

**COUNTY BOARD OF ADJUSTMENT**  
Agenda (No. 132)  
Tuesday, May 21, 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 Looney Tyndall	Eller Walker	Jones Moore	

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, May 16, 1991 at 2:18 p.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:30 p.m.

**MINUTES:**

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** the **Minutes** of April 16, 1991 (No. 131).

**UNFINISHED BUSINESS**

**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.

**Presentation:**

The applicant, **Del Phillips**, PO Box 1780, Oakhurst, Oklahoma, explained that the property in question is owned by his mother, **Hattie Simmons**, who is requesting a lot split in order to deed her property to her two daughters. A plat of survey (Exhibit M-1) was submitted.

**Comments and Questions:**

Mr. Alberty asked if the entire property is being split, and the applicant answered in the affirmative.

Mr. Alberty pointed out that the applicant would not be in need of a variance if the property had the same residential estate zoning classification as the adjacent property.

In response to Mr. Jones, the applicant stated that Sand Springs approved the lot split.

**Protestants:** None.

Case No. 1013 (continued)

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker "absent") to **APPROVE** a **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; per plat of survey submitted; finding that the lots are comparable in size to adjacent lots zoned Residential Estate; on the following described property:

Part of the W/2, Section 26, T-19-N, R-10-E, beginning 330' south and 1812' east of the NW/c of the SW/4; thence north 1392'; southwest 581'; thence on curve to the right 353.19'; south 357.97'; east 787'; south 820.15'; east 90' to the POB, less the west 275' and easterly 203.25' thereof, containing 3.05 acres, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 1019**

**Action Requested:**

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.

Variance of the street frontage required on a dedicated street or right-of-way from 30' to 0' - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6.

Variance of the minimum lot width from 200' to 187' on two lots - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 5510 South 161st West Avenue, Sand Springs, Oklahoma.

**Presentation:**

The applicant, **Marsha Riffe**, was represented by her husband **Chris Riffe**, 5510 South 161st West Avenue, Sand Springs, Oklahoma, who submitted a plat (Exhibit N-1) and explained that he is proposing to split a 5.7 acre tract into two lots in order to construct a second dwelling.

**Comments and Questions:**

Mr. Alberty inquired as to the access for the lot to the rear, and the applicant stated that he has an easement agreement.

In response to Mr. Alberty, Mr. Riffe stated that he is currently living in the existing house on the front portion of the property.

Mr. Alberty asked if there will be two dwellings on one of the newly created lots, and the applicant stated that there will be one dwelling on each lot. Mr. Alberty stated that the variance request for two dwellings per single lot of record will not be needed if the lot split is approved.

Case No. 1019 (continued)

Mr. Looney asked if an easement has been prepared for the access to the rear lot, and Mr. Riffe stated that it was submitted at the Sand Springs hearing.

Mr. Jones informed that the plat reflects that one tract will continue to have access on 161st West Avenue, and the remaining lot will have an access easement to West 56th Place South on adjoining property to the west.

**Board Action:**

On **MOTION** of LOONEY, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker "absent") to **WITHDRAW** 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; to **APPROVE** a **Variance** of the street frontage required on a dedicated street or right-of-way from 30' to 0' - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6; and to **APPROVE** a **Variance** of the minimum lot width from 200' to 187' on two lots - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; per plat submitted; subject to the filing of necessary easements to access the rear lot; finding a hardship imposed on the applicant by the long narrow shape of the lot; and finding that there are numerous residential lots in the area that are smaller than those in question; on the following described property:

North 187.55' of south 375.10' of SE/4, NE/4, Section 31, T-19-N, R-11-E, Tulsa County, Oklahoma.

**Case No. 1020**

**Action Requested:**

Variance of the lot area from 2 acres to 1.46 and 1.8 acres, and variance of the land area per dwelling unit from 2.2 acres to 1.6 and 1.96 acres in order to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 13604 North 141st East Avenue, Collinsville, Oklahoma.

**Presentation:**

The applicant, **Floyd Daniels**, was represented **Mike Daniels**, 5816 South 91st East Avenue, Tulsa, Oklahoma, who stated that a lot split is proposed for the subject property. He informed that a 3000 sq ft dwelling for his father will be constructed on one lot. Mr. Daniels submitted a petition of support (Exhibit A-4) from surrounding property owners, and a letter of approval (Exhibit A-1) from the Health Department. He pointed out that a lot split was previously approved in the area that created a smaller lot than he has requested.

