

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 173
Tuesday, October 18, 1994, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

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

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, October 10, 1994, at 10:35 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice-Chairman Looney called the meeting to order at 1:41 p.m.

MINUTES:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to **APPROVE** the **Minutes** of September 20, 1994 (No. 172).

NEW APPLICATIONS

Case No. 1292

Action Requested:

Variance of the required 30' of frontage on a public street and for a variance of land area and lot area - **SECTION 208. STREET FRONTAGE REQUIRED and SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located north and east of the northeast corner of 257th West Avenue and West 11th Street.

Presentation:

The applicant, **Larry Thomas**, 525 South Main Mall, Suite 1111, informed that his client, Mr. Hargraves, is proposing to split a tract of land, which will create a lot smaller than the 2.2-acre minimum, with no frontage on a public street. He stated that the property is accessed by a Corps of Engineers easement (Exhibit A-2). Mr. Thomas explained that Tracts A and C combined will comply with Code requirements, with Tract B being approximately 1.02 acres. He pointed out that the property in question is not suitable for agriculture purposes, due to the topography of the land. A plat of survey (Exhibit A-1) was submitted.

Case No. 1292 (continued)

Comments and Questions:

In reply to Mr. Looney, the applicant stated that the land lies within the 500-year floodplain.

Mr. Alberty asked if the Corps of Engineers easement is filed of record, and Mr. Thomas stated that a copy of the easement is available, but it has not been filed.

In response to Mr. Alberty, the applicant stated that his client constructed and maintains the 25' wide road, which extends approximately .7 mile from Coyote Trail to the subject tract.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a public street, creating two lots (Tracts A and B) and for a **variance** of land area and lot area for Tract A - **SECTION 208. STREET FRONTAGE REQUIRED** and **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; subject to the roadway easement being filed of record; and subject to a building permit and Health Department approval; finding that the roadway is privately maintained and serves lots near the lake; and finding that approval of the variance requests will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

NW/4, SW/4, SW/4, SW/4 and NW/4, W/2, SE/4, SW/4, SW/4, SW/4,
Section 5, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 1297

Action Requested:

Variance of the required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located north of the northeast corner of 126th Street North and North Sheridan Road.

Presentation:

The applicant, **Susan Carter**, 6350 South 97th West Avenue, informed that the 10-acre tract does not have frontage on a public street and is accessed by a 30' mutual access easement, which is filed of record. She advised that the tract is vacant at this time, but a dwelling is proposed.

Case No. 1297 (continued)

Comments and Questions:

In reply to Mr. Alberty, Ms. Carter stated that she is aware that the road will be privately maintained, with no County maintenance.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; subject to the access easement being filed of record; subject to the road to the 9.75-acre tract being privately maintained; and subject to a building permit and Health Department approval; on the following described property:

NE/4, SW/4, SE/4, Section 35, T-22-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1298

Action Requested:

Variance of lot area and land area to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 3232 South 49th West Avenue.

Presentation:

The applicant, **Mary Turvey**, 3232 South 49th West Avenue, submitted a plot plan (Exhibit B-1) and informed that she is proposing a lot split in order to give her daughter a portion of her land. The applicant explained that there was not sufficient space to give her enough property to comply with Code requirements without extending over the existing septic tank.

Comments and Questions:

In reply to Mr. Looney, the applicant stated that a septic system is also in place on the subject tract.

Mr. Walker informed that he is familiar with the area and there are numerous lots of this size in the vicinity.

Mr. Alberty noted that there is RS zoning a short distance to the north of the subject property.

Case No. 1298 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to **APPROVE** a **Variance** of lot area and land area to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; per plan submitted; finding that there is residential zoning less than one-quarter mile to the north; and finding that approval of the variance request will not be detrimental to the area; on the following described property:

South 218' of east 199.96', north 802.73' less east 50' for ROW, NE/4, Section 20, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1299

Action Requested:

Variance to permit two dwelling units on one lot of record and a variance of the required land area and lot 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 south of the southwest corner of East 191st Street and South Sheridan Road.

Presentation:

The applicant, **Lewis Roberts**, 7422 South 86th East Avenue, was represented by his father-in-law **Ron Bergess**, who requested permission to install two manufactured homes on a four-acre tract. A plot plan (Exhibit C-1) and photographs (Exhibit C-2) were submitted.

Comments and Questions:

In reply to Mr. Alberty, Mr. Bergess advised that he will live in one mobile home and his son-in-law will live in the other.

Protestants:

Tim Moyer, 6126 East 191st Street South, Bixby, Oklahoma, submitted a petition of protest (Exhibit C-4) signed by property owners in the area. He stated that the installation of two mobile homes on the tract will have a negative impact on surrounding property values. Mr. Moyer submitted a copy of the building permit for his home, and informed that he owns 40 acres of land nearby.

Case No. 1299 (continued)

Applicant's Rebuttal:

John Calman, 13216 South 183rd Circle, Bixby, Oklahoma, stated that he is the real estate agent representing the seller, and pointed out that the land is zoned AG, and there are numerous mobile units in the neighborhood and surrounding area.

Matthew Suttock, 4420 East 23rd Street, owner of the subject tract, stated that he is supportive of the mobile home locations.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record and a **variance** of the required land area and lot 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; per plan submitted; subject to a building permit and Health Department approval; finding that the total land area and lot area is only slightly under the amount required to permit a lot split, which would allow two mobile homes by right; and finding that that approval of the request will not be detrimental to the area, or violate the spirit, purpose or intent of the Code; on the following described property:

Part of the NW/4, NW/4, beginning 240.63' south NW/c, NW/4 thence east 633.61', south 275', west 633.61', north 275' to POB, Section 11, T-16-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1300

Action Requested:

Special Exception to permit a church in an AG/RE zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** and **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located southeast corner of 86th Street North and North Yale Avenue.

