

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 162
Tuesday, November 16, 1993, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Eller Tyndall Walker, Chairman	Looney	Gardner Moore Russell	Fields, Glenn, Building Insp.

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, November 12, 1993, at 4:05 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Walker called the meeting to order at 1:30 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 October 19, 1993 (No. 161).

UNFINISHED BUSINESS

Case No. 1192

Action Requested:

Special Exception to permit church and accessory uses, and to permit an emergency and protective shelter in an AG zoned district and for a variance to permit more than one dwelling per lot of record - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5, located NE/c of West 31st Street South and South 57th West Avenue.

Presentation:

The applicant, **Leon Ragsdale**, 1615 North 24th West Avenue, stated that he is the architect for the project and is representing the church. He explained that the floodway, which dissects the property, and a high hill comprise a large portion of the 34-acre site, and the proposed church would be an appropriate use for the tract. Mr. Ragsdale informed that the church has no connection with governmental agencies, but is merely attempting to help people by providing temporary housing for those in a crisis situation. He pointed out that the property will not be used for people involved in any type of criminal activity. The applicant stated that the initial intent of the church was to install mobile homes to house those in need; however, due to the opposition of the neighborhood, houses are now proposed. A plot plan and photographs (Exhibit A-1) were submitted. He informed that two houses are existing and five additional three-bedroom homes, as well as the church, will be constructed on the property. Mr. Ragsdale noted that there are also two accessory buildings on the property. It was noted by the applicant, that the Health Department has approved a percolation test for the land, and any water runoff will be adequately addressed before a building permit is issued (subdivision platting process).

Case No. 1192 (continued)

Linda Mason stated that she is a minister for the church, and they will not be operating a half-way house or providing housing for criminals. She informed that the church will provide temporary assistance to people who are in need.

Protestants:

Ms. Russell submitted letters of protest (Exhibit A-3) received from area residents.

Cathy Daniels, 3101 South 69th West Avenue, submitted a petition of opposition (Exhibit A-2) to the proposed use, and informed that the main objection to the project is the proximity of the use to the school and the safety of the children. She informed that the proposed use is vague, and voiced a concern with traffic, water runoff and the impact it will have on the school.

John Selph, County Commissioner, 500 South Denver, commended the church for their work, but voiced concerns regarding the project. He informed that numerous calls have been received from concerned citizens in Berryhill, and suggested that there are better locations for the use. Commissioner Selph noted that the proximity of the project to the elementary school, and the fact that there are septic problems in the area are commonly stated concerns by area residents. He stated that the use should be located near public transportation, medical facilities and counseling services. Commissioner Selph stated that there are numerous empty dwellings around the City that could be purchased by the church and used to house the needy. He pointed out that the use is not appropriate at the proposed location.

In response to Mr. Alberty, Commissioner Selph stated that it would not be necessary that the use be located in the downtown area; however, it should be near transportation and medical services.

Cliff Sartin, 4875 West 26th Street, stated that property located one-quarter mile west of the proposed church failed the percolation test, and questioned the approval of the percolation test.

Leonard Wood, Superintendent of Schools for Berryhill, 3128 South 63rd West Avenue, stated that the school board is not opposed to the church, but they feel that the project in question would present a significant risk to the health, safety and welfare of the school children in the district.

Mr. Alberty asked Mr. Wood if he would be opposed to a single-family subdivision at this location and he replied that he would have no objection to this type of development. Mr. Alberty pointed out that a subdivision would create a greater density than the proposed dwellings.

Orville Bryant, PO Box 9279, Tulsa, Oklahoma, stated the he is the pastor of a church to the east of the property in question and is opposed to the project because of a water problem in the area.

Pat Lusk, 2348 South 61st West Avenue, stated that she operates a day care center in the area, and is opposed to the use. She stated that the separation of families, with the husband or wife living at the shelter, could cause an explosive situation and be harmful to children in the area.

Donette Layton, 6139 West 40th Street, stated that she is concerned with the safety of her children, and is opposed to the shelter being located near a school.

Case No. 1192 (continued)

Lewis Daniels, 3101 South 59th West Avenue, stated that the construction of a church and homes on the property would cause additional water problems with the creek that runs through the property.

Applicant's Rebuttal:

Mr. Ragsdale reiterated that the church will not have security type people or criminals in the neighborhood, and all facilities that care for the needy cannot be located in the downtown area. He pointed out that transportation will be provided for the individuals that are staying temporarily at this location. Mr. Ragsdale stated that this is the mission of the church. He stated that the tract can adequately support seven houses and a church, and the project will comply with all floodplain ordinances. The applicant advised that the percolation test has been conducted and approved by the Health Department.

