

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 184
Tuesday, September 19, 1995, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

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

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, March 20, 1995, at 11:30 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, ("absent") to **APPROVE** the **Minutes** of August 13, 1995 (No. 183).

NEW APPLICATIONS

Case No. 1368

Action Requested:

Variance of the required 30' of frontage on a public street or dedicated right-of-way to permit an existing five-acre tract to have access to 151st Street South by easement - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located 1809 East 151st Street South.

Presentation:

The applicant, **Lori Decker**, 6428 East 94th Place, was represented by **Mac Finlayson**, 2121 South Lewis Avenue, who requested that his client be permitted to construct a dwelling on a tract that does not have frontage on a dedicated public street. He submitted a copy of the easement (Exhibit A-1) permitting access to the tract from 151st Street. Mr. Finlayson stated that another landowner also uses this private road to access his property.

Case No.1368 (continued)

Comments and Questions:

Mr. Alberty questioned if the easement extends from 151st Street to the subject property, and Mr. Finlayson replied that the easement is 1320'.

Mr. Alberty asked how long the property has been a lot of record, and Mr. Finlayson replied that he does not have that information.

Mr. Alberty noted that the lot is nonconforming if created before 1980; however, if it has been created since that time it appears that an illegal subdivision exists.

Protestants:

Charles Creekmore informed that he lives to the south of the subject property and, although he is not opposed to the development of the tract, he voiced a concern with use limitations for the private road and proper drainage (Exhibit A-2).

Mr. Alberty asked Mr. Creekmore if there are other parcels along the private road that are under different ownerships, and he answered in the affirmative.

Douglas Pittman, 14736 South Lewis, Bixby, Oklahoma, stated that he is not opposed to the development of the tract, but voiced a concern with water flow across his property. He submitted a letter and diagram (Exhibit A-3) and pointed out that all water runoff pools on his property. Mr. Pittman stated that he is opposed to any type of development that would add to the flow of water toward his tract or cause a sewage problem for the neighborhood. He pointed out that sewage lagoons are existing because the soil does not percolate at this location.

Applicant's Rebuttal:

Mr. Finlayson stated that the issues raised by the protestants are addressed by other departments and should not be considered by this Board. He informed that Mr. Pittman has attempted to purchase the subject property.

Additional Comments:

Mr. Looney asked if the applicant is proposing to construct a residence on the property, and Mr. Finlayson replied that his client will live on the tract.

Mr. Alberty stated that there are State laws that require the proper subdivision of land and that they be properly processed and filed. He pointed out that a hardship, as required by law, was not demonstrated by the applicant.

Case No. 1368 (continued)

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **DENY** a **Variance** of the required 30' of frontage on a public street or dedicated right-of-way to permit an existing five-acre tract to have access to 151st Street South by private easement - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; finding that the property has not been legally subdivided; and finding that a hardship was not presented that would warrant the granting of the variance request; and finding that approval of the request would violate the spirit, purpose and intent of the Code; on the following described property:

N/2, SE/4, NW/4, SE/4, Section 18, T-17-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1369

Action Requested:

Special Exception to permit a children's nursery as an accessory use to a previously approved church - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located east of southwest corner West 41st Street South and South 65th West Avenue.

Presentation:

The applicant, **Jerry Harper**, 1807 Town Country Drive, Sand Springs, Oklahoma, informed that the church has been at the current location for approximately 7 years and is proposing to operate a children's nursery as an accessory use. He noted that the nursery would be an asset to the neighborhood and an outreach in the community.

Comments and Questions:

Mr. Looney asked if the nursery services will be limited to church members, and Mr. Harper replied that the nursery will be open to the public.

Mr. Tyndall inquired as to the exact location of the nursery, and the applicant replied that the church has recently purchased a building for the proposed use.

In reply to Mr. Tyndall, Mr. Harper stated that the Department of Human Services will probably limit the number of children to 60.

Mr. Alberty asked if the nursery will serve school age children, and Mr. Harper stated that some after school care may be available.

