

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 240
Tuesday, May 16, 2000, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty	Looney	Butler	West, Zoning
Tyndall		Fernandez	Glenn. Co. Inspect.
Walker, Chair		Stump	
Dillard			

The notice and agenda of said meeting were posted in the Office of the County Clerk on, Thursday, May 11, 2000 at 8:42 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 1:30 p.m.

MINUTES:

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** the Minutes of April 13, 2000 (No. 239).

UNFINISHED BUSINESS

Case No. 1707

Action Requested:

Special Exception for mining/dirt removal in an AG district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 24, located at 6100 Block N. 115th E. Ave.

Presentation:

Ms. Fernandez stated that a letter is in the agenda packet that clears up the previous dispute over the ownership of the property.

The applicant, Larry R. Kornegay, 12410 E. 66th St. N., Owasso, came before the Board as a continued case from April 13, 2000. He stated he is permitted, licensed, and bonded for his work and is well aware of the condition of the subject

Case No. 1707 (continued)

property. He stated that Tulsa County advised him of the need for a Special Exception since the property is located in a flood zone. He requested a hydrological analysis of the property, and the engineering firm has stated that they need two more weeks to complete the analysis.

Comments and Questions:

Mr. Alberty stated that this engineering report is a requirement.

Protestants:

None.

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **CONTINUE** Case No. 1707 to the next regularly scheduled hearing, June 20, 2000.

Mr. Glenn, informed the Board that the engineering report does not have to come before the Board, the applicant just needs to have the information available. Mr. Glenn stated that if he would provide the report to the County Inspector's office in the next couple of weeks and the Board was inclined to allow him to continue the mining operation, this matter could be completed.

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **RECONSIDER** the previous motion.

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent"), in light of the fact that this operation has been ongoing for over seven years, and that the applicant is pursuing to obtain the hydrological study, to **APPROVE** the ***Special Exception*** for mining/dirt removal in an AG district on the subject twenty-five acres, subject to the applicant providing the County Inspector the required hydrological report, finding that it 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 NW SW lying N of Bird Creek & lying E of Hwy & SE NW less the E 498' N 640' thereof & SW NE lying N of Bird Creek & NW NE less the N 660' W 200' E 1688.76' NE & less Beg. NW/c NE thence S 50' E 710' SE 55.90' E 209.24' N 75' W 969.24' to POB & less SE approx. 165' NW NE Section 5, T-20-N, R-14-E, Tulsa County, State of Oklahoma

Case No.1721

Action Requested:

Special Exception to permit a home occupation (beauty shop) in an AG district. SECTION 320.1. ACCESSORY USES IN AGRICULTURAL DISTRICTS, Accessory Uses Permitted – Use Unit 6, located at 12505 N. 113th E. Ave.

Presentation:

The applicant, **Kathy Sampley**, 12505 N.113th, Collinsville, stated that she would like to start a business within her home. She stated that she has a 285 square foot room to use, and she would be the only operator. She added that she is state board certified.

Comments and Questions:

Mr. Walker confirmed that the applicant understood she could not hang a sign out. Mr. Tyndall questioned her regarding the restrictions of home occupation. She replied that she is familiar with them.

Protestants:

None.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Special Exception** to permit a home occupation (beauty shop) in an AG district, finding that it 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:

The S 330.00' W 880.0' of Gov. Lot 4, Section 5, T-21-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, less and except the S 190.00' W 235.00' thereof, containing 5.65 acres more or less.

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Case No. 1722

Action Requested:

Special Exception to allow firework sales from June 8 to July 8, 2000, and from December 26, 2000 to January 2, 2001 and to allow this exception for these weeks for the next three years. SECTION 1202.2. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Included Uses – Use Unit 2, located at 10203 S. Lynn Lane Rd.

Presentation

The applicant, **Doyce Plunk**, P.O. Box 1782, Broken Arrow, stated that he was asked for the use of his property for a fireworks stand for the youth in his church. He pointed out that where he runs his masonry business there is a commercially

poured two-lane driveway, it is located on the highway, and there are kennels and commercial property use all around his property.

