

**COUNTY BOARD OF ADJUSTMENT**  
Agenda (No. 131)  
Tuesday, April 16, 1991, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Alberty, Chairman Eller Looney Walker Tyndall		Gardner Jones Moore	Dent, 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, April 15, 1991 at 11:17 a.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:33 p.m.

**MINUTES:**

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of March 19, 1991 (No. 130).

**NEW APPLICATIONS**

**Case No. 1011**

**Action Requested:**

Use Variance to permit an oil distribution business (lubricants, antifreeze, cleaners, etc. - no bulk gasoline or diesel sales) in an AG District - **Section 1670**. **VARIANCES** - Use Unit 15, located 715 East 131st Street South.

**Comments and Questions:**

Mr. Richards stated that the Jenks Board of Adjustment has heard the case and recommended denial (Exhibit A-2). He informed that the applicant, **Ron Rabin**, has requested withdrawal of the application (Exhibit A-1), due to overwhelming neighborhood opposition to his proposal.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **WITHDRAW** Case No. 1011, as requested by the applicant.

Case No. 1012

Action Requested:

Variance of the minimum required lot width from 200' to 165' to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 9839 North Lewis Avenue.

Presentation:

The applicant, **Richard McCreary**, 11916 East 23rd Street, Tulsa, Oklahoma, explained that he is proposing to split a five-acre tract into two parcels.

Comments and Questions:

In response to Mr. Alberty, the applicant stated that he has a contract for sale on one tract if the lot split is approved.

**Derrick Chute**, the prospective buyer, stated that he is currently living on the subject property. He informed that a mobile home is located on the tract at this time, but a house is proposed for the near future.

Mr. Alberty asked if a septic system is in place, and Mr. Chute answered in the affirmative.

In reply to Mr. Alberty, Mr. Chute informed that the property is located on a dedicated and maintained County road.

Mr. Gardner asked if the road on the east side of the property extends to 96th Street North, and Mr. Chute answered in the affirmative.

Mr. Alberty asked Mr. Chute if he is aware of the Technical Advisory Committee's conditions concerning the property, and he replied that he has been informed of the conditions.

Protestants: None.

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 **Variance** of the minimum required lot width from 200' to 165' to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; subject to the following conditions:

1. City/County Health Department approval of septic systems for both tracts.
2. Confirmation from Washington County RW#3 of water service.
3. Approval of the County Engineer for any grading and drainage through the permit process.
4. Granting of any easements necessary for utility access, including an 11' utility easement on the east side of the North Lewis right-of-way as shown on application.

Case No. 1012 (continued)

5. Dedication of any additional right-of-way required by the County Engineer. (None was required.)
6. Verification that the building site is not in a flood area. Requires proof in writing from the applicable agency, particularly relating to a minimum floor level for all habitable buildings.

N/2, SW/4, NW/4, SW/4, Section 17, T-21-N, R-13-E, less .55 acres for road, Tulsa County, Oklahoma.

Case No. 1013

Action Requested:

Variance of the bulk and area requirements in an agriculture district to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 20534 West Coyote Trail, Sand Springs, Oklahoma.

Comments and Questions:

Mr. Richards informed that Sand Springs has requested that Case No. 1013 be continued to May 21, 1991 to allow sufficient time to conduct a hearing on the lot split application.

Interested Parties:

**Joe Fisher**, 112 East 12th Street, Sand Springs, Oklahoma, stated that he is representing **Clyde Broom**, owner of property abutting the subject tract. He pointed out that, although his client does not oppose the application, he is not in agreement with the survey lines.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **CONTINUE** Case No. 1013 to May 21, 1991, as requested by the City of Sand Springs.

Case No. 1014

Action Requested:

Variance of the height limitation for ground supported transmitting towers from 60' to 360' to permit existing communications tower - **Section 220. HEIGHT EXCEPTIONS** - Use Unit 4, located northwest of the northwest corner of US Highway 75 and 86th Street North.

Presentation:

The applicant, **Jack Goddard**, Route 6, Box 626-A, Guthrie, Oklahoma, stated that the 340' tower was completed in January of 1991, with the understanding that a Federal Aviation Administration (FAA) permit was the only one required. Mr. Goddard informed that he made application for electrical service and, at that time, was informed that a County Building Permit is also required. He stated that the beacon on top of the tower may extend to 370', and FAA approval is for that height.

Case No. 1014 (continued)

Comments and Questions:

Mr. Alberty asked the applicant how much of the property will be used for the tower and guy wires, and Mr. Goddard stated that the tower is located in the center of the property, with guy wires reaching 250' in three directions.

In response to Mr. Alberty's inquiry concerning other uses on the property, the applicant stated that he has explained to the owner of the property that the tower parts would fall over a 75' (radius) area if it should collapse, and that amount of space would be a danger zone and must remain vacant.

Mr. Looney asked if a lagoon is located on the property, and Mr. Goddard answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the height limitation for ground supported transmitting towers from 60' to 370' to permit existing communications tower - **Section 220. HEIGHT EXCEPTIONS** - Use Unit 4; finding that FAA has approved the tower location; and finding that the use will not be injurious to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

W/2, SE/4, SW/4, SE/4, less beginning at the SE/c thence west 331.6', north 69.9', northeast 102.6', northeast 231', south 90' to the Point of Beginning, Section 21, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1015

Action Requested:

Special Exception to permit a mobile home dwelling in an RE District on a permanent basis - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 11717 East 68th Street North, Owasso, Oklahoma.

