

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 233
Tuesday, October 19, 1999, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Dillard Walker, Chair	Looney Tyndall	Arnold Bruce Stump	West, County Inspec.

The notice and agenda of said meeting were posted in the Office of the County Clerk on, Thursday, October 14, 1999 at 2:48 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Alberty, Dillard, Walker, "aye"; no "nays", no "abstentions"; Looney, Tyndall "absent") to **APPROVE** the Minutes of August 17, 1999 (No. 231).

MINUTES:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Dillard, Walker, "aye"; no "nays", no "abstentions"; Looney, Tyndall "absent") to **APPROVE** the Minutes of September 21, 1999 (No. 232).

UNFINISHED BUSINESS

Case No. 1672

Action Requested:

Variance of the required 30' frontage on a public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED** and Variance to allow two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, located North of NW/c East 116th Street North & North Highway 75.

Case No. 1672 (continued)

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **William E. Bott**, was represented by his wife **Faylee Bott**. Ms. Bott submitted a site plan (Exhibit A-1) and stated that she owns the forty acres. Her grandson now lives on the existing house that is on the forty acres. Ms. Bott stated that her husband is ill and they would like to build a small house on the land so her grandson can help take care of her husband.

Interested Parties:

None.

Comments and Questions:

Mr. Alberty asked the applicant if she has any intent to use the house as rental property or develop the land? Ms. Bott replied that she does not intend to do that.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Dillard, Walker "aye"; no "nays", no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Variance** of the required 30' frontage on a public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED** and **Variance** to allow two dwelling units on one lot of record, finding that owner would like to keep the property under one ownership. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, on the following described property:

NW/4, SE/4, Section 4, T-21-N, R-13-E, Tulsa County, State of Oklahoma.

Case No. 1675

Action Requested:

Use Variance to allow a mobile home on a lot in the CH zoned district. **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 6**, located 1202 East 64th Street North.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Case No. 1675 (continued)

Presentation:

The applicant, **Sharon Robinson Francis**, 313 South Fairfax, Skiatook, OK, submitted a site plan (Exhibit B-1) and stated that she and her husband have recently divorced and she would like to put a mobile home on the property. Her family has owned the property for about 50 years.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Dillard, Walker "aye"; no "nays", no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Use Variance** to allow a single-family dwelling on a lot in the CH zoned district, finding that the surrounding land use does not agree with the current zoning. **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 6**, on the following described property:

Lot 10, Block 4, North Turley Addition, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 1678

Action Requested:

Variance of minimum lot area from 2 acres to 1.5 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** and a Variance of land area per dwelling unit from 2.2 acres to 2.02 acres, both to permit a lot split. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, located 15331 North 113th East Avenue.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **Herb Weaver**, 1322 West Main, Collinsville, OK, submitted a site plan (Exhibit C-1) and stated that the reason they would like to split the property the way it is diagramed is because there is a large pond on the property. It would be easier to maintain the pond if it is kept under one ownership and on one lot.

Comments and Questions:

Mr. Alberty stated that RE zoning exists to the west, which are smaller lots than what the applicant is proposing. Across the street in the AG District, there are lots of similar size.

Case No. 1678 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Dillard, Walker "aye"; no "nays", no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Variance** of minimum lot area from 2 acres to 1.5 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** and a **Variance** of land area per dwelling unit from 2.2 acres to 2.02 acres, both to permit a lot split, finding the hardship to be that RE zoning exists to the west, and across the street in the AG District, there are lots of similar size. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, on the following described property:

S/2 of the SW/4 of the NW/4 of the NW/4 of STR 20-22-14, Tulsa County,
State of Oklahoma

Case No. 1679

Action Requested:

Special Exception to permit a mobile home in an RS District. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**; Variance of required rear yard from 20' to 4'. **SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** and a Variance to allow two dwelling units on one lot of record. **SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS**, located 7103 West 26th Street.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **Glenn Gene Martin, Jr.**, 7103 West 26th Street, submitted a site plan (Exhibit D-1) and stated that the mobile home was moved onto the property before they knew there were restrictions. They would like to use the mobile home as a rental home now and eventually his mother will move into it when she retires.

Comments and Questions:

Mr. Walker asked the applicant what the condition is of the existing home? Mr. Martin submitted a photos (Exhibit D-2) and replied that the house is not inhabitable nor could it be repaired. They would like to keep the house and use it for storage for the mobile home. There is no garage on the property and the renter of the mobile home would like to have some place to store his belongings.