**Comments and Questions:**

Mr. Alberty asked the applicant if he is aware of the Staff suggestion that right-of-way be dedicated along 136th Street and the grading and drainage plans be approved by the County engineer, and he answered in the affirmative.

Case No. 1020 (continued)

**Protestants:**

**Robert Lovelace**, 13835 North 141st East Avenue, Tulsa, Oklahoma, stated that he is a contractor in the area, and is opposed to the lot split. He stated that the land in question will not pass a percolation test and water is standing there at this time. A letter of opposition (Exhibit A-2) and a petition (Exhibit A-3) were submitted.

**Comments and Questions:**

Mr. Alberty pointed out that any decision the Board makes is subject to Health Department approval.

Mr. Jones asked the applicant if he would be opposed to the lot split if the Health Department determined that the land would perk, and he replied that it did not comply with Health Department standards in the past.

**Applicant's Rebuttal:**

Mr. Daniels stated that the proposed dwelling will be comparable to other homes in the area and will be an asset to the community.

**Board Action:**

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker "absent") to **APPROVE** a **Variance** of the lot area from 2 acres to 1.46 and 1.8 acres, and variance of the land area per dwelling unit from 2.2 acres to 1.6 and 1.96 acres in order to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; subject to TMAPC approval of the lot split and all County requirements; and subject to percolation test approved by the Health Department; finding that there are lots of similar size in the area, and the granting of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

East 330.75' of the south 516.6' of the SE/4, SE/4, Section 28, T-22-N, R-14-E, Tulsa County, Oklahoma.

**Case No. 1021**

**Action Requested:**

Special Exception to permit a Use Unit 17 (automobile sales) in a CS District - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17.

Variance to allow open-air storage or display of merchandise offered for sale within 300' of an adjoining R District and a variance to waive the screening requirements along lot lines in common with an R District (south and west lot lines) - **Section 1217.3.a.b. Use Unit 17. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17, located 6002 West 21st Street.

Case No. 1021 (continued)

**Comments and Questions:**

Mr. Jones informed that the owner of the subject property has requested by letter (Exhibit B-1) that Case No. 1021 be withdrawn, since an agreement could not be reached on the lease.

**Board Action:**

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker "absent") to **WITHDRAW** Case No. 1021, as requested.

**Case No. 1022**

**Action Requested:**

Special Exception to allow a Use Unit 20 (Commercial Recreation: Intensive) water skiing activities and similar uses on a pond - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS -** Use Unit 20, located south side of 76th Street North and east of Memorial Drive.

**Comments and Questions:**

Mr. Jones stated that the applicant contacted the INCOG office and requested that Case No. 1022 be withdrawn.

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker "absent") to **WITHDRAW** Case No. 1022, as requested by the applicant.

**Case No. 1023**

**Action Requested:**

Special Exception to allow a home occupation (Use Unit 13, beauty shop) in a residential district - **Section 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS -** Use Unit 13.

Variance to allow a small identification sign in conjunction with the proposed beauty shop use - **Section 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS -** Use Unit 13, located 201 Walnut Street, Sand Springs, Oklahoma.

**Protestants:**

Mr. Alberty stated that the Board has received one letter of protest (Exhibit C-1) from **Ms. Morse**, trustee of the **Blanche Lancaster** trust.

**Presentation:**

The applicant, **Wynona Graham**, 201 Walnut Street, Sand Springs, Oklahoma, submitted a petition of support (Exhibit C-2) for her application. Ms. Graham explained that her husband is a heart patient and she is proposing to operate a beauty shop in an accessory building behind her residence.

Case No. 1023 (continued)

**Comments and Questions:**

Mr. Alberty inquired as to the days and hours of operation for the business, and the applicant stated that she will probably work Wednesday through Friday, 9:00 a.m. to 5:00 p.m., and until noon on Saturday.

In response to Mr. Alberty, the applicant informed that the beauty shop will be located in an existing apartment on the back portion of her property.