Presentation:

The applicant, **John G. Nimal**, 11201 East 114th Street, Owasso, Oklahoma, requested permission to install a single-wide mobile home at the above stated location. He pointed out that there are single-wide mobile homes on both sides of his property, and asked the Board to approve the application.

Comments and Questions:

Mr. Alberty asked if utilities are available, and the applicant stated that he will install a septic system, and all utilities are available.

Case No. 1015 (continued)

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eiler, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home dwelling in an RE District on a permanent basis - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; subject to Health Department approval and Building Permit; finding that there are numerous 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:

E/2, W/2, south 344', west 633.6', S/2, NE/4, SW/4, Section 32, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1016

Action Requested:

Use Variance to permit bicycle sales, rental and repair shop (Use Unit 14) in a residential district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, under the provisions of **Section 1670. VARIANCES** - Use Unit 14, located 615 South 65th West Avenue.

Presentation:

The applicant, **Tommy Walker**, 6517 West Archer, Tulsa, Oklahoma, stated that he is proposing to operate a bicycle shop and concession stand in a vacant building near the recently completed bicycle trail. He informed that a grocery business was conducted at this location for many years, but the structure is now vacant and in need of repair.

Comments and Questions:

Mr. Alberty inquired as to the reason for requesting a use variance instead of rezoning, and the applicant stated that he thought the neighborhood would be more supportive of the proposed use than some of the uses that might be allowed if the property was rezoned.

In response to Mr. Alberty, Mr. Walker stated that the hardship for this case is the fact that the commercial building is located in a residentially zoned area, but is not suitable for a dwelling.

Mr. Gardner pointed out that the building has been utilized for commercial purposes (neighborhood grocery and meat market) for years and has never been a residence.

Protestants:

**Sylvia Ford**, 5425 West 6th Street, Tulsa, Oklahoma, stated that she lives in the area and would prefer that the old building be removed. She stated that she would not be overly concerned with the opening of a bicycle shop on the property, but would be opposed to other businesses beginning operation if the shop should close.

Case No. 1016 (continued)

**Applicant's Rebuttal:**

Mr. Walker stated that the shop will be an asset to the community, because he will repair the old building and clean up the property.

**Additional Comments:**

Mr. Tyndall asked if there will be outside storage on the property, and the applicant stated that there will be no storage outside the building.

In response to Mr. Tyndall's inquiry as to signage, the applicant stated that he is proposing to paint a sign on the south side of the building facing Charles Page Boulevard.

There was Board discussion concerning the operation of the concession stand in conjunction with the sale of bicycles, and Mr. Walker stated that he views the concession as being an accessory use to the primary use of bicycle sales and rentals.

**Board Action:**

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Use Variance** to permit bicycle sales, rental and repair shop only\* (Use Unit 14) in a residential district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, under the provisions of **Section 1670. VARIANCES** - Use Unit 14; subject to no alcoholic beverages sold or consumed on the property; \*subject to the concession being an accessory use only; and subject to signage being limited to a painted wall sign on the south side of the building; finding a hardship demonstrated by the fact that, although located in an RS District, the property contains a commercial building which has never been used for residential purposes; and finding that the use, as presented, will not be detrimental to the area; on the following described property:

Lot 37, Partridge Subdivision, Tulsa County, Oklahoma.

**Case No. 1017**

**Action Requested:**

Special Exception to permit a single-family dwelling in an RMH zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6.

Variance to permit two dwelling units on a single lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, located northeast corner of 109th East Avenue and East 136th Street North.

**Comments and Questions:**

Mr. Richards informed that the property in question is inside the Collinsville fence line, however, the Collinsville Board of Adjustment did not choose to hear the case.

Case No. 1017 (continued)

**Presentation:**

The applicant, **Robert Hutchinson**, 13998 North 92nd East Avenue, Collinsville, Oklahoma, stated that he has recently purchased the east half of an old mobile home park that was in disrepair. Mr. Hutchinson explained that the property has been cleaned up and a double-wide mobile home was installed for his personal use. He requested permission to move a house to one end of the tract for his father-in-law's residence.

**Comments and Questions:**

Mr. Alberty asked the applicant if he is contemplating a lot split, and Mr. Hutchinson replied that he is not financially able to divide the property at this time, but may apply for a lot split in the future.

Mr. Hutchinson stated that there are septic tanks in place to serve each of the dwellings.

**Protestants:** None.

**Board Action:**

On **MOTION** of ELLER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a single-family dwelling in an RMH zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6; and to **APPROVE** a **Variance** to permit two dwelling units on a single lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; subject to Health Department approval and a Building Permit; finding that the property is a portion of an abandoned mobile home park, which has previously had more than one dwelling unit in place; and finding that the granting of the requests will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Block 13, Industrial Heights Addition, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:19 p.m.

Date Approved

May 21, 1991

Stacyne Alberty  
Chairman