Case No. 1369 (continued)

Interested Parties:

Dennis Sadler, 6709 West 42nd Street, informed that his dwelling is located on the west boundary of the church tract that was recently purchased to house the day care operation. He stated that he is supportive of the use if it is operated in an acceptable manner. Mr. Sadler stated that the previous occupants of the church parked on his land and allowed litter to collect on the property. He noted that the sewer system did not adequately serve the school that previously operated at this location and water from overflowing septic tanks drained across his property. Mr. Sadler questioned the ability of the septic system to provide adequate sewage disposal for the proposed use, and stated that the service road probably cannot accommodate the amount of traffic that will be generated by the day care facility. If approved, Mr. Sadler requested that fencing be installed to prevent access to his property and eliminate any chance that a child may be injured on his land. Mr. Sadler voiced a concern that some other business might be begin operation on the property if the child care business is not successful.

Mr. Glenn advised that church use and a church related school were previously approved on the subject tract.

Donna Wilson, 6550 West 42nd Street, informed that she lives to the east of the church and is supportive of the application.

Protestants:

D. H. Miller, 1600 East Fitkin, Fort Collins, Colorado, informed that he owns land across the street from the subject property, which is being developed at this time. He voiced a concern with the additional traffic that will be generated by the day care center. Mr. Miller noted that students attending the previously operated school crossed over onto neighboring properties and, on one occasion, started a fire on his property. He asked that, if approved, the Board consider imposing conditions that will lessen the impact of this center on the community.

Jim Payne, 6802 West Skyline Drive, stated that he lives in the area and is a member of the church in question. He asked that the Board approve the application.

Don Powell, 8611 South 33rd West Avenue, informed that he is a member of the church and pointed out that the 3500 sq ft building will be entirely fenced to contain the children. Mr. Powell stated that the property has been cleaned and the day care facility will be an asset to the community.

Sylvia Powell, 8611 South 33rd West Avenue, stated that she is a member of the church and assured the Board that the property will be well maintained and an asset to the neighborhood.

Case No. 1369 (continued)

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** a **Special Exception** to permit a children's nursery as an accessory use to a previously approved church for **three years only - SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; subject to a maximum of 60 children (or number approved by DHS if less); subject to a screening fence being install around the entire property (north east and west sides) with play area fenced; subject to special consideration being given to screening on the north property line to prevent rocks or debris from being thrown onto the public right-of-way; and subject to Health Department approval of the septic system; finding the use, per conditions, to be compatible with the neighborhood and in harmony with the Code; on the following described property:

W/2, north 594', west 330', east 660', NE/4, NE/4, Section 30, T-19-N, R-12-E, IBM, Tulsa County, Oklahoma, less and except the north 100' thereof and less and except beginning at the SW/c said E/2, north 594.0', west 330', east 660', NE/4, NE/4 Section 30; thence N00°45'13"W for 81.89' to POB; thence N49°27'52"E for 19.95; thence N68°30'51"E for 160.04'; thence N00°45'13"W for 64.15'; thence S68°30'51"W for 176.42'; thence S00°45'13"E for 71.11' to the POB, Tulsa County, Oklahoma.

Case No. 1370

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 east of southeast corner South Sheridan Road and 191st Street South.

Presentation:

The applicant, **Stanley Allen**, 19800 South Memorial Drive, Bixby, Oklahoma, requested permission to install a mobile home on property that has one 900 sq ft house already in place. He informed that the 5-acre tract will have two sewer lagoons to accommodate the two dwelling units.

Comments and Questions:

In reply to Mr. Alberty, Mr. Allen stated that his employees will probably occupy the two dwelling units.

Protestants:

Mr. Alberty stated that one letter of opposition (Exhibit B-1) was received from a neighbor that is opposed to the motorcycle track located on the Allen property.

Mr. Allen advised that the track is located on his father's property.

Case No. 1370 (continued)

Comments and Questions:

Mr. Gardner advised that the tract is large enough to split into two legal lots.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "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; finding that the tract is large enough to accommodate two dwelling units and could be split into two lots that would comply with the Code in regard to size; on the following described property:

Commencing at the NE/c, NW/4, Section 11, T-16-N, R-13-E, Tulsa County, Oklahoma; thence west 30.5' to the POB; thence west 342', south 640', east 342'; north 640' to POB, Tulsa County, Oklahoma.

