

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 230
Tuesday, July 20, 1999, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Dillard Tyndall, Chair Walker	Looney	Arnold Bruce Stump	West, Zoning Officer Glenn, County Inspector

The notice and agenda of said meeting were posted in the Office of the County Clerk on, Friday, July 16, 1999, at 8:29 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Tyndall called the meeting to order at 1:31 p.m.

MINUTES:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** the Minutes of June 15, 1999 (No. 229).

UNFINISHED BUSINESS

Case No. 1650

Action Requested:

Special Exception to permit a church (Use Unit 5) in the AG District. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 2 & 5** and a Special Exception to permit the use of a tent on a temporary basis until construction is completed (to cover construction materials). **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT**, located 5310 West 41st Street South.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report. Mr. Bruce mentioned to the Board that they have not received any additional information regarding the site plan.

Case No. 1650 (continued)

Mr. Alberty stated that it is his understanding that at the last meeting the Board continued the case so the applicant can work with Staff and the Building Inspector with respect to a site plan. Mr. Dryer replied that he has brought with him today a modified site plan.

Presentation:

The applicant, **David M. Dryer**, submitted a site plan (Exhibit A-1), house plans (Exhibit A-2) and stated that the building will be constructed to look like a residence. Mr. Dryer indicated that traditional church/outreach activities will be conducted on the property. There are plans for basketball courts, volleyball courts and hiking trails. Mr. Dryer submitted a letter explaining the various activities that will be allowed on the property (Exhibit A-3).

Comments and Questions:

Mr. Alberty stated that one of the things that the Board was concerned about is the large area under application and no apparent land use attributed to the other areas. Mr. Dryer stated that the primary use will be situated Northeast corner and the remaining land will be utilized for hiking, fishing and other outdoor activities. Mr. Alberty mentioned that they are concerned about use such as building structures and Mr. Dryer indicated that there will not be anything of that nature right now. Eventually at some point in the future there will be some different plans but not in the immediate future.

Mr. Alberty stated that there has been a continuing saga with this project and the County Inspector. Mr. Alberty mentioned that there has been no contact between the applicant and the County Inspector in the past month. Mr. Dryer mentioned that it was his understanding that their future development of this property relied upon this meeting because if the exception was not granted, their plans had to be scrapped.

Mr. Tyndall asked the applicant about the light poles around the volleyball court. Mr. Dryer stated that lights shine into the property. They are proposing to never have the lights on past midnight.

Interested Parties:

Richard Presley, 3724 South 74th West Place, Tulsa, OK, stated that he is the owner of the property. About four years ago his teenage sons were losing interest in church. He started holding church related activities out of his home in Rolling Oaks. He bought this property because his house was too small to house all the teenagers wanting to participate. Mr. Presley intends to build his house and a guest house for the teenage youth group. He indicated that there are about 150 students from Berryhill are involved.

Case No. 1650 (continued)

Darla Hall, City Councilor, District 2, 200 Civic Center, Tulsa, OK, stated that she is very excited about what Mr. Presley is doing in West Tulsa. Ms. Hall mentioned that this part of Tulsa is in dire need of some activities for its youth and this is a very good addition to the area.

Chris Benge, State Representative, District 68, 6864 West 35th Place, stated that he supports the application and supports what Mr. Presley is trying to accomplish on the property.

Mary Williams, 3336 South 76th West Avenue, stated that she has lived in Berryhill for 10 years. She and her family integrated Berryhill schools. She feels that the 180 Club that Mr. Presley has started is a good positive influence for the youth of the area.

David Bradley, 3726 South 74th West Place, stated that he lives next door to Mr. Presley in Rolling Oaks. Mr. Bradley mentioned that his three children are involved with the youth group. He feels that the use of this property is a positive thing for West Tulsa.

Comments and Questions:

Mr. Tyndall voiced some concern about where the activities will be located in proximity to the neighbors. Mr. Dyer replied that the property is surrounded on three sides by Agriculture uses and the proposed Gilcrease Expressway. Across 41st Street there are two homes that are setback from the road. There is approximately 500' between the light poles and the front of one of the houses across the street. Mr. Presley mentioned that they were concerned about locating the home and youth area near the expressway not know exactly where the expressway will go and how much more land they may take.

Mr. Alberty mentioned that he supports the use on this property. He feels that the technical aspects have been met and he does not have a problem with the application.

Mr. Walker mentioned that he is concerned about the lighting intruding into the neighborhood.