Comments and Questions:

Mr. Alberty asked Mr. Plunk if the plan is to place the fireworks stand between his home and garage. Mr. Plunk replied that is the plan. Mr. Alberty asked about an estimated number of cars they can park. Mr. Plunk responded about 50 cars. Mr. Walker asked what kind of signage they plan to use. Mr. Plunk only planned to hang a flag on his brick fence and maybe a stake in the ground at the corner at each corner about a mile from the property. Mr. Stump asked for clarification of the site plan that shows approximately 25, 000 square feet of office space. Mr. Plunk corrected the information, stating that is the size of their home from which they have run their business.

Interested Parties:

Gerald Bowden, 516 Fairway Ct., Broken Arrow, stated he came as an interested party, because his mother-in-law owns the four acres that adjoins the property. His concern is not whether he sets up a fireworks stand, but that the property will not be able to handle a fireworks stand. He stated that his family does not want any parking to overflow on her property because of liability.

Protestants:

Rhett Wilburn, 7434 S. Yale, Ste 560, stated he was representing Steve Larson, the homeowner directly to the south of the subject property, and C.R. Fredrickson, the homeowner directly to the west. He stated that the fireworks stand poses several problems for some of the neighbors. He submitted photos (Exhibit C-1) to demonstrate why ingress and egress from the property would not be adequate, and any parking on the side of the road would not be acceptable to the neighbors. There is an annual July 4th fireworks display held on the other side of the Larson property. The presence of the stand would infringe on any fireworks activity on the Larson property within 250' of the stand. He reminded the Board that the stand is a dangerous proposition containing Class C explosives.

Larry Glenn, Tulsa County Inspector, stated that the dates that allowed by state law for retail fireworks sales are: June 15 to July 6 and December 15 to January 2. He mentioned that the retail operator must have a license posted. He added that fireworks is a hazardous material with explosive characteristics, and very dangerous. He stated that Tulsa County does not believe that a residential district of any zoning classification is an appropriate place to sell fireworks at retail. Mr. Glenn pointed out that the stand is required to be 30' from any structure on the property, and a legal fire lane is 18' in width. He also added that there is a 500' limit for fireworks activities from the stand.

Case No. 1722 (continued)

Applicant's Rebuttal:

Mr. Plunk stated that he failed to mention that an auto detail shop is run on the four acres next door to the north. He stated he does not believe that for the 20 days, the stand would cause a traffic problem.

Comments and Questions:

Mr. Walker indicated that it does not appear there would be sufficient space for a fire lane all the way around the stand. Mr. Alberty commented that Mr. Plunk has a very nice home and he was surprised that the applicant would want to put a fireworks stand in that location.

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **DENY** a **Special Exception** to allow firework sales from June 8 to July 8, 2000, and from December 26, 2000 to January 2, 2001 and to allow this exception for these weeks for the next three years, for the following described property:

The N 120.50' S 843.50' W 361.50' NW/4 NW/4, Section 25, T-18-N, R-14-E of the IBM, Tulsa County, State of Oklahoma

Case No. 1723

Action Requested:

Variance of Section 207 requiring a minimum of 30' of frontage on a public street or dedicated ROW for a lot used for residential purposes to permit 0' frontage to permit a lot split #19037. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located at 13700 Blk. E. 191st St. S.

Presentation:

The applicant, **Houston Shirley**, 113 W. Dawes, Bixby, stated he is an attorney representing Jerry Fouch. Mr. Shirley stated that Mr. Fouch is personal representative of his sister's estate. He informed the Board that the sister left approximately 30 acres of property on 191st Street east of Mingo about 1½ mile, twenty of which were sold. Mr. Shirley stated that Mr. Fouch proposes to deed half of the last ten acres to his brother. Mr. Fouch has prepared a right-of-way instrument providing a 25' easement for the north half of the ten-acre tract. The easement does not constitute a dedicated right-of-way access to 191st Street; therefore the applicant makes this request for a variance.

Comments and Questions:

Mr. Alberty stated to Mr. Shirley that in order to approve a variance the Board needs to understand the hardship involved. Mr. Alberty asked if the estate would

Case No. 1723 (continued)

give a 25' easement then is there any reason why it could not grant a 30' ownership. Mr. Shirley did not know of any reason it could not be dedicated. He pointed out that there is a lease road allowing access to the north half by the mineral owners to the oil wells. Mr. Shirley responded that the hardship would be that the property would have to be re-surveyed to split the property 50 – 50. Mr. Stump brought up a technicality, this would not allow for the required 200' rear lot width. Mr. Glenn asked if Snake Creek crossed the north side of the property. Mr. Shirley replied that it does. Mr. Alberty commented that though it might be in a flood plane, it would only be a concern if someone applied for a building permit, not a lot split.

