

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 163
Tuesday, December 21, 1993, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

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

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, December 17, 1993, at 2:15 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Alberty, Eller, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, Walker "absent") to **APPROVE** the **Minutes** of November 16, 1993 (No. 162).

UNFINISHED BUSINESS

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 UNIT 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, **Tammi 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, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **STRIKE** Case No. 1203 from the agenda, due to the failure of the applicant to appear for two consecutive meetings.

Case No. 1209

Action Requested:

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

Presentation:

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

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **STRIKE** Case No. 1209, due to the failure of the applicant to appear for two consecutive meetings.

Case No. 1210

Action Requested:

Special Exception to permit an auto salvage in an IM zoned district, and to appeal the decision that the operation is a nonconforming use - **SECTION 910. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 27, located 15100 North Highway 169.

Comments and Questions:

Mr. Alberty noted that the map has been changed since the previous hearing concerning this case, and Ms. Russell informed that the map has been changed to reflect only the portion of the tract that has not been used as a salvage yard. She noted that the previous map included the entire ownership of the applicant.

Presentation:

The applicant, **Robert Nichols**, 111 West 5th Street, advised that he previously explained that his clients business operation has been bisected by the extension of Highway 169, and requested that the salvage operation be permitted to operate on the portion of land that is isolated across the highway.

Additional Comments:

In response to Mr. Alberty, Mr. Nichols stated that automobiles have been moved to the small tract across the highway.

Ms. Russell informed that she has met with Denise Graham, District Attorney's office, and it was her opinion that auto salvage use on the subject tract would require a special exception, Zoning Code, Section 1410.C.2.

Protestants:

Mr. and Mrs Roy Killingsworth, 15224 North 137th East Avenue, informed that cars have not been previously stored on the subject tract, and pointed out that they are now within 100' of their home. Ms. Killingsworth stated that the salvage yard is unsightly and not well maintained, and that their neighbor, Mr. Freeman is also opposed to the application. Mr. Killingsworth requested that a screening fence be installed if the application is approved.

Case No. 1210 (continued)

Applicant's Rebuttal:

Jim Lambert, PO Box 310, Collinsville, Oklahoma, advised that he owns the property in question, and that the cars that are stored at this location for insurance companies until the claims are settled.

Mr. Tyndall asked if a screening fence could be installed, and Mr. Lambert stated that he is proposing to plant a hedge to screen the cars, because a solid screening fence cannot withstand the wind.

Mr. Alberty pointed out that it appears that Mr. Lambert has sufficient vacant space for storage without using the land in question.

Mr. Nichols requested that the Board address the appeal and the special exception separately.

Additional Comments:

In response to Mr. Alberty, Mr. Fields advised that the Zoning Code does not permit the expansion of the nonconforming salvage operation to an unused portion of the tract.

Mr. Alberty stated that he was inclined to support the application, with conditions, as it was previously presented for the entire tract; however, he is not supportive of the special exception to permit auto salvage on this small parcel.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **UPHOLD** the decision of the building inspector that the use is nonconforming and cannot be expanded to an unused portion of the lot, and to **DENY** a **Special Exception** to permit an auto salvage in an IM zoned district - **SECTION 910. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 27; finding that expansion of the salvage business to the approximate one acre of land across Highway 169 would cause the operation to be moved very near residential dwellings; and finding that the use would be detrimental to the surrounding neighborhood; on the following described property:

The east 125' of the north 400' of the S/2, SW/4, NE/4 and NE/4, NW/4, SE/4 and N/2, NE/4, SE/4 less beginning NW/c, NE/4, NW/4, SE/4 thence east 78.51' swly along curve LF 165.34', north 145.09' POB for hwy and less W/50', S/2, SW/4, NE/2 for hwy, Section 21, T-22-N, R-14-E, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 1212

Action Requested:

Special Exception to permit a mobile home in an RS zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, northwest corner of West 36th Street and South 63rd West Avenue.

Presentation:

The applicant, **Edwin Shaddox**, 2613 South 67th West Avenue, stated that he is the owner of the subject property and is requesting permission to install a mobile home. He informed that the mobile will serve as a dwelling for his son.

Comments and Questions:

Mr. Tyndall asked if there is a house on the property, and the applicant replied that the lot is vacant.

In response to Mr. Tyndall, Mr. Shaddox stated that there are mobile homes in the general area.

Mr. Shaddox stated that he is attempting to purchase a double wide mobile home.

Mr. Looney asked if a septic system will be installed, and Mr. Shaddox stated that the septic has already been installed and approved by the Health Department.

Protestants:

Dean Harrison, 3605 South 65th West Avenue, stated that he and his sister live on a 20-acre tract to the south of the subject property. He pointed out that, with the construction of the Tulsa Junior College in the area, the property values should increase and his land could be developed. He noted that there have been no recent approvals for mobile homes in the area, and those that are existing have been there for many years. Mr. Harrison stated that other property owners in the neighborhood are opposed to the application, but were unable to attend the meeting.

Ms. Maddux, 3387 South 63rd West Avenue, stated that she lives two houses from the subject property and is opposed to a mobile home in the neighborhood.