Mr. Alberty mentioned that the Board should not overlook the fact that this is an Industrial District and will, with the proposed Gilcrease Expressway, definitely develop Industrial in the next few years.

Mr. Walker suggested a time limit on the lights. Mr. Alberty suggested 10:00 p.m. is a good time to turn out the lights.

Mr. Alberty asked the applicant, Mr. Dyer, what the time period is for the temporary tent? Mr. Dyer suggested about 180 days. Mr. Walker suggested limiting the tent for a period of eight months.

Case No. 1650 (continued)

Mr. Glenn, County Building Inspector, mentioned to the Board that the applicant's proposed house will not be big enough for 200 youth. There are several issues that still need to be discussed such as septic, building codes, etc., but they can be discussed after this Board's action.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Special Exception** to permit a church (Use Unit 5) in the AG District, subject to activities so specified on the submitted site plan; all exterior lighting be shown as on the submitted site plan; light should be directed down and away from the north boundary. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 2 & 5** and a **Special Exception** to permit the use of a tent on a temporary basis until construction is completed (to cover construction materials), for a period not to exceed eight months, finding that the Special Exceptions will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT**, per plan submitted, on the following described property:

The NW/4 of the NE/4 of Section 29, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, Less a tract described as follows, to wit: A strip, piece or parcel of land lying in the NW/4 of the NE/4 of Section 29, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, said parcel of land being described by metes and bounds as follows, to wit: Beginning at the NW/c of said NW/4 of the NE/4; thence E along the N line of said NW/4 of the NE/4, a distance of 657.85'; thence S 00°19'12" E a distance of 460.02'; thence S 10°48'47" W a distance of 880.41' to a point on the S line of said NW/4 of the NE/4; thence W along said S line a distance of 476.96' to the SW/c of said NW/4 of the NE/4; thence N along the W line of said NW/4 of the NE/4 a distance of 1322.03' to the point of beginning.

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NEW APPLICATIONS

Case No. 1656

Action Requested:

Special Exception to allow a manufactured home in a RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, located North of NW/c W. 6th Street & North Ridge Drive.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **Philip Chartier**, 2609 South Maple, Sand Springs, OK, submitted a site plan (Exhibit B-1) and stated that he would like to put a double-wide mobile home on a lot on North Ridge Drive West. Mr. Chartier has spoken with all of the utility agencies and everything has been given approval for a mobile home on this site. Mr. Chartier submitted a photo of the mobile home (Exhibit B-2).

Comments and Questions:

Mr. Walker asked if there is a house or trailer on the property? Mr. Chartier replied no, the lot is vacant.

Mr. Alberty asked if the lot was recently created? Mr. Chartier answered affirmatively. The owner of the lot's home is on Tract B.

Interested Parties:

Mike Ramirez, 7128 Ridge Drive, stated that he and several neighbors on the same block oppose the mobile home in an RS Zoned District. Mr. Ramirez mentioned that he is strongly opposed to a mobile home being placed on this lot.

Dale Duncan, 642 Ridge Drive, stated that the area is residential with stick built homes and there are no mobile homes in the immediate neighborhood.

Mr. Alberty asked Mr. Duncan if he was aware that the Sand Springs Board of Adjustment heard this case and recommended approval? Mr. Duncan replied no, they were not informed of that meeting.

Steven Fisher, stated that he owns Tract B. He recently split his property into two tracts. Each tract is over one-half of an acre. All the utilities are in place and the land has been perked. Mr. Fisher mentioned that on the south side of 6th Street about 300' there are probably five mobile homes and several vacant lots. Mr. Fisher believes that the mobile home that Mr. Chartier has picked out will be an improvement to the looks of the neighborhood.

Case No. 1656 (continued)

Comments and Questions:

Mr. Walker mentioned that he is familiar with the area and the Board has approved several mobile homes in the area. The area is older and it is in transition. Mr. Walker stated that he could support this application.

Applicant's Rebuttal:

Mr. Chartier mentioned that this the home is buying is actually considered a modular home. It has two sections, with a pitched roof. Mr. Chartier does not believe that this home will not affect the values of other properties in the area.

Comments and Questions:

Mr. West, Zoning Officer, mentioned that if this home is a double wide or a 28' wide home it is considered the same as a stick-built home and is a use by right in an RS zoned district. Mr. Chartier stated that it is a double wide home. West mentioned that he does not need the relief. He also mentioned that the home will have to be placed on a permanent foundation.

