

COUNTY BOARD OF ADJUSTMENT
Agenda (No. 138)
Tuesday, November 19, 1991, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Looney Tyndall Walker	Eller	Gardner Jones Moore	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, November 18, 1991 at 11:30 a.m.

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

MINUTES:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** the **Minutes** of October 15, 1991 (No. 137).

UNFINISHED BUSINESS

Case No. 1046

Action Requested:

Use Variance to allow bait shop, grocery store, convenience store, boat and RV sales, repair and storage and mini-storage - **Section 310. PERMITTED USES IN AGRICULTURE DISTRICTS** - Use Unit 17, located 26500 West 21st Street.

Comments and Questions:

Mr. Gardner advised that the County has recently approved IL zoning on the property in question, therefore, the request can be changed to a special exception rather than a use variance.

Mr. Jones informed that mini-storage, bait shop, boat and RV sales, repair and storage, are uses that are permitted by right on the subject property. He pointed out that only the grocery store/convenience store will require Board action.

Presentation:

The applicant, **I. M. Puryear**, Route 3, Box 860, Sand Springs, Oklahoma, stated that the existing building was used as a tavern prior to his purchase of the property in 1978, and has been vacant since that time. Mr. Puryear explained that he is proposing to operate a convenience store and bait shop, which will provide supplies for individuals visiting the lake area. He stated that the building is located 300' from the property line to the west, and the business he intends to operate will not produce excessive noise or pollution. A plot plan (Exhibit A-1) was submitted.

Case No. 1046 (continued)

Comments and Questions:

Mr. Albery asked if all uses that require a special exception will be contained inside the 40' by 55' existing building, and the applicant answered in the affirmative.

In response to Mr. Albery, Mr. Puryear stated that the existing building provides adequate space for his business and he does not contemplate an expansion.

Mr. Albery asked if the property is accessed from Coyote Trail, and the applicant answered in the affirmative.

Protestants:

Rhonda Nance, 2807 East 3rd Street, Tulsa, Oklahoma, represented her father, Ray Bartley. She stated that her father is requesting that a fence be installed between Mr. Puryear's tract and his property to insure his family's privacy. She stated that her father's land is located to the west of the subject property, and he is also concerned with percolation of the soil, since the land drains toward his home. She informed that Mr. Puryear is in the process of constructing an additional building that is approximately 8' from her father's property line.

Comments and Questions:

Mr. Gardner pointed out that the applicant will be required to file for a variance of the setback if the building is constructed at the proposed location (building No. 6 on the plot plan).

Mr. Albery asked Mr. Fields if the drainage situation will be addressed by his department, and he replied that the property is not located in a flood regulated area, therefore his department has no jurisdiction over drainage.

Applicant's Rebuttal:

Mr. Puryear stated that he has no objection to the installation of a privacy fence; however, Mr. Bartley will have difficulty maintaining his buildings that are located less than 2' from the boundary line.

Mr. Looney asked if building No. 6 on the plot plan is an existing structure, and Mr. Puryear stated that it is an existing building, but a new addition is proposed.

Mr. Albery advised that the new portion of the building will require additional relief.

Mr. Albery asked the applicant if there are other nearby residences that would require screening, and Mr. Puryear replied that he will comply with all Board requirements.

Case No. 1046 (continued)

Board Action:

REQUIREMENT
RESCINDED
12-17-91

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller "absent") to **APPROVE** a **Special Exception** to allow a grocery store/convenience store - **Section 910. PRINCIPAL USES PERMITTED USES IN INDUSTRIAL DISTRICTS - Use Unit 14**; per plot plan submitted (one existing building); subject IL zoning; *subject to a 6' screening fence being installed along the west and southwest property lines that abut residential uses; subject to Health Department approval; and subject to a drainage plan being submitted to the County to insure that additional water runoff will not be directed to surrounding properties; and to **CONTINUE** the remainder of the application to December 17, 1991, to permit the applicant to file for additional setback relief; finding the proposed use to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

All that part of the NE/4 NW/4 Section 18, T-19-N, R-10-E of the IBM, Tulsa County, Oklahoma, described as follows: Beginning at the NE/c of the NW/4 of said Section; thence west along the Section line a distance of 560'; thence south along a line parallel to the east line of said Section a distance of 427.4'; thence west along a line parallel to the north line of said Section a distance of 760' more or less to a point on the west line of the NE/4 NW/4 of said Section; thence south along the west line of the NE/4 of the NW/4 of said Section a distance of 315.6' more or less to a point on the north R/W line of the St. Louis and San Francisco Railway; thence in an easterly direction along the north boundary of said R/W to a point on the east line of the NE/4 NW/4 of said Section; thence north along the east line of the NW/4 of said Section a distance of 596.4', more or less to the POB, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 1049

Action Requested:

Special Exception to permit a church use in an IL and AG zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, and **Section 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 5**, located 8th Street and Rockwood, Mounds.