Mr. Alberty asked what type of sign is proposed, and Ms. Graham requested permission to install a 2' by 4' sign in her front yard. She stated that she has contacted the nearby property owners and has had no neighborhood opposition to the beauty shop.

Mr. Jones informed that the parking area for the beauty shop must be covered with a hard-surface material.

**Interested Parties:**

**Geraldine Johnston**, 109 1/2 Walnut, Sand Springs, Oklahoma, stated that she is supportive of the application.

**Board Action:**

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker "absent") to **APPROVE** a **Special Exception** to allow a home occupation (Use Unit 13, beauty shop) in a residential district - **Section 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 13; and to **APPROVE** a **Variance** to allow a small identification sign in conjunction with the proposed beauty shop use - **Section 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 13; subject to days and hours of operation being Monday through Friday, 9:00 a.m. to 5:00 p.m. and Saturday, 8:00 a.m. to noon; subject to signage being limited to a 2' by 3' sign; and subject to all parking being covered with a hard-surface material; finding that the home occupation, as presented, will not be detrimental to the neighborhood; on the following described property:

Lot 9, Block 2, Halls First Addition, City of Sand Springs, Tulsa County, Oklahoma.

**Case No. 1024**

**Action Requested:**

Variance of the required lot area and land area in an AG zoned district to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6.

Variance of the required 30' frontage on a public street or dedicated right-of-way - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located west of SW/c of 193rd West Avenue and Wekiwa Road.

Case No. 1024 (continued)

Comments and Questions:

Mr. Jones informed that the applicant's request for a lot split was denied by Sand Springs; however, she is proposing to detail a new lot configuration and submit the application to Sand Springs for their consideration. He suggested that the case be continued to the next scheduled Board meeting to allow sufficient time for Sand Springs to review the revised lot split.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker "absent") to **CONTINUE** Case No. 1024 to June 18, 1991.

Case No. 1025

Action Requested:

Use Variance to permit periodic outdoor auctions (Use Unit 15) in an AG District - **Section 1670. VARIANCES** - Use Unit 15.

Special Exception to permit a lawn mower repair service (Use Unit 17) as a home occupation in an AG District - **Section 320. ACCESSORY USES IN AGRICULTURE DISTRICTS** - Use Unit 17.

Variance to waive the all-weather surfacing requirement for unenclosed off-street parking areas - **Section 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 17, located north of northwest corner of 126th Street North and North 135th East Avenue.

Presentation:

The applicant, **Olen T. Shults**, Route 2, Box 187, Collinsville, Oklahoma, stated that the Board previously approved outside auctions on the subject property for a period not to exceed two years. He informed that he was operating his business at another location, but due to continuous vandalism, he moved the operation to his home when the lease terminated. Mr. Shults requested permission to continue operating his business at this location.

Comments and Questions:

In response to Mr. Alberty, the applicant stated that he is continually trading for various items and the auction is a way of controlling his inventory. He explained that the equipment sold consists primarily of lawn mowers and hay equipment, which are removed from the property on the day of the sale.

Mr. Jones asked if the previous approval to conduct auctions was on the property in question, and the applicant answered in the affirmative.

Referring to minutes from the previous hearing, Mr. Jones stated that the conditions of that approval limited the operation to 2 years only, allowed merchandise to be stored outside one week prior to and one week following the date of the auction and permitted one sale per month. He added that the operation was to be annually inspected and approved by Collinsville.

Case No. 1025 (continued)

In response to Mr. Tyndall, the applicant stated that there is a house and an existing 32' by 65' shop located on the property.

Mr. Looney asked the applicant if he can comply with the previously imposed conditions, and he stated that he would like to construct an auction building in the future, and add guns to the sale items.

Mr. Alberty stated that he has visited the location and there seems to be no problem with the operation at this time; however, he could not support future expansion of the business and the construction of an auction barn in the residential area.

Mr. Jones stated that the residential area may experience development in the future, and the business may not be compatible with the neighborhood if this occurs. He suggested that the Board could consider a time limit if the application is approved.

Mr. Shults stated that he is proposing to double the size of the existing building in the future in order to cover some of the machinery that is now stored outside.

Mr. Jones stated that the applicant is permitted to construct a barn in the agriculture area.

Mr. Alberty asked the applicant if he is proposing to double the size of the existing 2000 sq ft building, and he answered in the affirmative.