Mr. Chartier agreed to the conditions of the home being placed on a permanent foundation. He stated that he would like to withdraw the application.

Mr. Alberty recommended that the Board refund a portion of the applicant's application fees. Mr. Stump suggested refunding \$100.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **REFUND** a portion of the fees (\$100) in Case No. 1656 due to the applicant withdrawing the application on the following described property:

S 118' of the N 208', Lot 5, Block 13, Charles Page Home Acres, County of Tulsa, State of Oklahoma.

Case No. 1657

Action Requested:

Special Exception to allow a church and accessory uses in an AG zoned district per Section 310, located West of SW/c East 136th Street North & North US Highway 169.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Case No. 1657 (continued)

Presentation:

The applicant, **Leo G. Burma**, 38351 North 4040 Road, Collinsville, OK, submitted a site plan (Exhibit C-1) and stated that they have plans to construct a church parsonage on this property.

Comments and Questions:

Mr. Tyndall asked the applicant if the property is in a flood plain and Mr. Burma replied negatively.

Interested Parties:

None

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE *Special Exception*** to allow a church and accessory uses in an AG zoned district per Section 310, subject to the site plan submitted as may be necessary to amend based upon the County Code and subject to a building permit and satisfactory approval of a sanitation system; finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

A tract of land situated in the W/2 of the NE/4 of the NW/4 of Section 33, T-22-N, R-14-E of the IBM, Tulsa County, State of Oklahoma. Being more particularly described as follows: Beginning at the NW/c of the W/2 of the NE/4 of the NW/4; thence N 88°53'46" E and along the N line of said W/2, NE/4, NW/4 a distance of 275.00'; thence S 14°20'05" E a distance of 1,355.09' to a point on the S line of the said W/2 of the NE/4 of the NW/4; thence S 88°54'27" W along said S line a distance of 582.31' to the SW/c of the said W/2, NE/4, NW/4; thence N 1°13'37" W along the W line of the said W/2, NE/4 NW/4 a distance of 1,319.00' to the point of beginning.

Case No. 1658

Action Requested:

Special Exception for a home occupation (real estate office) in an AG zoned district. **SECTION 320. ACCESSORY USES IN AGRICULTURAL DISTRICTS – Use Unit 6 & 11**, located South of SE/c East 66th Street North & North 132nd East Avenue.

Case No. 1658 (continued)

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **Robert E. Benzel, II**, 6309 North 131st East Avenue, Owasso, OK., submitted a site plan (Exhibit D-1). Mr. Benzel explained to the Board that he would like to operate a real estate office from his home.

Comments and Questions:

Mr. Tyndall asked the applicant if he understands the restrictions placed upon a home occupation and Mr. Benzel replied affirmatively.

Interested Parties:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE *Special Exception*** for a home occupation (real estate office) in an AG zoned district. **SECTION 320. ACCESSORY USES IN AGRICULTURAL DISTRICTS – Use Unit 6 & 11**, finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

N 263.65', E 388.7', SW, NW, Section 4, T-20-N, R-14-E, Tulsa County, State of Oklahoma.

Case No. 1659

Action Requested:

Special Exception to permit a children's home day care in an RS district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 6 (5)** and a Variance to the Special Exception bulk, area and setback requirements. **SECTION 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located 6116 North Wheeling.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report. Mr. Bruce mentioned that during review of the application, it was discovered that Section 440.D. of the Code indicates that children's nurseries are not subject to the bulk, area and setback requirements. The existing site meets the requirements of Section 440. D and does not required the variance.

Case No. 1659 (continued)

Mr. Alberty asked Staff what the Federal standard is for number of children in a home daycare. Mr. Bruce replied seven.

Presentation:

The applicant, **Alica Adkism**, 6116 North Wheeling, Tulsa, OK 74130, submitted her DHS permits (Exhibit E-1) and stated that she would like to operate a day care in her home.

Comments and Questions:

Mr. Tyndall asked the applicant how many children she will be licensed for? Ms. Adkism replied seven children.

Mr. Alberty asked if the applicant only wanted to have six children in her home would she still need a variance? Mr. Glenn, County Inspector, replied no, she would not.

Interested Parties:

Lorena Ray, 630 Meadow Wood Drive, Broken Arrow, OK, stated that Ms. Adkism will be a Family Child Care Home Provider. Ms. Ray mentioned that Ms. Adkism is participating in a program that helps people who are getting started in the business of family child care.