Presentation:

The applicant, **United Pentecostal Church**, was represented by **Charley Martin**, Route 3, Box 248, Mounds, Oklahoma, who requested permission to construct a building on a 10-acre tract of land that was recently purchased by the church. He submitted a plot plan (Exhibit F-1) for the proposed structure.

Comments and Questions:

Mr. Alberty asked when construction will begin, and Mr. Martin replied that the congregation is proposing to begin work in the spring.

Case No. 1049 (continued)

In response to Mr. Looney, Mr. Martin stated that the building will not be located in the IL portion of the property.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller "absent") to **APPROVE** a **Special Exception** to permit a church use in an IL and AG zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, and Section 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 5; per plot plan submitted; subject to a building permit and Health Department approval; finding church use to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

S/2, E/2, SW/4, SE/4, Section 34, T-17-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1050

Action Requested:

Variance of the required lot width in an AG District from 200' to 150'; a Variance of the minimum lot area from 2 acres to .77 acres to permit a lot - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 3108 East 141st Street, Bixby, Oklahoma.

Presentation:

The applicant, **Darrell Inbody**, 3108 East 141st Street, Bixby, Oklahoma, requested permission to create a .77-acre lot in order to construct a home for his mother-in-law. He stated that he owns approximately 7 acres at this location. Mr. Inbody pointed out that there are numerous lots across the street from his property that are similar in size to the proposed lot.

Comments and Questions:

In response to Mr. Alberty, the applicant stated that the proposed home will be served by the Jenks sewer system.

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller "absent") to **APPROVE** a **Variance** of the required lot width in an AG District from 200' to 150'; and to **APPROVE** a **Variance** of the minimum lot area from 2 acres to .77 acres to permit a lot - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; finding that there are numerous lots in the area that are similar in size; and the granting of the variance request will not be detrimental to the neighborhood, or violate the spirit, purpose or intent of the Code; on the following described property:

Case No. 1050 (continued)

A tract of land in the NE/4 of Section 17, T-17-N, R-13-E of the IBM, Tulsa County Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: Commencing at the NE/c of said NE/4; thence S 89°51'00" W along the north line of said NE/4 a distance of 1108.44' to the POB; thence S 00°03'07" W a distance of 273.00'; thence S 89°51'00" W a distance of 150.00'; thence N 00°03'07" E a distance of 273.00'; thence N 89°51'00" E a distance of 150.00' to POB; Tulsa County, Oklahoma.

Case No. 1051

Action Requested:

Variance of the required lot width in an RE District from 150' to 100' for all lots in Country Corner Estates II - **Section 430.1 Bulk and Area Requirements in the RE, RS, RD and RM Districts - Use Unit 6**, located south of SW/c 86th Street North and Highway 75.

Presentation:

The applicant, **First Bank of Owasso**, was represented by **Dennis Hodo**, 121 South Main, Owasso, Oklahoma, who stated that he has been employed by the bank to redesign the subdivision in question. He informed that a conditional final plat was approved in 1977, and some lot widths were 115'. Mr. Hodo explained that the Zoning Code in existence at that time permitted 100' lot widths; however, in 1980 the Code was changed to require a minimum lot width of 150'. He noted that a new road has been constructed 30' farther to the south than the plat reflects, and the current developer is attempting to work around the road location. A plat of survey (Exhibit B-1) was submitted.

Comments and Questions:

Mr. Albery remarked that the applicant is requesting that the original approval of 120' lot widths be decreased to 100'.

Mr. Gardner asked if additional lots have been added since the original approval, and Mr. Hodo replied that two lots have been added. Mr. Gardner informed that there is no Zoning Code classification between RS and RE.

Protestants:

Bill Kelly, Route 1, Box 492, Sperry, Oklahoma, stated that he was the previous owner of the property and filed the original plat. Mr. Kelly informed that his efforts failed and the property was lost after the construction of four homes. He pointed out that the existing homes contain approximately 2000 sq ft of floor area, and a reduction in the size of the lots will require the construction of smaller homes that will not be compatible with the neighborhood. Mr. Kelly added that 100' lots will not pass the percolation test.

Louise Pennington, Route 1, Box 491, Sperry, Oklahoma, stated that she lives in one of the four existing houses that were constructed when Mr. Kelly owned the property. She pointed out that small houses in the addition would devalue her property, and asked the Board to deny the application.

Case No. 1051 (continued)

Applicant's Rebuttal:

Mr. Hodo stated that he has reviewed the percolation test forms that have been approved for the lots, and four of the lots will be reconfigured. He informed that the minimum lot size will be one acre.