Presentation:

The applicant, **Daniel Goff**, 6811 South 30th West Avenue, was represented by **Thomas Igler**, 3130 East Tecumseh, who submitted a concept plan (Exhibit D-1) and requested church use on the subject property. He informed that the church parking will comply with Code requirements. A layout (Exhibit D-3) and percolation test (Exhibit E-2) were submitted.

Comments and Questions:

In reply to Mr. Alberty, Mr. Igler stated that development was not planned on the corner, because this space will be reserved for a scenic grassy area.

Case No. 1300 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to **APPROVE** a **Special Exception** to permit a church in an AG/RE zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** and **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per concept plan submitted; subject to platting; a building permit and Health Department approval; and subject to the applicant returning to the Board for approval of a detail site plan prior to making application for a building permit; finding church use to be compatible with the surrounding area; on the following described property:

A tract of land in the NW/4, Section 27, T-21-N, R-13-E, more particularly described as follows: Beginning at the NW/c of the NW/4, thence east 610', south 1320', west 610', north 610' to the POB, Tulsa County, Oklahoma.

Case No. 1301

Action Requested:

Special Exception to permit automotive and allied activities in a CS zoned district - **SECTION 710. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 2334 South 65th West Avenue.

Presentation:

The applicant, **Chester Wilkins**, 6534 West 25th Street, stated that he purchased the subject property, which has an existing 40' by 60' building, and is planning to use the structure to repair company pickups. A photograph (Exhibit E-1) was submitted.

Comments and Questions:

Mr. Looney inquired as to the type of business pickups that will be repaired, and the applicant stated that vehicles used in his tent rental business will be repaired at this location.

Protestants:

Lyle Washburn, 2380 South 65th West Avenue, stated that he lives to the south of the subject tract, and stated that the building in question is in bad repair and the property is a neighborhood eyesore.

Case No. 1301 (continued)

Harold Hurley, 2355 South 65th West Avenue, informed that he lives across the street from the property in question, and pointed out that the operation is conducted late at night and is very noisy. He stated that electric generators run until 1 a.m. and the business is very disruptive to the neighborhood.

Martha Blaylock, 2328 South 65th West Avenue, advised that her land abuts the subject tract on the north. and is concerned with the trucks that may be parked on the property.

Mr. Gardner asked Ms. Blaylock if she is aware of the year the subject property was zoned CS, and she replied that she is not sure when the property was rezoned.

Donald McGonigal, 2365 South 65th West Avenue, stated that he lives across the street from the subject property and voiced a concern with the operation of generators on the lot.

Applicant's Rebuttal:

Mr. Wilkins stated that use of the generators will be discontinued when the building has been rewired and electricity is available. He advised that there will be no work after dark and the trucks located on the lot will be removed.

Additional Comments:

Mr. Glenn requested that the Board require an occupancy permit if the application is approved.

Mr. Alberty and Mr. Walker remarked that CS zoning at this location appears to be inappropriate.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to **DENY** a **Special Exception** to permit automotive and allied activities in a CS zoned district - **SECTION 710. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; finding the use to be incompatible with the residential neighborhood; and finding that approval of the request would violate the spirit and intent of the Code; on the following described property:

Beginning NE/c SE/4, SE/4, NE/4, Section 18, T-19-N, R-12-E, thence west 495', south 264', east 495', north 264', Tulsa County, Oklahoma.

Case No. 1303

Action Requested:

Special Exception to permit a church in an AG zoned district and a variance to permit gravel parking - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5, located north of the northeast corner of North Garnett Road and East 121st Street North.

Presentation:

The applicant, **Bret Lambert**, 6218 North 129th East Avenue, Owasso, Oklahoma, submitted a plot plan (Exhibit F-1) and informed that Phase 1 of the construction will begin in approximately nine months, and additional space will be added as church growth increases. He stated that Phase 1 will consist of a sanctuary and classroom space.

Comments and Questions:

Mr. Alberty asked if there is a reason for gravel parking, other than economics, and Mr. Lambert advised that economics is the only reason. He informed that there is gravel parking across the street from the church property.

Mr. Alberty remarked that he would not be supportive of permanent gravel parking, because of the proximity of the church to a residential development.

Mr. Walker stated that he would be amenable to approving temporary gravel parking for one year only.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to **APPROVE** a **Special Exception** to permit a church in an AG zoned district and a variance to permit gravel parking - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5; per plan submitted; subject to platting; subject to a building permit and Health Department approval; subject to temporary gravel parking being permitted for one year after church opening; 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:

NW/4, SW/4, NW/4, less north 336.6', west 336.6', Section 5, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1304

Action Requested:

Variance of the required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located east of Coyote Trail abutting Keystone Lake.

Presentation:

The applicant, **James Coleman**, PO Box 351, Mannford, Oklahoma, submitted a plat of survey (Exhibit G-1) and stated that he is proposing to split a 16-acre parcel of land into two separate tracts. He informed that the property is near Keystone Lake and will be accessed by an easement granted by the Corps of Engineers.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; per survey submitted; subject to an access easement being filed of record; finding that the private road near Keystone Lake has not been constructed according to County specifications and will not be maintained by the County; and finding that approval of the request will not be detrimental to the area or violate the spirit, purpose and intent of the Code; on the following described property:

A tract of land beginning 300' north of the SE/c of SE/4, thence north 330', west 1230', south 660', east 660', northeasterly 470', east 330' to the POB, Section 6, T-19-N, R-10-E, Tulsa County, Oklahoma.

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

Date Approved _____

11/15/9A



Chairman