variance of the minimum lot area from 2 acres to 1 acre - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Units 5 and 6.

Special Exception to permit church use in an AG District - Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 5, located NE/c East 156th Street North and North Garnett Road.

Presentation:

The applicant, **David L. Brown**, PO Box 239, Vera, Oklahoma, submitted a lot layout (Exhibit B-2) and explained that the property in question will be divided into four lots, three of which will be 165' in width and contain 1 acre, and a fourth will be 115' wide and contain .7 acre. He informed that older homes are located on two lots, one lot is vacant and a church is proposed for the back portion of the property. Mr. Brown stated that a portion of the land has been reclaimed and leveled.

Comments and Questions:

Mr. Gardner advised that, if the Board is inclined to approved the application, the property must have Health Department approval and is subject to a plat if more than four lots are created. He pointed out that the lot directly across the street on the northwest corner of 156th Street North and Garnett Road is smaller than the lots in question.

Mr. Tyndali asked if Collinsville has made a recommendation, and the applicant replied that the Collinsville Board of Adjustment has recommended approval (Exhibit B-1), per conditions.

Protestants: None.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to APPROVE a Variance of the required lot width from 200' to 165' and 115' - Section 330 BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Units 5 and 6; to APPROVE a Variance of the minimum lot area from 2 acres to 1 acre - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Units 5 and 6; and to APPROVE a Special Exception to permit church use in an AG District - Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 5; subject to the following conditions (as recommended by Collinsville):

Case No. 965 (continued)

- 1. City/County Health Department approval of percolation tests for septic systems on each lot.
- 2. Dedication of 50' of right-of-way from centerline on both 156th Street North and North Garnett Road in accordance with the Major Street Plan.
- 3. Provide a 17 1/2' utility easement parallel to the new property line on both 156th Street North and North Garnett Road. Provide other easements if needed or required by utilities.
- 4. Verification that the tracts created can be served with water, (including any main extensions, if necessary).
- 5. Access and driveway tile sizes subject to approval of the Tulsa County Engineer.
- 6. The property must be rezoned before annexation to the City of Collinsville.
- 7. Approval of Collinsville Planning Commission on the lot split.

North 165' of west 314' of S/2, SW/4, SW/4, Section 17, T-22-N, R-14-E, and the west 314' of S/2, SW/4, SW/4, Section 17, T-22-N, R-14-E, Tulsa County, Oklahoma.

Action Requested:

Variance of the required lot width from 200' to 165' - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6.

Variance of the minimum lot area from 2 acres to 1.13 acres to permit a lot split - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6, located 2615 South 52nd West Avenue.

Presentation:

The applicant, **Harold G. Whiteis**, PO Box 581354, Tulsa, Oklahoma, stated that he is proposing to split two platted lots, each containing 2 1/2 acres, into four 1 1/4 acre lots. He noted that the width and lot size of the proposed lots is under the minimum requirement for an AG District; however, there are several lots in the area that are smaller than those created on his property. An aerial (Exhibit A-1) depicting the location of the tract was submitted.

Comments and Questions:

Mr. Fields informed that 52nd Street has been dedicated, but was not constructed per County requirements and is not maintained by the County.

Mr. Walker asked Mr. Whiteis if he lives on the property, and he replied that his residence is located on Lot 13.

Protestants: None.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to APPROVE a Variance of the required lot width from 200' to 165' - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6; and to APPROVE a Variance of the minimum lot area from 2 acres to 1.13 acres to permit a lot split - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6; finding that there are numerous lots in the area that are smaller than those proposed, and the granting of the variance request will not be detrimental to the surrounding neighborhood, or violate the spirit, purposes and intent of the Code; on the following described property:

Lots 8 and 15, Elliott's Subdivision, Tulsa County, Oklahoma.

Action Requested:

Variance of the required 50' setback from the centerline of South 41st West Avenue to 42' - Section 930 BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 25.

Variance of the required 50' setback from the centerline of West 52nd Place South to 25' - Section 930 BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 25, located SE/c West 52nd Place South and South 41st West Avenue.

Presentation:

The applicant, Sam Richey, Route 8, 6745 Amah Parkway, Claremore, Oklahoma, submitted a plat of survey (Exhibit C-1) and requested that the Board allow a machine shop at the above stated location.

Comments and Questions:

Mr. Gardner noted that West 52nd Place has never been opened at this location, and asked the applicant if the new structure extends closer to the street than the existing building.

