

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 171
Tuesday, August 16, 1994, 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, Chairman

Moore
Russell

Glenn, Building
Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, August 15, 1994, at 11:05 a.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 July 19, 1994 (No. 170).

NEW APPLICATIONS

Case No. 1281

Action Requested:

Special Exception to permit a beauty shop as a home occupation - **SECTION 440.B. Home Occupations** - Use Unit 15, located 604 Loop Drive, Sand Springs.

Presentation:

The applicant, **Rachel Farley**, 604 Loop Drive, Sand Springs, stated that she is a beautician and requested permission to operate a beauty salon in her home. She informed that Mr. Glenn has made her aware of the home occupation guidelines, and that she will comply with these regulations. Photographs (Exhibit A-1) and a plot plan (Exhibit A-3) were submitted

Case No. 1281 (continued)

Comments and Questions:

Ms. Russell submitted a letter (Exhibit A-4) from the Sand Springs Board of Adjustment recommending approval of the application.

Mr. Walker asked if only one work station is proposed, and Ms. Farley answered in the affirmative. The applicant stated that she has considered installing a table for a manicurist; however, if an employee is not permitted, she will be able to perform this service alone.

In response to Mr. Alberty, the applicant stated that she is familiar with the home occupation guidelines.

Protestants:

Lilliana Hoyt, 621 Loop Drive, stated that she has lived in the area for many years and is opposed to the application. She voiced a concern that approval of the home occupation would set a precedent in the neighborhood. Letters of opposition (Exhibit A-2)) were submitted.

In reply to Mr. Tyndall, Ms. Hoyt stated that she did not attend the Sand Springs Board of Adjustment meeting because she was not notified of that meeting.

Margie Boyer, 608 Loop Drive, informed that she lives to the north of the subject property and is opposed to a business being operated next door.

Cora Johnson, 613 Loop Drive, stated that she is concerned with strangers visiting the neighborhood, and also the additional traffic will be a problem.

Interested Parties:

Francis Henderson, 533 Loop Drive, mother of the applicant, stated that there are numerous businesses operating in the area, and asked the Board to approve the home occupation for her daughter.

Applicant's Rebuttal:

The applicant stated that the use will be consistent with the neighborhood and asked the Board to approve the request.

Additional Comments:

Mr. Walker noted that he is aware of the numerous uses in the area and it is his opinion that the home occupation beauty shop would not be detrimental to the neighborhood.

Case No. 1281 (continued)

Mr. Alberty advised that the Code has a provision for home occupations in residential neighborhoods, if it is not apparent a business is being operated on the premises. He pointed out that the photographs depict numerous objectionable sites in the neighborhood that should be cleaned up. Mr. Alberty stated that the proposed use, if properly operated, should not be injurious to the neighborhood.

Mr. Tyndall informed that he is supportive of the application, per home occupation guidelines.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 5-0-0 (Alberty, Eller, Tyndall, Looney, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a beauty shop as a home occupation - **SECTION 440.B. Home Occupations** - Use Unit 15; per plan submitted; subject to no signs, employees or outward modification of the structure; subject to one customer at any given time; subject to all customer parking being paved (no parking in the yard or on the street); and subject to Health Department approval; finding the beauty shop, per conditions, to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Lot 2, Block 4, Valley View Estates, Tulsa County, Oklahoma.

Case No. 1282

Action Requested:

Special Exception to reduce the minimum setback distance from oil and gas wells and related storage tanks to permit the construction of a new dwelling unit - **SECTION 1224.a.3 Use Conditions** - Use Unit 6, located 9200 Block of South 187th East Avenue.

Presentation:

The applicant, **John Mason**, 24114 East 111th Street, Broken Arrow, explained that he is proposing to construct a new dwelling on the subject property, which will requires a 200' building setback from an existing gas well. He stated that a 200' setback would not leave sufficient space for building purposes, and asked the Board to permit construction within 100' of the well. Mr. Mason noted that other homes are within the required setback. A plot plan (Exhibit B-1) was submitted.

Case No. 1282 (continued)

Comments and Questions:

After discussion, Mr. Glenn explained that the houses were required to maintain a 150' setback from the well at the time the land was platted; however, after that time new subdivision regulations were adopted, which required a 200' setback. He further noted that a newly drilled well was required to maintain a 300' setback from an existing dwelling.

In response to Mr. Alberty, Mr. Glenn stated that he is not aware of the well's pressure, or the extent of damage if the well should blow out.

Mr. Tyndall asked if there would be sufficient open space to surface the well, and the applicant answered in the affirmative. He stated that one storage tank will be removed.

Protestants:

None.

Board Action:

On **MOTION** of **LOONEY** the Board voted 5-0-0 (Alberty, Eller, Tyndall, Looney, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to reduce the minimum setback distance from oil and gas wells and related storage tanks to permit the construction of a new dwelling unit - **SECTION 1224.a.3 Use Conditions** - Use Unit 6; per plot plan submitted; finding that there are other dwelling units within the 200' required setback; on the following described property:

Lot 6, Block 1, Schneider's Acres Second, Tulsa County, Oklahoma.

Case No. 1283

Action Requested:

Special Exception to permit school use in an OL zoned district - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 5, located 5161 East 171st Street South.