Comments and Questions:

In response to Mr. Walker, the applicant stated that all phases of construction will probably begin in approximately 90 days.

Mr. Tyndall inquired as to the present meeting place for the church, and Ms. Mason stated that the church meets in a two-car garage at this time.

Mr. Alberty stated that the community has been alerted that a use, other than the one proposed, would be on the property. He pointed out that care homes are not wanted in any neighborhood in the City; however, in this case, the single-family dwellings and the church would be consistent with surrounding development, and would not be detrimental to the area. Mr. Alberty stated that he is supportive of the application.

Mr. Tyndall stated that he is somewhat concerned with the shelter; however, the drainage and septic issues will be addressed by other City agencies.

Mr. Eller advised that he is in agreement with Mr. Alberty, and pointed out that the construction of a church and five additional houses on the property would not be detrimental to the neighborhood.

Mr. Walker noted that the applicant has stated that the people occupying the homes will not be security type individuals, and asked the applicant if people will be brought in from other states or governmental agencies to occupy the homes.

Mr. Ragsdale replied that the church will help people in the area that come to them with problems and need temporary housing. He stated that the church will not house persons referred to them from any governmental agencies.

Mr. Walker asked the applicant if he is amending the application to request that all dwelling units on the property be conventional type houses, with no mobile homes being installed, and the applicant answered in the affirmative.

Case No. 1192 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit church and accessory uses, specifically, to permit the church and 5 additional care home dwellings, plus the 2 existing dwellings, in an AG zoned district, and a **variance** to permit more than one dwelling per lot of record - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5; per plan submitted; subject to City/County Health Department approval; subject to County Engineer approval of location and elevation of all structures (Zoning Code requires property to be platted); and subject to no mobile homes on the property; finding a hardship demonstrated by the size of the tract, the need to keep all property under the church's ownership, rather than creating separate lots for each dwelling, and the fact that the proposed density is consistent with that of the area; finding the proposed uses to be comparable to surrounding development and in harmony with the spirit and intent of the Code; on the following described property:

SE/4, SW/4 less W/2, SW/4, SE/4, SW/4 and less east 50' thereof for road, Tulsa County, Oklahoma.

Additional Comments:

Mr. Gardner advised that the Board should determine the maximum number of individuals that will be permitted to be housed in each structure, based on the applicant's presentation.

Mr. Alberty amended his motion as follows:

On **AMENDED MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, "absent") to limit the number of occupants for each dwelling to 6 individuals (maximum 42 living on site).

NEW APPLICATIONS

Case No. 1199

Action Requested:

Variance to permit outside storage and sale of agricultural equipment - **SECTION 310 PRINCIPAL PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 5, located 9005 West 51st Street.

Presentation:

The applicant, **C. T. Canady**, 9005 West 51st Street, explained that he has lived on the 10-acre tract in question for approximately 28 years, and has been displaying some refurbished farm equipment for sale along the street frontage. He informed that he is not interested in operating an implement sales business, but merely wants to continue his hobby of refinishing and selling a limited number of farm implements. Mr. Canady stated that he was advised by the County inspector that he was not permitted by right to sell farm machinery at this location.

Comments and Questions:

Mr. Walker inquired as to the number of implements displayed on the property, and the applicant stated that he has had as many as nine pieces of equipment on display.

Mr. Fields informed that he investigated a complaint that equipment was being sold, and found the implements and the property to be in good repair.

Mr. Gardner advised that, based on the applicant's presentation, he is not requesting permission to conduct a regular business on the property, but the use seems to be more like a home occupation, except the implements are stored outside and not enclosed in a building.

Interested Parties:

Laurie Hixon stated that she lives in the area and is supportive of the application.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit a home occupation - **Section 320.1**, and a **variance** to permit outside storage and sale of agricultural equipment - **SECTION 440.B.3 Home Occupations** - Use Unit 17; subject to the home occupation guidelines, except outside storage of farm implements; subject to a maximum number of 9 implements (farm implements only) being displayed at any given time; subject to no commercial business being operated on the property; and subject to the home occupation being restricted to the applicant only; finding that the limited sale and display of farm implements will not be injurious to the agricultural district, or violate the spirit and intent of the Code; on the following described property:

SW/4, SW/4, SW/4 of Section 25, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 1200

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, located 4702 East 76th Street North.