Case No. 1679 (continued)

Mr. Alberty asked Mr. Martin if the property has a septic tank? Mr. Martin replied that it is on septic and it has not been inspected yet. There are no utilities currently on the mobile home. The utilities could not be hooked up until they came before the Board for approval.

Mr. Alberty asked about the development to the north. Mr. Martin informed the Board that they own and have a house on the seven acres to the north of this property.

Mr. West, County Inspector, stated that the only problem is that they would have an accessory or storage building in the front yard. Mr. Alberty asked if the application is approved as two dwelling units on one lot of record, will that get them over the hurdle? Mr. West replied affirmatively.

Interested Parties:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Dillard, Walker "aye"; no "nays", no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS 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 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS; Variance** of required rear yard from 20' to 4', finding that the applicants own the abutting property to the north. **SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** and a **Variance** to allow two dwelling units on one lot of record, finding that it meets the requirements of Section 1670.3; **SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS**, on the following described property:

A tract of land being a part of the NW/4, NW/4, SE/4 of Section 18, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma being more particularly described as follows, to-wit: Commencing at the SE/c of said NW/4, NW/4, SE/4; thence S 88°59'49" W a distance of 30.00' to the point of beginning; thence N 1°00'25" W a distance of 150.00'; thence S 88°59'49" W a distance of 180.00'; thence S 1°00'25" E a distance of 150'.00'; thence N 88°59'49" E a distance of 180.00' to the point of beginning.

Case No. 1680

Action Requested:

Special Exception to permit a mobile home in a RM-1 District. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, located 1505 South 75th West Avenue.

Case No. 1680 (continued)

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **Farrell D. Fanning**, 1505 South 75th West Avenue, submitted a site plan (Exhibit E-1) and stated that his daughter would like to move a mobile home onto the lot.

Comments and Questions:

Mr. Alberty asked the applicant if he would have any problem moving the dwelling to comply with the setbacks? Mr. Fanning stated that he would comply with the setbacks.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Dillard, Walker "aye"; no "nays", no "abstentions"; Looney, Tyndall, "absent") to **APPROVE *Special Exception*** to permit a mobile home in a RM-1 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 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, on the following described property:

Lot "A" Billingtons Acre, Resubdivision of Lot 5 and part of Lot 6 and 7, Tulsa County, State of Oklahoma.

Case No. 1681

Action Requested:

Variance of the required rear yard setback of 25' down to 15'. **SECTION 430.1. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD and RM Districts**, located 11305 South 139th East Avenue.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report. Mr. Bruce stated that after discussion with County Staff it was determined that the relief is not necessary and the item should be stricken from the agenda. Mr. Bruce recommended a refund of fees.

Case No. 1681 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Dillard, Walker, "aye"; no "nays", no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a Full Refund of Fees on Case No. 1681.

Case No. 1682

Action Requested:

Special Exception to permit a home occupation (beauty shop) in an RE District. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and a Variance of the front setback from 35' to 20' to permit an addition. **SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS**, located 8305 East 100th Street North.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **Suzanne Benedict**, 8305 East 100th Street North, submitted a site plan (Exhibit G-1) and stated that she is pregnant and would like to cut back on her work hours. She would like to open a beauty shop in her home and work a few days a week. Ms. Benedict explained that they could not build the shop behind the house because of an existing pond.

Comments and Questions:

Mr. Alberty stated that he has a concern about the setback. Ms. Benedict informed the Board that she and her husband were wanting to add on a den and a beauty shop. The expansion will be to the west and will line up with the front wall and match the house.

Mr. Alberty asked the applicant how many square feet they will be adding and Ms. Benedict replied 600 square feet.

Mr. Alberty asked if Ms. Benedict understood and could comply with the Home Occupation Guidelines? Mr. Benedict replied that she would comply.

Case No. 1682 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Dillard, Walker "aye"; no "nays", no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Special Exception** to permit a home occupation (beauty shop) in an RE 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 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and a **Variance** of the front setback from 35' to 20' to permit an addition, finding that it meets the requirements of Section 1670.3; **SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS**, subject to the conditions of the Home Occupation Guidelines and subject to the front building line aligns with the existing house and does not encroach on what is already there, on the following described property:

Lot 8, Block 2, Hill 'n' Dale Acres, a subdivision in Tulsa County, State of Oklahoma.