Presentation:

The applicant, **Allen Trotter**, Box 234, Leonard, Oklahoma, submitted a plot plan (Exhibit C-1) and requested permission to use an existing office complex for a Christian school. He stated that the building was previously occupied by an oil company.

Case No. 1283 (continued)

Comments and Questions:

Mr. Alberty inquired as to the size of the building, and the applicant stated that the building contains approximately 6000 sq ft of floor space.

In response to Mr. Looney, the applicant stated that there are approximately 28 hard surface parking spaces.

In reply to Mr. Looney, **Mike Harris**, 6251 East 165th Street, explained that the church sponsored school will have six staff members, and school hours will be from 8:30 a.m. to 3 p.m., Monday through Thursday and from 8:30 to noon on Friday. Mr. Harris stated that the school will serve children from pre-kindergarten through 12th grade.

Mr. Tyndall asked if the school will have dormitories, and Mr. Harris replied that there will be no dormitories on the campus, and no cafeteria at this time.

Mr. Alberty inquired as to the number of students anticipated, and Mr. Harris stated that enrollment could be as many as 50, with a maximum building capacity of 100. He informed that the building could be expanded in the future if the school is successful in gaining additional students.

Interested Parties:

Pauline Boatman, 5220 East 171st Street, Bixby, Oklahoma, stated that her home is across the road from the subject property, and voiced a concern with sewage disposal for the school. She pointed out that the building currently has a small septic system and sewage lagoons are prevalent in the area. Ms. Boatman noted that the school has purchased additional adjoining property and questioned if a disposal facility will be installed in front of her home.

Mr. Alberty informed Ms. Boatman that the Health Department will review all plans regarding sewage disposal, and the school must comply with their requirements.

Applicant's Rebuttal:

Mr. Trotter stated that the church has purchased a 17-acre tract to the north of the building for the installation of a lagoon. He noted that this tract is approximately 1300' from Ms. Boatman's property.

Case No. 1283 (continued)

Board Action:

On **MOTION** of **LOONEY** the Board voted 5-0-0 (Alberty, Eller, Tyndall, Looney, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit school use in an OL zoned district - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 5; per plan submitted: subject to days and hours of operation being Monday through Thursday, 8:30 a.m. to 3 p.m., and 8:30 to noon on Friday; subject to a maximum of 10 staff members; subject to the number of students being in compliance with State requirements; and subject to Health Department approval of sewage disposal; finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Quad Center, Tulsa County, Oklahoma.

Case No. 1284

Action Requested:

Variance of the required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located 11901 East 201st Street South.

Presentation:

The applicant, **William Owens**, 11913 East 201st Street, Bixby, Oklahoma, stated that he has given his son 10 acres of land on the rear portion of his tract. He informed that his son plans to live on the land, and noted that the roads are privately maintained. Mr. Owens advised that an access easement has been granted, and pointed out that the surrounding property is family owned.

Comments and Questions:

Mr. Alberty noted that the County will not be responsible for road maintenance.

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Alberty, Eller, Tyndall, Looney, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; per plan submitted; finding that the tract is a portion of family owned property and approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; and finding that the private access road extending to a public street will not be maintained by the County; on the following described property:

E/2, E/2, SW/4, Section 8, T-16-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1285

Action Requested:

Variance of the maximum square footage for a detached accessory building from 750 sq ft to 1928 sq ft - **SECTION 240.2.E. Permitted Yard Obstructions** - Use Unit 6, located 5686 North Lewis Avenue.

Presentation:

The applicant, **Charles Lewis**, 5686 North Lewis Avenue, submitted a plot plan (Exhibit E-2) and requested permission to construct a detached accessory building on his property. Mr. Lewis informed that the Board recently approved a similar application down the street from his property. He stated that the accessory building will be located behind an existing two-car garage. Photographs (Exhibit E-1) were submitted.

Comments and Questions:

In response to Mr. Looney, the applicant stated that he would like the accessory building to be large enough to store an RV.

Mr. Alberty inquired as to the current use of the building, and the applicant replied that it will be used for storage of lawn mowing equipment, a table saw and other personal storage. Mr. Lewis stated that he also repairs his vehicles and occasionally works on his son's car.

Mr. Looney asked the size of the door of the building, and the applicant replied that he is proposing a 12' building and a 10' door.

In reply to Mr. Tyndall, Mr. Lewis stated that he is employed by the Tulsa World.

Mr. Alberty asked Mr. Lewis if he intends to operate a business in the accessory building, and he replied that this is not his intent.

Protestants:

None.

Case No. 1285 (continued)

Board Action:

On **MOTION** of **ELLER** the Board voted 5-0-0 (Alberty, Eller, Tyndall, Looney, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum square footage for a detached accessory building from 750 sq ft to 1928 sq ft - **SECTION 240.2.E. Permitted Yard Obstructions** - Use Unit 6; subject to the building being a maximum of 12' in height, with a 10' high door; subject to no commercial use of the building; finding that the lot is large enough to support the proposed structure; and finding that there are other accessory buildings in the area similar in size; on the following described property:

Lot 2, Block 1, Belflower Heights, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:42 p.m.

Date Approved 9-20-94


Chairman