Protestants:

None.

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Variance** of Section 207 requiring a minimum of 30' of frontage on a public street or dedicated ROW for a lot used for residential purposes to permit 0' frontage to permit a lot split #19037, finding the hardship that this is a family ownership with no intent to develop the property, for the following described property:

E/2, E/2, SE, SW, Section 4, T-16-N, R-14-E, Tulsa County, State of Oklahoma

Case No. 1724

Action Requested:

Special Exception to permit one mobile home on each lot in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located at W. 54th St. west of 107th W. Ave.

Presentation:

The applicant, Burlin Pickens, 4705 N. Denver, stated he was seeking to put a mobile home on each of two lots. He stated he is familiar with the requirement for skirting; he has obtained a soil percolation test, and has a septic system.

Comments and Questions:

Mr. Walker asked if a lot split has been approved. Mr. Pickens replied in the affirmative. Mr. Walker commented that there are numerous mobile homes in the area.

Interested Parties/Protestants:

None.

Case No. 1724 (continued)

Board Action:

On the **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Special Exception** to permit one mobile home on each of two lots in an RS district, with the condition that requirements for skirting, soil percolation test, tie-downs and DEQ approval are met, finding that it 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, for the following described property:

E/2 Lot 10, Block 4, Buford Colony Second and W/2 Lot 10, Block 4, Buford Colony Second, Tulsa County, State of Oklahoma

Case No. 1725

Action Requested:

Variance of Section 207 of required 30' of frontage on a public street or dedicated right-of-way for residential purposes to 0' frontage on 4 tracts. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located at 17920 E. 121st St. S.

Presentation:

The applicant, **Keith Mathews**, 17920 E. 101st St. S., stated that his family has owned this property since the late 1800's. He added that his father chose to divide it between himself and his three siblings. Mr. Mathews pointed out that in order to give everyone access to each tract, and to avoid building a bridge over the creek, he is asking for the 50' utility and road easement on the east side. (Exhibit A-1 site plan submitted)

Protestants:

None.

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Variance** of Section 207 of required 30' of frontage on a public street or dedicated right-of-way for residential purposes to 0' frontage on 4 tracts, finding the hardship to be the unusual terrain and the impending flood plane, for the following described property:

Tract 1 – The N 273.58' W 990.15' Lot 4, containing 6.2187 acres, more or less with the E 50' dedicated for road and utility easements; Tract 2 – The S 146.42' of the N 420' W 990.15' and S 161.39' N 581.40' E 780.15' W 990.15' Lot 4, containing 6.2187 acres, more or less with the E 50' dedicated for road and utility easements; Tract 3 – The S 48.61' N 630.01' E 780.15' W 990.15' and S 235.28' N 865.29' W 990.15' Lot 4, containing 6.2187 acres, more or less with the E 50' dedicated for

Case No. 1725 (continued)

road and utility easements; and Tract 4 – NW NW less E 330' and less Beg 420' S of NW/c, thence E 210' S 210' W 210' N 210' POB, all in Section 1, T-17-N, R-14-E, Tulsa County, Oklahoma

Case No. 1726

Action Requested:

Variance to allow three dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6, located at 13228 N. 105th E. Ave.

Presentation:

The applicant, **Phillip Catlett**, 13234 N. 105th E. Ave., stated that he would like to put a doublewide mobile home on his property. There are two dwelling units existing currently on the property, one of which is occupied by his parents. He would like the property to remain under one ownership.

Comments and Questions:

Mr. Walker commented that the residences are grouped together on the smaller portion of the tract. Mr. Catlett replied that they have cattle and sheep on the majority of the land.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Variance** to allow three dwelling units on one lot of record, with the condition that requirements are met for skirting, tie-downs, soil percolation test, and DEQ approval, finding the hardship that the applicant is the owner and wants to keep the property under one ownership, and the land area is sufficient size to justify three dwellings as proposed, for the following described property:

The N/2 SE/4 NW/4 less N 308.71' E 626.13' NE/4, SE/4, NW/4, all in Section 31, T-22-N, R-14-E of the IBM, Tulsa County, State of Oklahoma

Case No.1727

Action Requested:

Variance to permit 2 dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6, located N & W of NW/c E. 96th St. N. & Harvard.