Mr. Jones suggested that the Board require the applicant to submit a plot plan for the proposed construction, and pointed out that State Statutes require that the Board grant only the minimum amount of relief necessary to alleviate a hardship. He added that the future plans seem to indicate that an intense commercial activity will be in operation at this location, which could have a detrimental impact on the residential area.

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker "absent") to **APPROVE** a **Use Variance** to permit periodic outdoor auctions (Use Unit 15) in an AG District - **Section 1670. VARIANCES** - Use Unit 15; to **APPROVE** a **Special Exception** to permit a lawn mower repair service (Use Unit 17) as a home occupation in an AG District - **Section 320. ACCESSORY USES IN AGRICULTURE DISTRICTS** - Use Unit 17; and to **APPROVE** a **Variance** to waive the all-weather surfacing requirement for unenclosed off-street parking areas - **Section 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 17; subject to a time limit of 2 years from this date; subject to outside storage of merchandise one week prior to and one week following the date of the auction **only**; subject to one auction per month; subject to the operation being inspected annually by the City of Collinsville; and subject to the auction building containing a maximum of 4000 sq ft of floor space; finding that the temporary use is compatible with the surrounding area at this time; on the following described property:

South 188.68' of north 1698.12' of 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.  
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**Case No. 1027**

**Action Requested:**

Special Exception to permit a mobile home as a dwelling in an RE District - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located Lot 27, Block 1, Western Hills Ranchette's Addition.

**Presentation:**

The applicant, **DeWayne Meloy**, 3907 South 177 West Avenue, Sand Springs, Oklahoma, informed that he purchased a lot from Synar Land Company and stated his intentions of installing a mobile home on the property during the construction of a house; however, after the installation was complete, he discovered that the property was not zoned for mobile home use. Mr. Meloy stated that he has sold his home in another city, and asked the Board to permit the unit to remain on the subject property until he can construct a dwelling.

**Comments and Questions:**

Mr. Looney asked the applicant how long he will live in the mobile home, and Mr. Meloy stated that he will not be financially able to start construction for approximately two years. He informed that construction will not begin for approximately one year, because he sold the house where he previously lived on a lease purchase agreement, and it will be approximately a year before the closing.

In response to Mr. Looney, the applicant informed that the existing mobile home is skirted and tied down.

Mr. Alberty remarked that the Board has approved two mobile homes in the area, and the applicant stated that two mobiles are located in the neighborhood.

Mr. Alberty pointed out that the surrounding land is zoned agricultural, which would permit a mobile home by right.

In response to Mr. Jones, the applicant stated that Mr. Synar is going to attempt to clarify some of the land questions at a future Board meeting but, because of financing on his mobile, he could not wait for that hearing.

Mr. Jones informed the Board that this case was scheduled to be heard by the Sand Springs Board of Adjustment on May 14; however they did not have a quorum for that meeting, and did not render a decision.

**Protestants:**

Mr. Alberty stated that the Board received one letter of protest (Exhibit D-1) from a property owner in the AG District. He pointed out that the protestant can install a mobile home on his property without Board approval.

**Interested Parties:**

Ms. Baker, a nearby property owner, was in attendance to support the application, but did not choose to speak.

Case No. 1027 (continued)

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker "absent") to **APPROVE** a **Special Exception** to permit a mobile home as a dwelling in an RE District - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located Lot 27, Block 1, Western Hills Ranchette's Addition; subject to a maximum of 5 years **only**; and subject to Building Permit and Health Department approval; finding that temporary mobile home use will not be detrimental to the area, since mobile homes are permitted by right in the AG District to the west of the subject property; on the following described property:

Lot 27, Block 1, Western Hills Ranchette's Addition, Tulsa County, Oklahoma.

**OTHER BUSINESS**

**Case No. 1018**

**Comments and Questions:**

Mr. Jones informed that the applicant, **Jim Walter Homes, Inc.**, requested withdrawal of Case No. 1018 prior to processing, and suggested that the entire filing fee be refunded.

**Board Action:**

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker "absent") to **REFUND** filing fees in the amount of \$125.00, finding that the application was withdrawn prior to processing.

There being no further business, the meeting was adjourned at 2:47 p.m.

Date Approved

June 18, 1991

A. Alberty  
Chairman