Presentation:

The applicant, **Ronnie Hill**, 4702 East 76th Street North, Sperry, Oklahoma, requested permission to construct a home on his father's property. He informed that he has lived in a mobile home at this location for approximately five years.

Comments and Questions:

Mr. Walker asked if the mobile unit will be removed after completion of the dwelling, and the applicant answered in the affirmative.

In response to Mr. Walker, Mr. Hill informed that his mobile home was approved for five years, and requested that it remain only until the house is built.

Protestants:

None.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; subject to the mobile home being removed upon completion of the new dwelling; finding that two dwelling units (one house and one mobile home) have been in place for 5 years, and there are other tracts in the area with two dwelling units; on the following described property:

Beginning 330' south NE/c, NW/4, NE/4, NE/4, thence west 345.1' to the west R/W LN HWY north along HWY R/W 186.63' northeasterly along HWY R/W 289.14' easterly along HWY R/W 60.81' to EL, NW/4, NE/4, NE/4 south to POB, Section 33, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1201

Action Requested:

Special Exception to permit a mobile home in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 5765 South 97th West Avenue.

Presentation:

The applicant, **Richard Bingham**, 5767 South 97th West Avenue, Sand Springs, Oklahoma, was represented by **Irene Bingham**, of the same address. She informed that a mobile home has previously been located on the property and requested that her son be permitted to install a new 16' wide manufactured dwelling at the same location. Ms. Bingham noted that all utilities are available.

Case No. 1201 (continued)

Interested Parties:

Laurie Hixon, 5947 South 97th West Avenue, stated that she lives near the subject property and is supportive of the application.

Protestants:

None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; subject to a building permit and Health Department approval; finding that there are numerous mobile homes in the area, and approval of the request will not be detrimental to the neighborhood; on the following described property:

E/2, NW/4, SW/4, SW/4 and NE/4, SW/4, SW/4, SW/4 and west 66' SE/4, SW/4, SW/4, SW/4, Tulsa County, Oklahoma.

Case No. 1202

Action Requested:

Special Exception to permit a home occupation lawyer's office in an AG zoned district - **Section 440.1.- ACCESSORY USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 11, located 12021 East 121st Street.

Comments and Questions:

Ms. Russell informed that Broken Arrow (Exhibit C-1) has heard the case and has recommended approval, per conditions.

Presentation:

The applicant, **Grayson Rice**, 12021 East 121st Street South, Broken Arrow, Oklahoma, was represented by **Yvonne Rice**, who requested permission to construct a detached garage to be used as a lawyer's office for her son. Ms. Rice informed that she has contacted her neighbors and they are supportive of the application. She pointed out that Broken Arrow recommended that the approval be for one year only, and is not sure why they were concerned with a time limitation.

Comments and Questions:

Ms. Russell informed that the letter received from Broken Arrow mentioned a hardship finding, and she pointed out that the applicant is requesting a special exception, which does not require that the applicant present a hardship.

In response to Mr. Alberty, Ms. Rice stated that her son lives in her home and is a lawyer. She requested that the office be a permanent use, and pointed out that the new structure will have the appearance of a garage and will not detract from the residential character of the neighborhood.

Mr. Tyndall stated that it is not clear to him why Broken Arrow requested that a one-year time limit be placed on the approval.

Case No. 1202 (continued)

Grayson Rice, Jr., advised that it was stated at the Broken Arrow hearing that a hardship finding was required and, although he was aware that this was not a requirement for a special exception, did not want to correct the City official. He asked that the special exception for an office be approved.

Protestants:

None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit a home occupation lawyer's office in an AG zoned district - **Section 440.1.- ACCESSORY USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 11; per home occupation guidelines; finding that the proposed office will have the appearance of a garage (customary detached accessory building), and that approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Part of the SE/4, SW/4 beginning SE/c SW/4 thence west 290.25', north 446.61', east 290.25', south 446.87', Section 32, T-18-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1203

Action Requested:

Variance to permit two dwelling units on one lot of record, and a variance of the land area per dwelling unit - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** and **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 9, located 2100 East 161st Street.

Presentation:

The applicant, **Alan Dugdale**, 12904 South 73rd East Avenue, Bixby, Oklahoma, was not present.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **CONTINUE** Case No. 1203 to December 21, 1993.

