

COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 212

Thursday, January 22, 1998, 1:30 p.m.

County Commission Room

Room 119

County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair
Eller
Looney
Tyndall
Walker

Beach
Huntsinger

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, January 16, 1998, at 8:46 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **ELLER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** the minutes of December 16, 1997, (No. 211).

NEW APPLICATIONS

Case No. 1549

Action Requested:

Variance of the average lot width in an AG district (Tract B: from 200' to 162.12' and Tract C: from 200' to 117.06'). **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, located 10318 West 51st Street South.

Presentation:

The applicant, **George & Judy Michno**, 10318 West 51st Street South, Tulsa County, Oklahoma, requested a variance on his 10-acre tract to give property to their two children to build homes.

Comments and Questions:

In reply to Mr. Alberty, the applicant stated that the 10 acres would have three lots that would be family-owned and that the three lots would have a separate ingress/egress. Mr. Walker noted that there are adjoining lots up the street that are much smaller than the requested property, and would not be inappropriate.

Case No. 1549 (continued)

Mr. Beach stated that the lots each have a 30' panhandle access to the street. The Tulsa Metropolitan Area Planning Commission would have to approve this lot split because it requires a waiver of the subdivision regulations to allow lot split with more than three side lot lines. The lots are larger than the required buildable area.

Board Action:

On **MOTION** of **TYNDALL**, Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Variance** of the average lot width in an AG district (Tract B: from 200' to 162.12' and Tract C: from 200' to 117.06'). **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**; subject to a detail site plan being submitted and approved by the Tulsa Metropolitan Area Planning Commission, on the following described property:

Legal Description: E/2, W/2, NW, NE, Sec. 35, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 1550

Action Requested:

Special Exception to allow church and accessory uses (Christian School and daycare center) in an AG district. **SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** – Use Unit 5, located 13413 East 106th Street North.

Presentation:

The applicant, **Gerald T. Kaase**, 7311 North 119th Street, Owasso, Oklahoma, stated that the church has acquired approximately 42 acres; parcel 1 is the original 5 acres, parcel 2 is an additional 5 acres; and parcel 3 is 31+ acres. Parcel 1 was approved for a Special Exception previously, and the church is seeking a Special Exception on the remainder of the property for expansion purposes. The property will house a Christian school/day care center as well as church functions.

Comments and Questions:

Mr. Alberty noted that the submitted plan shows a little overlap onto Parcel 2, but there is no utilization reflected on Parcel 3. He asked how Parcel 3 would be utilized. Mr. Kaase explained that currently everything is confined to Parcel 1 and that immediate expansions to the sanctuary, a nursery and education wing would also be limited to Parcel 1. Future development onto Parcel 2, and possibly Parcel 3, might include a new gymnasium, class room buildings, recreational fields, and possibly elderly housing. Their main concern is timing in obtaining building permits.

Mr. Alberty explained that if a site plan is not available, a concept plan should be provided for the Board to have some type of plan to review before approving the requested Special Exception. One option would be to approve the Special Exception for church use subject to the approval of the site plan.

Case No. 1550 (continued)

Mr. Walker stated that while he is not opposed to the church use on this property, he is hesitant to approve a Special Exception to 36 acres of land without a site or even concept plan, which should reflect the parking areas and street access.

After further discussion, Mr. Alberty suggested that a continuance be granted to allow the applicant to prepare and present either a site or concept plan.

Board Action:

On **MOTION** of **WALKER**, Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; none "absent") to **CONTINUE** Case No. 1550 to February 19, 1998, at 1:30 p.m.

Case No. 1551

Action Requested:

Variance to permit 2 dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, a Variance of lot area from 2 acres to 1.005 acres per dwelling unit and a Variance of land area per dwelling unit from 2.2 acres to 1.005 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, located 5310 West 31st Street.

Presentation:

The applicant, **Eddie Holt**, 5310 West 31st Street, desires to place a double-wide mobile home on the 2 ½ acre lot for his son to reside. He advised the Board that there are other double-wide mobile homes in the area, including one across the street from this property.

Comments and Questions:

Upon review of the application, it was determined that the site plan incorrectly reflected the property boundaries.

Mr. Alberty asked the reason for applying for a land area Variance since a lot split is not requested. Mr. Beach responded that the information was taken from the building permit application, which identified necessary relief. The lot area is not necessary, but the land area per dwelling unit is needed because each dwelling unit must have 2.2 acres in the AG district.

Mr. Alberty summarized that the owner has an odd shaped lot; is not creating a separate lot; and is asking for a second non-permanent home in a zoning district that only permits one dwelling unit per lot. Could there be a temporary time frame for the mobile home?

Case No. 1551 (continued)

Mr. Holt stated that he would prefer the permanent use because the property would eventually belong to his sons.

In reviewing other options: rezoning would still have the problem of placing two dwelling units on one lot; a lot split would require 1.1 acre per dwelling lot; and residential zoning would not allow a mobile home.

The basis for the hardship is a family situation where the owner wants to keep the land intact. Mr. Looney pointed out that given the fact that a lot split could be obtained and would allow the two dwelling units, one on each lot, but that the owner does not desire to divide the lot is a hardship.

Board Action:

On **MOTION** of **LOONEY**, Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit 2 dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, a **Variance** of lot area from 2 acres to 1.005 acres per dwelling unit and a **Variance** of land area per dwelling unit from 2.2 acres to 1.005 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**; per plan submitted; subject to tie downs and skirting; subject to the Health Department approval and a building permit, on the following described property:

Legal Description: E/2, E/2, N/2, NW, NE, Sec. 20, T-19-N, R-12-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 1:55 p.m.

Date approved: 2/19/98
Wayne Alberty
Chair