Case No. 1371

Action Requested:

Variance of the maximum allowed floor area for a detached accessory building from 750 sq ft to 1200 sq ft in an RS zoned district - **SECTION 240.2.E. YARDS** - Use Unit 6, located 3390 South 61st West Avenue.

Presentation:

The applicant, **Jim Woolsey**, 3310 South 61st West Avenue, submitted a plot plan (Exhibit C-1) and requested permission to construct a storage building on property at the above stated location. He informed that the 30' by 40' building will be used for personal storage only.

Comments and Questions:

Mr. Tyndall asked if there are existing accessory buildings on the property, and Mr. Woolsey stated that there is an old 10' by 20' building in place.

In reply to Mr. Alberty, Mr. Woolsey stated that a wood frame building is proposed.

Mr. Gardner pointed out that the old building would have to be removed to comply with the 1200 sq ft maximum that was advertised.

In reply to Mr. Looney, the applicant stated that the storage facility will be used to store personal vehicles, a boat and other items.

Mr. Looney asked if the building will be used for any type of commercial activity, and Mr. Woolsey replied that a commercial use is not proposed.

Case No. 1371 (continued)

Mr. Alberty asked the applicant if the property owner intends to operate a business at this location, and Mr. Woolsey replied that the property owner has not indicated an intent to conduct this type of activity.

Mr. Gardner advised that, if inclined to approve the request, a condition prohibiting commercial activity should be imposed.

Board Action:

On **MOTION** of **LOONEY** the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** a **Variance** of the maximum allowed floor area for a detached accessory building from 750 sq ft to 1200 sq ft in an RS zoned district - **SECTION 240.2.E. YARDS** - Use Unit 6; per plan submitted; subject to the accessory building being of wood construction; subject to removal of existing storage buildings; subject to no commercial use being permitted; finding that the tract is large and can easily accommodate the proposed structure; and finding that approval of the application will not be detrimental to the area; on the following described property:

Lot 12, Block 3, Berry Hill Acres Addition, Tulsa County, Oklahoma.

Case No. 1372

Action Requested:

Special Exception to permit a single-wide mobile home in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 11116 East 141st Street North.

Presentation:

The applicant, **Keith Dotson**, 2310 South Urbana Avenue, submitted a plot plan (Exhibit D-1) and explained that he owns the property at the above stated location and is proposing to remove the existing dilapidated dwelling and install a mobile home for rental purposes.

Comments and Questions:

Mr. Alberty asked if there are other mobile homes in the area, and the applicant answered in the affirmative.

Protestants:

Anthony Callahan, 529 South 21st Street, Collinsville, Oklahoma, informed that his house is in the residential neighborhood across the street from the subject property and he is representing the property owners in the subdivision. He pointed out that the

property has not been properly maintained and is an eyesore in the community. Mr. Callahan noted that the old oil well is in a state of disrepair and oil has spilled out on the

Case No. 1372 (continued)

ground near the well (Exhibit D-3). He remarked that the property owners will welcome the demolition of the old house, but are not in favor of a mobile home across the street from the residential development. A letter and petition of protest (Exhibit D-2) were submitted.

Applicant's Rebuttal:

Mr. Dotson stated that a previous renter repaired automobiles and there were numerous vehicles parked on the property; however, the house was partially burned and has been vacant for some time. He pointed out that the oil well is productive, but his family has never owner the mineral rights, although they have owned the property for many years.

Additional Comments:

Mr. Alberty stated that he is opposed to the installation of a single-wide mobile home across the street from the residential development. He advised the applicant that he can place a double-wide unit on the property by right.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **DENY** a **Special Exception** to permit a single-wide mobile home in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; finding the single-wide mobile home to be incompatible with the area; on the following described property:

Block 2, Morrow Heights Addition, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:56 p.m.

Date Approved _____

8/20/96


Chairman