Lucille Allen, 6120 North Wheeling, stated that she has lived in this area since 1981. Ms. Allen mentioned that this is a residential area not commercial. She pointed out that the houses are close together on 60' wide lots. Any noise carries to the house next door and that many children will make quite a bit of noise. Ms. Allen asked the Board to deny the application.

Comments and Questions:

Mr. Walker asked Staff if this case is approved, will the applicant be allowed to have an identification sign? If so, what size? Mr. Stump replied she can have an identification but the Board can prohibit the use of an identification sign.

Mr. Walker asked the applicant if the number of children mandated by the government includes her children? Ms. Adkism replied that she has four children and will have 11 children total in her house. Ms. Ray mentioned that DHS will allow her to have seven children without her counting her own children because they are school aged children. They count children under the age of five in her total number of children.

Mr. Tyndall questioned the applicant about her six month permit. Ms. Ray stated that during the six month period, Ms. Adkism will be reviewed three times, and if everything is in compliance, she will receive a two year license.

Case No. 1659 (continued)

The Board asked the applicant if she will be putting up an identification sign and she replied negatively.

Mr. Alberty mentioned that because the children will be preschool age, he does not have a problem with the application. If the children were going to be older, he probably would have a problem. Mr. Tyndall stated that he feels the same way.

Mr. Walker stated that he does not like the use. There is a next door neighbor who is objecting to the use. If the neighborhood supported the application he would feel better about supporting the application.

Board Action:

MOTION by WALKER to DENY *Special Exception* to permit a children's home day care in an RS district, SECTION 410. **PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5 FAILED** due to lack of second.

Comments and Questions:

There was discussion by the Board as to how many children would be considered an acceptable number for this use. Mr. Alberty and Mr. Walker agreed to limit the number of children to seven including the applicant's four children.

Board Action:

On **MOTION** of ALBERTY, the Board voted 3-1-0 (Alberty, Tyndall, Walker "aye"; Dillard "nays", no "abstentions"; Looney "absent") to **APPROVE *Special Exception*** to permit a children's home day care in an RS district, not to exceed seven children including the applicant's four children, for a two year period. If the applicant does not get approved by DHS for a license past the six month period, this approval becomes null and void. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 12, Block 3, Scottsdale Addition, Tulsa County, State of Oklahoma.

Case No. 1660

Action Requested:

Variance to allow two dwelling units on one lot of record, located 13925 North 97th East Avenue.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **Laverne Presley**, 301 East 19th Street, Owasso, OK, 74055, submitted a site plan (Exhibit F-1) and stated that she would like to move her daughter's mobile home onto her land. Ms. Presley mentioned that she will be moving her double-wide mobile home onto the land next week. Ms. Presley stated that both areas where the homes will be placed have perked. The mom's house is 28' x 72' and the daughter's is 14' x 52'.

Comments and Questions:

Mr. Tyndall stated that this tract is large enough to support two dwellings.

Interested Parties:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** to allow two dwelling units on one lot of record, finding the hardship to be that the property is of adequate size to support both dwellings and the owner wishes to keep the land under one ownership, on the following described property:

N/2 S/2 W 22.05' of Lot 3, also described as N 299' S/2 W 22.05' of Lot 3, Tulsa County, State of Oklahoma.

Case No. 1661

Action Requested:

Special Exception to the uses allowed in the AG District. The purpose of the request is to allow airport use for private taxi ways (Mutual Access Easements) and storage of privately owned aircraft. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 2**, located South of East 126th Street North between Sheridan & Memorial.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Case No. 1661 (continued)

Presentation:

The applicant, **J. M. Denney**, White Surveying, 9936 East 55th Place, Tulsa, OK, submitted a site plan (Exhibit G-1) and the covenants of Wagon Wheel Addition (G-2). Mr. Denney stated that they are in the beginning phase of the development and the plan is to have mutual access easements to allow access from the addition to the airport to the east. Mr. Denney stated that the owner of a lot would be allowed to construct an accessory building (hangar) large enough to house their own airplane. The structure will not be leased out to users separate from the owners of dwellings.

Comments and Questions:

Mr. Alberty asked if this will basically be an expansion to the existing use. Mr. Denney replied affirmatively.