Case No. 1204

Action Requested:

Use Variance to permit light manufacturing (small heat exchangers and lab equipment) in an AG zoned district, located 20520 Wekiwa Road, Sand Springs, Oklahoma.

Comments and Questions:

Ms. Russell informed that Sand Springs (Exhibit D-1) has heard the case and has recommended denial.

Case No. 1204 (continued)

Presentation:

The applicant, **TDH Manufacturing**, 20520 Wekiwa Road, Sand Springs, Oklahoma, was represented by **John Owens**, Box 344, Sand Springs, Oklahoma. Mr. Owens stated that he was not aware of the meeting in Sand Springs and did not attend that hearing. He explained that the subject property was purchased with the intent of relocating a light manufacturing business, which is in operation at this time.

Comments and Questions:

Mr. Walker inquired as to the previous location of the business, and Mr. Owens informed that the business was located in Tulsa.

Mr. Tyndall inquired about the use to the west, and Mr. Owens stated that the business is surrounded by farm land, with the nearest home being approximately one-half mile away.

Mr. Tyndall asked if there is commercial activity to the west, and Mr. Owens stated that there is a sand plant on the river.

In reply to Mr. Tyndall, Mr. Owens stated that the building is approximately 60' by 60', with a basement.

Mr. Gardner advised that Sand Springs may feel that the property in question could become a part of the City in the future, and cities do not have the authority to grant use variances. He noted that use variances can be granted by the County. Mr. Gardner stated that the applicant could apply for rezoning of the property, since there are existing commercial activities in the area.

Mr. Alberty stated that he is opposed to the use variance in acquiring industrial use of the property, and recommended rezoning the property.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **DENY** a **Use Variance** to permit light manufacturing (small heat exchangers and lab equipment) in an AG zoned district; finding that a hardship was not demonstrated to warrant the granting of the use variance request; and finding that there are commercial uses in the area and rezoning the property could be considered by the applicant; on the following described property:

Beginning at a point on the section line between Sections 2 and 11 in T-19-N, R-10-E, 1320' east of the corners of Section 2, 3, 10 and 11, and in said township and range, thence west 313', thence south 208.7', thence east 313', thence north 208.7' to the POB, containing one and one-half acres and all being the NW/4, NW/4 of Section 11, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 1205

Action Requested:

Special Exception to permit church use in an RS zoned District - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 1601 Wekiwa Road, Sand Springs, Oklahoma.

Comments and Questions:

Ms. Russell informed that the Sand Springs Board of Adjustment recommended (Exhibit E-1) approval of the application.

Presentation:

The applicant, **First Pentecostal Holiness Church**, 1601 Wekiwa Road, Sand Springs, Oklahoma, was represented by **Jerry Case**, who requested that the church be permitted to add a two-story classroom addition to the existing building.

Comments and Questions:

Mr. Walker advised the applicant that it appears that church use has not be approved on the property, and this is the request before the Board at this time.

Mr. Case informed that the church has been at the current location for approximately 30 years.

Mr. Alberty inquired as to the size of the existing facility, and Mr. Case stated that one building is 45' by 120', with the sanctuary being 60' by 120'.

Mr. Alberty asked if the church complies with the parking requirements, and he answered in the affirmative.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit church use in an RS zoned District - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; finding that the church was constructed on the property prior to zoning code regulations; on the following described property:

Lot 14 and the east 61' of Lot 15, Block 7, Charles Page Home Acres I, Tulsa County, Oklahoma.

Case No. 1206

Action Requested:

Variance of the required frontage on a public street from 30' to 0' - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located 11908 North Oswego.

Presentation:

The applicant, **Mark Vestal**, 8311 East 108th Street, requested a variance of the frontage requirement to permit the construction of a dwelling. He informed that his property is accessed by a private road.

Case No. 1206 (continued)

Comments and Questions:

Mr. Walker asked the applicant if he has an access easement, and he informed that his wife's parents own the abutting tract, and they permit them to use the road from 116th Street to their property.

Mr. Alberty asked Mr. Vestal if he could obtain an access easement, which states that he has permission to use the road, and he replied that he probably could get the easement. Mr. Vestal explained that they are in the process of getting road access from the east side of the property where there is currently a State easement and a 50' condemnation in place to his neighbors tract. Mr. Vestal stated that there is a 50' easement across his neighbors land to his property. He informed that the easements will permit him to have water available to his tract.

Mr. Alberty stated that a legal access easement document will be required to assure access to the property.

Mr. Glen stated that he cannot issue a building permit without a 30' recorded access easement.