Presentation:

The applicant, **Vanessa Hillyer**, 10023 N. 26th E. Ave., Sperry, stated that she desires to put a second mobile home on the subject property. She stated that a septic system is in place. There was another mobile home on the same location previously.

Comments and Questions:

Mr. Tyndall asked if the mobile home would be used for rental property or other. Ms. Hillyer replied that one mobile would be used for rental property.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Variance** to permit 2 dwelling units on one lot of record, with the condition that requirements are met for skirting, tie-downs, soil percolation test and DEQ approval of sewage systems, finding that 7.5 acres justifies two dwelling units, and hardship being owner wants to maintain one ownership, for the following described property:

N/2, N/2 E/2, NW, SW and E/2, E/2, NW, SW, Section 17, T-21-N, R-13-E, Tulsa County, State of Oklahoma

Case No.1728

Action Requested:

Variance of 30' street frontage requirement to 0'. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located at 26015 W. 11th St. S.

Presentation:

The applicant, **Sherwin Everding**, 1516 S. Fir Pl., Broken Arrow, submitted a site plan (Exhibit B-1). He stated that he represents Greg Wilson, as his homebuilder. He plans to build a home on the subject property at Keystone Lake on a private road that is not maintained by the County. The homeowners maintain the gravel road. Tulsa County requires that he seek approval of this variance to obtain a building permit.

Interested Parties/Protestants:

None.

Case No. 1728 (continued)

Mr. Dillard stated that he would abstain in this case.

Board Action:

On **MOTION** of **Alberty**, the Board voted 3-1-1 (Alberty, Walker, Tyndall "aye"; no "nays", Dillard "abstained"; Looney "absent") to **APPROVE** a **Variance** of 30' street frontage requirement to 0', finding the access is adequate from a privately maintained street, for the following described property:

A tract of land in the S/2 SE/4 SE/4 Section 6, T-19-N, R-10-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows, to wit: Beg at the NE/c S/2 SE/4 SE/4, Section 6; thence N 89°51'11" W along Corps of Engineer's boundary line, course #37 a distance of 583.73'; thence S 00°17'24" E a distance of 577.49' to a point intersecting Corps of Engineer's boundary line, course #45; said point is NE of the SW/c SE/4 SE/4 SE/4 Section 6, a distance of 117.95'; thence N 45°13'07" E along said course #45, a distance of 349.92' to a Corps of Engineer's monument; thence S 89°51'30" E along course #44 a distance of 331.40' to a Corps of Engineer's monument and the SE/c N/2 SE/4 SE/4 SE/4 Section 6; thence N 00°10'45" E along the E line N/2 SE/4 SE/4 SE/4 a distance of 330.32' to POB

Case No. 1729

Action Requested:

Use Variance to allow agriculture sales in an AG zoned district – Use Unit 15 & 17, located at 20601 S. US Hwy-75.

Presentation:

The applicant, **Roger Geer**, 20601 S. Highway 75, stated he would like to open a store to sell saddles, tack, sawdust, hay, and other agricultural implements.

Comments and Questions:

Mr. Alberty commented that the applicant has applied for the entire ownership, but the building is only going to be on the front portion of the property. Mr. Alberty asked what size of building Mr. Geer plans to build. Mr. Geer replied a 30' x 60' building. Mr. Alberty confirmed that the applicant knows he needs to comply with the requirements by the County Inspector. Mr. Alberty asked why the applicant went with a variance instead a change of zoning. Mr. Geer replied that it is because he was going strictly with agricultural items.

Mr. Glenn asked if the agricultural equipment would include vehicles, trailers, and tractors. Mr. Geer did indicate there would be trailers.

Protestants:

David Reeber, 1531 W. 206th St. S., stated that his property is immediately north of the subject property. He has 14 acres, with a house and barns. He pointed out the 206th Street is not a street but a 16' right-of-way, with a red 911 street. He

Case No. 1729 (continued)

stated his preference that there not be a store there; and that there are four existing feed stores within an 8½ mile radius already. He would ask that marketing activities be confined to the designated area, and that the dust be controlled.