Charlene Haynes, 6308 West 36th Street, stated that she lives directly across the street from the lot in question, and is opposed to the application. She remarked that the mobile home would devalue her property, and requested that the application be continued to permit other property owners in the area to voice their concerns.

Mr. McKenna, 3387 South 63rd West Avenue, informed that there are no mobile homes in the immediate area.

Applicant's Rebuttal:

Mr. Shaddox stated that the mobile home will be an asset to the community, and will be well maintained.

Mr. Eller inquired as to the size of the mobile home, and the applicant replied that the unit is 28' by 70'.

Case No. 1212 (continued)

Mr. Fields informed that a single-wide mobile home requires a special exception, but a double-wide unit would be permitted by right. He added that the Code requires a permanent foundation.

Mr. Alberty suggested that the application be continued to allow sufficient time to determine if the requested relief is needed.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **CONTINUE** Case No. 1212 to January 4, 1994.

Case No. 1213

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Unit 6, located 1812 South 161st West Avenue.

Presentation:

The applicant, **Donald Karnes**, 603 North Birch, Sand Springs, Oklahoma, requested permission to install a single-wide mobile home on his father-in-law's property. Mr. Karnes informed that the existing dwelling is leased and that he and his wife will live in the mobile home.

Comments and Questions:

In response to Mr. Alberty, the applicant stated that there are two dwellings on the abutting 5-acre tract.

Mr. Tyndall inquired as to the size of the tract, and Mr. Karnes stated that his father-in-law owns eight acres at this location.

Ms. Russell informed that the Sand Springs Board of Adjustment has heard the case (Exhibit R-1) and recommended approval, subject to proper skirting and tie downs, Health Department approval and Department of Environmental Quality approval.

Ms. Karnes, 603 North Birch, Sand Springs, requested approval of the application.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Unit 6; subject to the mobile home being property skirted and tied down; and subject to a building permit and Health Department approval; finding that the property abuts RS zoned property, under which zoning classification the tract could be split to accommodate more than one dwelling; and finding that there are other lots in the area with more than one dwelling; on the following described property:

West 396', S/2, S/2, NW/4, Section 8, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 1214

Action Requested:

Special Exception to permit mobile home use in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located 1555 East 75th Street North.

Presentation:

The applicant, **Joyce Devin**, 7629 East 21st Street, #201, was represented by her grandmother, Marjorie Powell. Ms. Powell stated that she is the property owner, and requested permission to remove the existing dwelling and install a mobile home. Photographs (Exhibit B-2) were submitted.

Comments and Questions:

Mr. Alberty asked if the house has been removed, and Ms. Powell stated that her grandson is in the process of tearing the house down.

In response to Mr. Alberty, Ms. Powell informed that the mobile home will be served by the City sewer, and noted that there are numerous mobile homes in the area. A petition of support (Exhibit B-3) was submitted.

Mr. Alberty noted that the Board has approved other mobile homes in the area.

Board Action:

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

South 230' and east 100' of Lot 12, Block 2, Golden Hill Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 1215

Action Requested:

Special Exception to permit a church in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5, located north of Highway 20 and east of Highway 169.

Presentation:

The applicant, **United Pentecostal Church**, PO Box 284, Collinsville, Oklahoma, was represented by **Jack Voss**, 608 East Center, Collinsville, Oklahoma, who requested that the construction of a church (Exhibit C-2) be permitted on the subject property. Photographs (Exhibit C-3) were submitted.

Case No. 1215 (continued)

Comments and Questions:

Mr. Alberty asked if the driveway to 116th Street has been approved by the Department of Transportation (Exhibit C-1), and Mr. Voss advised that approval has not been received.

Protestants:

None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Special Exception** to permit a church in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5; per plan submitted; subject to platting and other applicable requirements; finding church use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Commencing at the SW/c of the SE/4 of Section 4, T-21-N, R-14-E of the IBM, Tulsa County, Oklahoma, thence N88°44'34"E, 1289.63 along the south line of said Section 4 to the East end of the US Hwy 169 R/W line, thence along said R/W N01°15'26"W, 100.00', thence along said R/W S88°44'34"W, 117.11' to the POB, thence along said R/W S88°44'34"W 222.89', thence along said R/W N86°29'37"W 602.08', thence along said R/W N01°15'26"W 100.00' thence along said R/W on a curve to the left a distance 336.22', (R=1507.39') thence along said R/W N14°02'12"W 57.57' thence N88°44'34"E 872.97' thence S01°15'26"E 539.58' to the POB, Tulsa County, Oklahoma.

Case No. 1216

Action Requested:

Variance to permit two dwelling units per lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Unit 9, located 18520 North Peoria.

Presentation:

The applicant, **James Morrow**, 18520 North Peoria, Skiatook, Oklahoma, requested permission to install a single-wide mobile home on his 4½-acre tract. He stated that he has conferred with the Health Department concerning the septic system. A plot plan (Exhibit D-1) and location map (Exhibit D-2) were submitted.