Mr. Richey stated that the new building offsets the existing one and extends closer to 52nd Place.

Interested Parties:

Mr. Aaron, 3751 West 52nd Place and Ms. Hawkins, 4011 West 53rd Place, property owners in the residential area across the railroad tracks to the east, were present to hear Mr. Richey's proposal. After hearing the presentation, both stated that the proposed construction across the tracks will not adversely affect the residential neighborhood.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to APPROVE a Variance of the required 50' setback from the centerline of South 41st West Avenue to 42' - Section 930 BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 25; and to APPROVE a Variance of the required 50' setback from the centerline of West 52nd Place South to 25' - Section 930 BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 25; per survey submitted and Health Department approval; finding that West 52nd Place has never been opened on either side of the railroad track between 40th Street and 41st Street; on the following described property;

Lots 9 - 13, Block 23, South Haven Amended, Tulsa County, Oklahoma.

Action Requested:

Variance of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit access to property by private easement - Section 207 STREET FRONTAGE REQUIRED - Use Units 3 and 6, located West 38th Place and South 265th West Avenue, Coyote Trail.

Presentation:

The applicant, **Mike Mason**, PO Box 855, Kiefer, Oklahoma, submitted a sketch plat (Exhibit D-3) and requested permission to develop property at the above stated location. He informed that the property will be accessed by a private street from two points. Mr. Mason stated that the Technical Advisory Committee has recommended approval of the revised sketch plat per conditions.

Comments and Questions:

Mr. Looney asked if this application is the same as the one previously heard by the Board, and Mr. Mason explained that only half of the property (80 acres) is under application at this time. He stated that the property will be platted and all imposed conditions will be met. He stated that he has spoken with Ray Jordan, County Engineering Department, concerning the project. A letter to Mr. Jordan (Exhibit D-2) was submitted.

Protestants: None.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to APPROVE a Variance of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit access to property by private easement - Section 207 STREET FRONTAGE REQUIRED - Use Units 3 and 6; subject to all conditions imposed by the Technical Advisory Committee, as follows:

- 1. Identify the 24.75' statutory right-of-way along the south side of this plat. Any work done within that area shall be approved by the County Engineer. (This section line is not on the Major Street Plan since the plan follows Coyote Trail which is to the south of the actual section line.)
- 2. Utility easements shall meet the approval of the utilities. Show other easements as required. Show easements for pipelines, etc. as applicable.
- 3. Water plans shall be approved by the Sand Springs Rural Water prior to release of final plat.
- 4. Paving and drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable), subject to criteria approved by the County Commission.

Case No. 972 (continued)

- All curve data, including corner radii, shall be shown on final plat as applicable.
- 6. Bearings, or true north/south, etc., shall be shown on perimeter of land being platted or other bearings as directed by County Engineer.
- 7. All adjacent streets, intersections, and/or width thereof shall be shown on plat.
- 8. It is recommended that the developer coordinate with County Engineer during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. Advisory, not a condition for release of plat.
- 9. Street lighting in this subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix C of the Subdivision Regulations.
- 10. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
- 11. The method of sewage disposal and plans therefore, shall be approved by the City/County Health Department. Percolation tests required prior to preliminary approval.
- 12. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. This information is to be included in the restrictive covenants on plat.
- 13. The method of water supply and plans therefor, shall be approved by the City/County Health Department.
- 14. All lots, streets, building lines, easements, etc., shall be completely dimensioned. (Show 25' building line adjacent to private streets.)
- 15. The key or location map shall be complete.
- 16. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged.

Case No. 972 (continued)

- 17. The restrictive covenants and deed of dedication shall be submitted for review with preliminary plat. Include subsurface provisions, dedications for stormwater facilities as applicable.
- 18. This plat has been referred to Mannford because of its location near or inside a fence line of that municipality. Otherwise only the conditions listed apply.
- 19. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
- 20. All (other) Subdivision Regulations shall be met prior to release of final plat.

W/2, SE/4, Section 19, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 973

Action Requested:

Special Exception to permit a mobile home as a dwelling - Section 410 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9, located 1572 East 66th Street North.

Presentation:

The applicant, Bill Wallace, 4111 North Garnett, Tulsa, Oklahoma, requested permission to install a mobile home on property at the above stated location. Mr. Wallace stated that he is proposing to purchase the tract in question, with the intent of constructing a permanent dwelling within three to five years. He informed that there are several mobile homes in the area. Mr. Wallace further noted that there is an old house on the property that is in bad repair and will be removed.