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Case No. 1683

Action Requested:

Special Exception to allow mining/dirt removal (non-coal) in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT**, located N & W of NW/c E. 56th St. N. & N. Yale.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **Keith Ross**, was represented by **Gene Heinecke**, 2817 East 34th Street, Tulsa, OK, submitted a site plan (Exhibit H-1). Mr. Ross is applying for a non-coal mining permit from the Oklahoma Department of Mines. The property consists of 160 acres in size. Ms. Heinecke mentioned that 160 acres will be put on the mine application but after review, they will not use all of the 160 acres for mining. The mining will be 2' to 5' deep. Mr. Ross currently operates a mining operation directly to the west of the subject property. That mine is not part of this application.

Comments and Questions:

Mr. Alberty asked the applicant if she is familiar with the Oklahoma Department of Mines requirements, is there any reason why they cannot comply with all of their requirements? Ms. Heinecke replied that they have the permit ready and has spoken with the Bureau of Mines and the various other departments

Case No. 1683 (continued)

involved. They are asking for a wetlands determination, which is one of the requirements.

Mr. Alberty asked the applicant what the future plan for reclamation is? Ms. Heinecke stated that the land is currently agriculture in nature and it will be returned to pastureland. There will also be a small retention pond that will be built to the Department of Mines specifications.

Mr. Alberty inquired as to what kind of traffic will be at this site? Ms. Heinecke responded that she did not know.

Ms. Heinecke stated that there are currently two Williams pipelines that cross the property. One is Ammonia and the other is Petroleum. Williams has already been contacted and they will mark the area.

Interested Parties:

Dwight Smith, 35 East 18th Street, Tulsa, OK 74119, stated that he represents Texhoma Royalty Corporation. Mr. Smith explained that his client owns the property to the northwest of the subject property. Highway 75 runs adjacent to their property and exists 56th Street North and 66th Street North. The Tulsa Speedway is located just off of 66th Street North. The racing facility operates about 30 weekends a year and attracts 6,000 to 7,000 patrons per weekend. The facility itself consists of 30 acres of his client's 100 acres. Mr. Smith informed the Board that his client is opposed to the mining of this property. Mr. Smith feels that granting the application is not in keeping with the spirit and intent of the Code and allowing a 30 acre mining operation will not encourage industrial, commercial or residential growth. They do not feel the application should not cover the entire 160 acres but only the exact area where the mining will take place. It was explained to the Board that East 56th Street North is a narrow two lane street that is not capable of handling the heavy truck traffic. Mr. Smith suggested that nobody knows about detailed plans for the site. Detention, drainage, depth of removal, silt trapping systems, etc. and other such issues have not even been discussed and those are critical issues in mining. Mr. Smith urged the Board to deny the application and urged the applicant to present an environmental impact study.

Comments and Questions:

Mr. Alberty asked Mr. Smith if he heard the applicant's presentation and by her stating that they will restrict the initial phase of mining to the 30 acres and does that change his objection in any way? Mr. Smith stated that his client would be opposed to an unlimited 30 acre application as well. Mr. Smith suggested that if the Board is inclined to look at that option, obviously the remediation condition should be a part of granting the application as should the size restriction.

Case No. 1683 (continued)

Mr. Alberty stated that as far as the traffic is concerned, the mining operation would certainly have a lesser impact on the area than the speedway currently does.

Applicant's Rebuttal:

Ms. Heinecke approached the Board with a site plan of the area showing the proposed location of the mining operation and explained the layout of the property to the Board. Ms. Heinecke explained that the entire 160 acres will not be mined at the same time. Her client will mine one small area, finish the site, then move to another part of the property and begin mining that area.

Mr. Alberty stated that he would like to see more detailed drawings, showing the intent for the entire 160 acres, before the Board takes final action on this application. He would also like for the applicant to meet with Mr. Smith and his clients and work out any potential conflicts. Mr. Alberty feels that he could support the mining operation with the initial 30 acre phase based upon what Ms. Heinecke has proposed.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Dillard, Walker "aye"; no "nays", no "abstentions"; Looney, Tyndall, "absent") to **CONTINUE** Case No. 1683 to the meeting of November 16, 1999.

OTHER BUSINESS

Board Action:

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Alberty, Dillard, Walker "aye"; no "nays", no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** the 2000 County Board of Adjustment Meeting Schedule.

There being no further business, the meeting was adjourned at 2:40 p.m.

Date approved: 11/16/99
Ronald Z Walker
Chair