Protestants:

Deward Holcomb, Route 1, Sperry, Oklahoma, stated that he is a property owner to the east, which is involved in a condemnation action at this time (Exhibit F-2). He added that he is not opposed to the variance if the applicant gains access to his property through his father-in-law's land. Mr. Holcomb remarked that he is opposed to any portion of his property being used for the access.

Mr. Alberty asked Mr. Holcomb how his property is accessed, and he replied that the State bought right-of-way access for him after his property was landlocked by the construction of the highway to the east; however, this right-of-way does not abut the subject property.

Roger McMillan, Route 1, Box 739, Sperry, Oklahoma, informed that he is the owner of the abutting property to the east, and noted that his property is between Mr. Holcomb's tract and the tract belonging to the applicant. He informed that he has a certificate of award stating that the property has been condemned, and stated that the right-of-way easement referred to by Mr. Holcomb is for public use.

A copy of the easement (Exhibit F-3), a letter from the Office of Land Acquisition (Exhibit F-4) and a map of County maintained roads (Exhibit F-5), were submitted.

Linda Vestal, 8311 East 108th Street, requested that the application be approved to allow construction to begin on their new home.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the required frontage on a public street from 30' to 0' - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; subject to the provision of a minimum 30' access easement from a dedicated right-of-way to the subject property; finding a hardship demonstrated by the fact that the property is an interior tract and is landlocked; finding that approval of the request will not be detrimental to the area, or impair the spirit, purposes and intent of the Code; on the following described property:

Case No. 1206 (continued)

W/2, E/2, NE/4, SW/4, Section 4, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1208

Action Requested:

Special Exception to permit a mobile home in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, located 6401 North Madison.

Presentation:

The applicant, **Lloyd Payton**, 6518 North Norfolk, Turley, Oklahoma, informed that he purchased a lot for the purpose of installing a 12' by 60' mobile home, but found that a mobile unit is not permitted without Board of Adjustment approval. He pointed out that there are numerous mobile homes in the immediate area. A plot plan (Exhibit G-2) was submitted.

Protestants:

Sam Butler, 6402 North Madison, stated that she is not opposed to the mobile home, but voiced a concern with the use of the mobile home for rental purposes. Ms. Butler submitted a letter of protest (Exhibit G-1) from a resident of the neighborhood.

Applicant's Rebuttal:

Mr. Payton stated that the mobile home will be used for rental purposes; however, his residence is in the neighborhood, and the appearance of the property would be of the utmost importance to him.

Comments and Questions:

Mr. Alberty pointed out that the case concerns land use, and the fact that the property will be used for rental purposes is not an issue.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**; per plan submitted; subject to a building permit and Health Department approval; and subject to the mobile home being skirted and tied down; finding that there are numerous mobile homes in the area, and approval of the special exception will not be detrimental to the neighborhood, or violate the spirit, purposes and intent of the Code; on the following described property:

Lot 10, Block 6, North Turley Addition, Tulsa County, Oklahoma.

Case No. 1209

Action Requested:

Special Exception to permit multifamily dwellings in an OL zoned district - **SECTION 610. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 8, located 5161 East 171st Street South.

Presentation:

The applicant, **William Hulen**, Route 1, Box 301, Bixby, Oklahoma, was not present.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, "absent") to **CONTINUE** Case No. 1209 to December 21, 1993.

Case No. 1210

Action Requested:

Special Exception to permit an auto salvage in an IM zoned district - **SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 27, located 15100 North Highway 169.

Presentation:

The applicant, **Robert Nichols**, 111 West 5th Street, stated that his client has been operating an auto salvage on a 56-acre tract at this location since 1972. He pointed out that County Zoning Code was not adopted until 1980. Mr. Nichols informed that Highway 169 recently bisected the subject property, and the owner of the salvage operation merely relocated the vehicles that were on the land condemned by the construction of the road. He questioned if the special exception is actually required.

Comments and Questions:

Mr. Walker asked if the entire 56-acre tract has always had roads in place to permit salvage use, and the applicant stated that the tract has always had cars on it from time to time.

Mr. Nichols stated that he is before the Board at this time because of the relocation of some of the cars that were in the path of the highway.

Mr. Alberty asked if the property will have access to Highway 169, and Mr. Nichols answered in the affirmative.

Mr. Fields stated that the aerial photographs reflect that there has been no vehicle storage on this portion of the tract.

In response to Mr. Gardner's question regarding screening, Mr. Nichols stated that the Highway Department may screen the property, but it is not known at this time.