Interested Parties:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE *Special Exception*** to the uses allowed in the AG District. To permit taxi ways, through mutual access easement, from the existing airport runway located to the east of the proposed subdivision. Accessory buildings intended for the purpose of housing aircraft be for the private use of the owners within that subdivision only. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 2**, finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

SE/4, NW/4 & Lot 3, less the N 20 acres, Section , T-21-N, R-13-E, Tulsa County, State of Oklahoma.

Case No. 1662

Action Requested:

Special Exception to allow a seasonal sales (outdoor) fireworks stand in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 2**, and a Variance to the all-weather surface parking requirements; located N of NE/c E. 121st St. N. & N. Garnett.

Case No. 1662 (continued)

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **Sherry Barbour**, 18622 South 62nd East Avenue, Bixby, OK, 74008, submitted a site plan (Exhibit H-1) and stated that she and her husband own Big Blast Fundraising. Their company provides fundraising fireworks stands. Ms. Barbour mentioned that they have nine locations in and around Tulsa and Creek County. Ms. Barbour stated that Mr. Glenn, County Inspector, granted them a permit for this year but they would like to have permission to have the stand at this location until the year 2002. The company is working with the New Life Assembly of God to provide a fund raiser for their youth group. The fireworks company provides all of the supplies and the youth group gets to keep a portion of the profits. The church has signed a contract for four years and they would like approval at this site for four years and for December 26-January 2 of the year 2000.

Comments and Questions:

Mr. Walker asked the applicant if the fireworks building will be permanent and she replied that it will not. The building is a conventional 24' fireworks stand.

Mr. Glenn mentioned that there are several fireworks stands around the area that are grand-fathered and they don't have any complaints on any of the stands.

Mr. Dillard asked Ms. Barbour who operates the stand? Ms. Barbour replied that members of the church operate the stand.

Mr. Bruce stated that the applicant is noticed for a variance to the all-weather surface parking requirements. Mr. Alberty stated that since this will be a temporary use he can support the variance of the surface parking requirements.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney, "absent") to **APPROVE *Special Exception*** to allow a seasonal sales (outdoor) fireworks stand in an AG zoned district, finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 2**, and a **Variance** to the all-weather surface parking requirements, finding that it meets the requirements of Section 1670.3, on the following described property:

Lot 1, Block 1, New Life Assembly of God, Tulsa County, State of Oklahoma.

Case No. 1663

Action Requested:

Variance of the minimum front yard requirement along 34th Street South from 25' to 13'. The purpose of the request is to allow a garage addition to the dwelling, located West of the SW/c West 34th Street & South 65th West Avenue.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **Michael L. Patton**, 6802 West 34th Street, Berryhill, OK, submitted a site plan (Exhibit I-1) and stated that he would like to construct an attached garage.

Interested Parties:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE**, a **Variance** of the minimum front yard requirement along 34th Street South from 25' to 13'. The purpose of the request is to allow a garage addition to the dwelling, finding the hardship to be that the lot is not perpendicular to the street and that there is adequate space for the vehicles to be off of the right-of-way, on the following described property:

W 240', S/2 NW, SE, NE, less N 25', Section 19, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

Case No. 1664

Action Requested:

Special Exception to allow Use Unit 24 (Mining/Dirt removal) in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 24**, located North & East of NE/c East 96th Street North & North Peoria.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **L. D. Christian**, P.O. Box 538, Sperry, OK 74073, submitted a site plan (Exhibit J-1) and stated that he is one of the operators.

Case No. 1664 (continued)

Interested Parties:

None.

Comments and Questions:

Mr. Alberty asked the applicant if he has made application to the Department of Mining? Mr. Christian replied that everything has been approved except for what is before the Board today.

Mr. Alberty asked what the setback is from the bank? Mr. Christian replied that they have to setback 50' from the existing bank.

Mr. Alberty asked how long the applicant intends to mine this area? Mr. Christian replied about five years.

Mr. Tyndall asked if the buildings nearby are residences or commercial buildings? The applicant replied that there is a house south of their property. There is also five acres to the southeast that is also a residence. Mr. Christian indicated that he is leasing the property from the owner of the residence and submitted a permission letter from the owner to mine on the property (Exhibit J-2).

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE Special Exception** to allow Use Unit 24 (Mining/Dirt removal) in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 24**, subject to the applicant receiving the appropriate license from the Department of Mining; finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

E/2 NE, SE, SW & E/2, W/2, NE, SE, SW, Section 18, T-21-N, R-13-E,
Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 3:50 p.m.

Date approved: 8-17-99

John N. Tyndall
Chair