Comments and Questions:

In response to Mr. Alberty, the applicant explained that he owns the rear portion of a 10-acre tract, with an access handle from the street to his property.

Mr. Tyndall asked Mr. Morrow if he will live in the mobile home, and he replied that he will continue to live in the existing dwelling and the mobile will be occupied by his father.

Mr. Alberty noted that there is sufficient land area to support two dwelling units.

Case No. 1216 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Variance** to permit two dwelling units per lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Unit 9; per plan submitted; subject to a building permit and Health Department approval; finding that the applicant has sufficient land area to split the tract into two lots; and that approval of the request will not cause substantial detriment to the public good or violate the spirit and intent of the Code; on the following described property:

N/2 of the S/2 of Gov. Lot 1, Section 1, T-22-N, R-12-E. less the south 299.99' of the east 845.90' of said N/2, S/2 Lot 1, Tulsa County, Oklahoma.

Case No. 1217

Action Requested:

Special Exception to permit church use in an RE zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 10510 North 129th East Avenue.

Presentation:

The applicant, **Church of Christ**, 10510 North 129th East Avenue, Owasso, Oklahoma, was represented by **Barry Smith**, architect for the proposed addition to an existing church. He informed that the church has been at the current location for approximately 20 years. Mr. Smith stated that a multipurpose classroom area will be added to the south end of the building. A plot plan (Exhibit E-1) was submitted.

Comments and Questions:

Mr. Alberty asked if the sanctuary will remain the same size, and Mr. Smith answered in the affirmative.

In response to Mr. Alberty, Mr. Smith noted that the zoning laws have changed since the construction of the church approximately 20 years ago.

Mr. Looney asked Mr. Smith if the parking lot is constructed of a hard surface material, and he answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Special Exception** to permit church use in an RE zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; subject to all parking being hard surface; finding that church use has been at this location for many years, and the added construction will not be detrimental to the area; on the following described property:

Case No. 1217 (continued)

Beginning 526' south of the NE/c of Section 17, T-21-N, R-14-E, thence west 415.32', south 526', east 415.32', north 526' to POB and beginning 1315' south of the NE/c thence west 415.20', north 263', east 415.20', south 263' to the POB, Section 17, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1218

Action Requested:

Special Exception to permit a mobile home in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located 6411 West 59th Street.

Presentation:

The applicant, **Roy Page**, 6218 West 60th Street, Oakhurst, Oklahoma, requested permission to install a mobile home on the lot in question. He informed that the 14' by 80' mobile unit will be skirted and tied down and will have access to all utilities. A plot plan (Exhibit F-1) was submitted.

Comments and Questions:

Mr. Tyndall noted that the Board has approved numerous mobile homes in the area.

Protestants:

None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; subject to a building permit, Health Department approval, skirting and tie downs; finding the use to be appropriate for the area, and in harmony with the spirit and intent of the Code; on the following described property:

Lots 5 and 6, Block 6, New Taneha, Tulsa County, Oklahoma.

Case No. 1219

Action Requested:

Special Exception to permit CB sales and repair in an IL zoned district - **SECTION 910. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 14, located 6015 South 49th West Avenue.

Presentation:

The applicant, **Ross Burnham**, 1123 East 34th Street, requested that Case No. 1219 be continued to January 4, 1993, due to illness in the family.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **CONTINUE** Case No. 1219 to January 4, 1993.

Case No. 1220

Action Requested:

Variance to permit an outdoor advertising sign in an AG zoned district not abutting a state or federal highway and a variance to permit a second identification sign on street frontage (21st Street) for permitted non-residential use (Expo Square) - **SECTION 1221.4. AG DISTRICT USE CONDITIONS** - Use Unit 21, located northeast corner of East 21st Street and South Pittsburg Avenue.

Presentation:

The applicant, **Lorry Roberts**, P.O. Box 4735, advised that she is representing Expo Square and is requesting an electronic message board directly in front of the Exposition Building, which is located on the fairgrounds. She explained that the sign will advise the public of events that are taking place in the building. A sign plan (Exhibit G-1) was submitted. Ms. Roberts noted that the sign will be approximately 8' from the ground, and will be 29" in height and 10' long.

Comments and Questions:

In reply to Mr. Alberty, the applicant informed that Casa Bonita proposes to share the sign (which makes the sign an off-premise sign requiring a variance).

Mr. Looney asked how far the sign will be from the street, and Ms. Roberts stated that the sign will be placed in the grassy area, approximately 50' from the centerline of the street.

Protestants:

None.

Board Action:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Variance** to permit an outdoor advertising sign in an AG zoned district not abutting a state or federal highway and a variance to permit a second identification sign on street frontage (21st Street) for permitted non-residential use (Expo Square) - **SECTION 1221.4. AG DISTRICT USE CONDITIONS** - Use Unit 21; per plans submitted; finding that the primary purpose of the sign is to advertise activities on the fairgrounds; and finding that the sign will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

West 50' of the north 50' of the south 85' of the east 2675' of Section 9, T-19-N, R-13-E, Tulsa County, Oklahoma.

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

Date Approved

12-4-94


Chairman