Comments and Questions:

Mr. Looney asked if there are other mobile homes in the area, and the Mr. Wallace answered in the affirmative.

Mr. Gardner advised that, if inclined to approve the application, the Board should require the removal of the existing dwelling, as the mobile home would become a second dwelling unit on the property.

Mr. Looney asked the applicant if the removal of the dwelling would be a problem, and Mr. Wallace stated that the house is not habitable, but he had planned to use it for storage purposes. He pointed out that the exterior is in good repair, but repairing the interior would not be cost efficient, as the floors and foundation are damaged.

Case No. 973 (continued)

Mr. Walker asked the applicant if the mobile home will be served by the City sewer, and he answered in the affirmative.

Protestants:

Cheryl Lewis, 1537 East 67th Street North, Tulsa, Oklahoma, stated that she lives across the street from the proposed site of the mobile home, and is concerned with storage on the property. She inquired as to the location of the mobile and if there will be driveways added.

Mr. Wallace informed that the mobile will be placed to the south of the house, and assured Ms. Lewis that the property will be maintained and that there will be no outside storage.

Ms. Lewis stated that she does not object to the mobile home at the proposed location if the exterior of the house is kept in good repair.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to APPROVE a Special Exception to permit a mobile home as a dwelling for a period of 2 years only - Section 410 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9; subject to the mobile home being located near the existing house; and subject to the repair or removal of the house at the end of the two-year period; finding that there are other mobile homes in the area, and the granting of the special exception request will not be detrimental to the area, or violate the spirit and Intent of the Code; on the following described property:

Block 5, Phillips Farms Addition, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception to permit a fireworks business in an AG zoned district - Section 310 PRINCIPAL USES PERMITTED IN THE AGRICULTURAL DISTRICTS - Use Unit 2, located 12910 East 86th Street North.

Presentation:

The applicant, Bill Manley, 5401 West Skelly Drive, Tulsa, Oklahoma, requested that the Board permit the retail sale of fireworks on the property in question. Mr. Manley explained that he operates numerous businesses of this nature in the Tulsa area, and asked that sales be permitted from June 15th through July 4th. He informed that the building will be moved to the property a few days prior to opening.

Protestants:

Mr. Gardner asked if the building will be permanently located on the property, and the applicant replied that the building will be at this location for approximately one month.

In answer to Mr. Looney, the applicant stated that adequate parking is available, with ingress and egress on 129th East Avenue and 86th Street. He further noted that the business will be operated by a civic group and will have adult employees.

After discussion concerning time limits, Mr. Fields stated that the applicant has similar sales operations, and with no time limitation, the business could operate yearly at this location.

Protestants: None

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to APPROVE a Special Exception to permit a fireworks business in an AG zoned district - Section 310 PRINCIPAL USES PERMITTED IN THE AGRICULTURAL DISTRICTS - Use Unit 2; subject to days and hours of operation being from June 1 to July 15, 8:00 a.m. to 12:00 p.m.; finding that seasonal use of the property for the sale of fireworks will not be detrimental to the area; on the following described property:

Legal description being: A tract of land beginning at the northwest corner of the property; thence 300' east; thence southwesterly to a point in the west section line and 300' south of the northwest corner of Section 28; thence 300' north to the northwest corner of the property being the northwest corner of Section 28, all in the N/2 of the NW/4, Section 28, T-21-N, R-14-E, Tulsa, County, Oklahoma.

OTHER BUSINESS

Case No. 968

Action Requested:

The applicant, Kahiah K. Wilder, requests a refund of filing fees in the amount of \$100.00.

Comments and Questions:

Mr. Richards informed that the application was withdrawn prior to processing, and suggested that fees in the amount of \$100.00 be refunded to Ms. Wilder.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to APPROVE a refund of application fees in the amount of \$100.00.

Case No. 963

Action Requested:

The applicants, Dave Shannahan and Carl Hessom, request a refund of filing fees.

Comments and Questions:

Mr. Richards informed that the case was processed prior to withdrawal, and suggested a refund of the public hearing portion of the application in the amount of \$25.00.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to APPROVE a refund of fees in the amount of \$25.00, the public hearing portion of the application.

Date Approved