Additional Comments:

Mr. Alberty stated that he would not be inclined to support a lot width less than 123'.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-1-0 (Looney, Tyndall, Walker, "aye"; Alberty, "nay"; no "abstentions"; Eller "absent") to **APPROVE** a **Variance** of the required lot width in an RE District from 150' to 120' for all lots in Country Corner Estates II - **Section 430.1 Bulk and Area Requirements in the RE, RS, RD and RM Districts - Use Unit 6**; finding that this is a resurrection of a previously approved plat that complied with the Code and contained 115' lot widths; and finding that the lots will be similar in size to the previously developed lots to the north; on the following described property:

E/2 NW/4 NE/4 and E/2 W/2 NW/4 NE/4, Section 28, T-21-N, R-13-E of the IBM, less and except U.S. Highway 75 R/W and Less and Except Country Corner Estates, Tulsa County, Oklahoma.

Case No. 1052

Action Requested:

Variance of the required 85' setback from the centerline of 191st Street South to 73' to permit a carport - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6**, located 5979 East 191st Street South, Bixby, Oklahoma.

Comments and Questions:

Mr. Fields advised that he made an error in reviewing the application for a building permit, and the applicant is in need of a special exception instead of a variance, as reflected on the case report.

Presentation:

The applicant, **Shirley Woodring**, 5979 East 191st Street South, Bixby, Oklahoma, submitted a plot plan (Exhibit C-1), and requested permission to attach a 20' by 30' carport to the front of an existing dwelling.

Comments and Questions:

In response to Mr. Alberty, Mr. Fields stated that the carport will not interfere with future right-of-way setbacks.

Mr. Alberty asked Ms. Woodring if the carport will be enclosed, and she replied that it will be open on three sides.

Protestants: None.

Case No. 1052 (continued)

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberly, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller "absent") to **APPROVE** a **Special Exception** to permit the construction of a carport 73' from the centerline of 191st Street South instead of the required 85' - **Section 240.2.H Permitted Yard Obstructions** - Use Unit 6; per plot plan submitted; subject to no enclosure of the carport; finding that the granting of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Part of Lot 20, beginning 100' east SW/c, Lot 20, thence north 175', east 125', south 175', west 125', to the point of beginning, Block 2, Lot 20, Block 2, Liberty Heights Addition, Tulsa County, Oklahoma.

Case No. 1053

Action Requested:

Variance of the required 200' frontage in an AG District to 171' for each of the three lots - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6, located 4811, 4823, 4901 South 81st West Avenue.

Comments and Questions:

Mr. Alberly informed that the Sand Springs Board of Adjustment has recommended approval of the application (Exhibit E-1).

Presentation:

The applicant, **Shirley Adwers**, 7800 South 33rd West Avenue, Tulsa, Oklahoma, represented the owners of the subject property. She stated that they were unable to obtain a building permit for the installation of a modular home at this location. Ms. Adwers informed that the three parcels of land each contain 2 1/2 acres, and the owner was not aware of the 200' frontage requirement.

Comments and Questions:

Mr. Alberly pointed out that the three tracts in question have frontages similar in width to other lots in the area.

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberly, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller "absent") to **APPROVE** a **Variance** of the required 200' frontage in an AG District to 171' for each of the three lots - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6; finding that the lots are in compliance with the 2 1/2-acre size requirement, and that there are other lots in the area that have similar frontages; and finding that the approval will not be injurious to the neighborhood; on the following described property:

Case No. 1053 (continued)

Tract 8 (4811 S. 81st W. Ave.): The south 171.06' of the north 1364.54' of the W/2 of Lots 3 and 4, lying north of the centerline of Skyline Drive, less and except the west 24.75' thereof. Tract 9 (4823 S. 81st W. Ave.): The south 171.20' of the north 1535.74' of the W/2 of Lots 3 and 4, lying north of the centerline of Skyline Drive, less and except the west 24.75' thereof; and Tract 10 (4901 S. 81st W. Ave.): The south 171.35' of the north 1707.09' of the W/2 of Lots 3 and 4, lying north of the centerline of Skyline Drive, less and except the west 24.75' thereof, all in Section 30, T-19-N, R-12-E of the IBM, Tulsa County, Oklahoma.

Case No. 1055

Action Requested:

Special Exception to permit Use Unit 5 (community center) in an AG zoned district - **Section 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 5.

Variance of the required all-weather surface parking to permit a gravel lot - **Section 1350. DESIGN STANDARDS FOR OFF-STREET LOADING AREAS** - Use Unit 5, located 3100 South 65th West Avenue.

Presentation:

The applicant, Berryhill Community Center, was not represented.

Comments and Questions:

Mr. Jones informed that the applicant has requested by letter (Exhibit D-1) that Case No. 1055 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. 1055, as requested by the applicant.

There being no further business, the meeting was adjourned at 2:50 p.m.

Date Approved

12/17/91

Wayne Alberty
Chairman