Protestants:

Bill Retherford, 8545 East 41st Street, stated that he owns 51 acres across from the property in question, and pointed out that his tract was designated on the case map as the property in question today. He stated that he is not sure if the legal is correct, but voiced a concern that all interested parties were not notified of this hearing date.

Case No. 1210 (continued)

Reba Killingsworth, 15224 North 137th East Avenue, stated that her home is across from the salvage operation, and all trees have been removed and the cars are being moved up to the highway. She pointed out that the salvage automobiles are now in full view from the front of her home. She suggested that a privacy fence be installed to screen the operation.

Roy Killingsworth, 15224 North 137th East Avenue, stated that the salvage business was previously screened by cedar trees. He asked that the salvage cars be screened.

Additional Comments:

In response to Mr. Nichols, Mr. Gardner advised that the applicant could have appealed the decision of the building inspector; however, that issue is not before the Board at this time.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, "absent") to **CONTINUE** Case No. 1210 to December 21, 1993 for additional advertising if needed; and subject to an opinion from the District Attorney's office regarding the nonconforming status of the property.

Case No. 1211

Action Requested:

Special Exception to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, located 5707 South 155th West Avenue, Sand Springs, Oklahoma.

Comments and Questions:

Mr. Walker advised that he is a property owner in the area and will remove himself from the Board on Case No. 1211, in order to speak to the issue as a property owner.

Presentation:

The applicant, **Glenn Pope, Sr.**, 1212 East 7th Street, Sand Springs, Oklahoma, was represented by **Mary Pope**, who requested permission to install a mobile home on her son's five-acre tract. She explained that the double-wide unit will be permanently installed, with 2100 sq ft of floor space and a three-car garage. Ms. Pope stated that the ditch on the property will be landscaped and straightened, to permit water drainage to the back of the property.

Additional Comments:

Ms. Russell informed that Sand Springs heard the case (Exhibit H-2) and recommended denial, stating that a potential flooding problem exists at this location.

In response to Mr. Alberty, the applicant stated that there will be one permanent dwelling and one mobile home on the tract.

Ms. Fields stated that the land is in an "A" Flood Zone, but the map does not provide elevations. He added that the drainage ditch on the tract cannot be altered.

Case No. 1211 (continued)

Protestants:

Don Givens, 5701 South 155th West Avenue, stated that he is the property owner to the south of the subject tract, and pointed out that there has already been extensive earth change in order to build the existing dwelling on the property. He stated that water has been 3' deep at the proposed location for the mobile unit, and 8' deep on his property. Mr. Givens pointed out that any further altering of the drainage ditch would cause substantial damage to his land.

Mr. Tyndall asked Mr. Givens to state the size of his tract, and he replied that he owns five acres.

William Bremer, 5656 South 155th West Avenue, informed that he owns six acres across from the property in question, and noted that the restrictive covenants prohibit mobile homes. He stated that the installation of a septic system in the flood prone area would create a health hazard for people living downstream. A petition of opposition (Exhibit H-1) was submitted.

Ron Walker, PO 610, Sand Springs, Oklahoma, stated that he is the developer of the property in question, and informed that there are numerous mobile homes in the area, but restrictive covenants for this particular development prohibit mobile homes. He informed that it has been established that a drainage problem exists at this location, and this is the reason the five-acre tract was not divided.

Applicant's Rebuttal:

Ms. Pope stated that she would not want to install a mobile home in a flood area, and would not want to direct additional water to abutting properties.

Additional Comments:

In response to Mr. Tyndall, Ms. Pope stated that she was unaware of the Sand Springs meeting date, and was not present for the hearing.

Mr. Alberty stated that it may not be possible to find a safe building location on the property.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Eller, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, Walker "absent") to **DENY** a **Special Exception** to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; finding the property in question to be located in a flood prone area, and that altering of the land could create additional flooding problems for nearby land owners; on the following described property:

Part of the NE/4, SW/4 beginning SE/c, N/2, NE/4, SW/4 thence west 603.78' thence on right curve 337.47' NW 4.64' E 695.85 S 333.74' to the POB, Section 32, T-19-N, R-11-E, Tulsa County, Oklahoma.

OTHER BUSINESS


Consider Approval of 1994 Planning Calendar

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a the 1994 Planning Calendar, as presented.

There being no further business, the meeting was adjourned at 4:29 p.m.

Date Approved 12/21/93


Vice-Chairman