Applicant's Rebuttal:

Mr. Geer stated that he intends to blacktop the parking areas to control dust.

Interested Parties:

John Hubbard, with Prudential-Detrick Realty, stated that he sold the property to the applicant. He stated that there is a 50' utility and road easement, which should not be considered in the 250' frontage. Mr. Alberty stated that the 200' is more than adequate to do what the applicant plans to do.

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Variance** to allow agricultural sales in an AG zoned district, with the conditions: sales including tack, feed, and agricultural implements only; and be restricted to the west 200' of the property; any building constructed would be a minimum of 50' from north property line and a minimum of 50' from the south property line; and all parking be on all-weather surface, finding the hardship that there is commercial zoning in existence on the west side of the street, but the owner has elected to use a variance since he is restricting it to agricultural sales, on the following described property:

The N 360' of the NW/4 of the SW/4, Section 14, T-16-N, R-12-E, Tulsa County, State of Oklahoma, including seller's mineral interest (1/2 of same) less all roadway and utility easements of record.

Case No. 1730

Action Requested:

Special Exception to allow two dwelling units on one lot of record during construction of new residence. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6; a Variance of Bulk and Area requirements from 2 acres of required lot area to 1.79 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance from 2.2 acres of required land area to 2.1 acres on existing lot. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located at 16421 E. 171st St. S.

Case No. 1730 (continued)

Presentation:

The applicant, Murrel Wilmoth, 2728 W. 66th Pl., stated that the subject property was approved for a lot-split in 1983. Mr. Wilmoth added that the owner plans to build a new house and use his current residence as a storage building. He stated that the hardship is the excessive right-of-way and the shallowness of lot, due to the right-of-way that was not used when 171st Street was taken off the street plan.

Comments and Questions:

Mr. Dillard asked about the condition of the roadway now. Mr. Wilmoth stated that it is steep, with an oil mat surface, and about 18’.

Interested Parties/Protestants:

No interested parties wished to speak.

Board Action:

On the **MOTION** of **Dillard**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Special Exception** to allow two dwelling units on one lot of record during construction of new residence, finding that it 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; a **Variance** of Bulk and Area requirements from 2 acres of required lot area to 1.79 acres; and a **Variance** from 2.2 acres of required land area to 2.1 acres on existing lot, finding the hardship to be the excessive right-of-way and shallowness of the lot on the following described property:

A tract of land in the W/2 SW/4 of Section 26, T-17-N, R-14-E, Beg at the SE/c SW/4 SW/4, Section 26; thence W 502.775’; thence N 214.97’; thence E 502.775’; thence S 214.53’ to the POB; less easements of record along the southern boundary of the property for ingress and egress and roadway purposes, Tulsa County, State of Oklahoma

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Case No. 1731

Action Requested:

Variance of average lot width of 200’ to 155’. SECTION 330. BULK AND REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6; a Variance of the minimum street frontage requirement of 30’ to 0’ on two proposed lots. SECTION 207. STREET FRONTAGE REQUIRED; a Variance of the minimum lot area from 2 acres to 1.58 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance minimum land area requirement of 2.2 acres to 1.58 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; **OR** a Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located at 4347 S. 61st W. Ave.

Case No. 1731 (continued)

Presentation:

Luke Goodwin, P.O. Box 521166, Tulsa, stated he was representing Wendell E. Drake, the applicant. Mr. Drake was also present and gave his address, 4401 S. 61st W. Ave. Mr. Goodwin stated that Mr. Drake is seeking variances necessary to obtain a lot-split on the subject property. He informed the Board that he wants to build a home on the property to live close to his aged parents.

Comments and Questions:

Mr. Alberty asked if the applicant planned to keep the property under one ownership. Mr. Drake replied that is his plan.

Protestants:

None.

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Variance** of average lot width of 200' to 155'; a **Variance** of the minimum street frontage requirement of 30' to 0' on two proposed lots; a **Variance** of the minimum lot area from 2 acres to 1.58 acres; and a **Variance** minimum land area requirement of 2.2 acres to 1.58 acres, per the illustration of 13.6 in agenda packet, showing tracts A and B created, with tract B being the rear portion of the east portion, and the access would come through the property owned on the north, thereby requiring a 25' access easement be granted to the newly created tract B, finding that the hardship of the three variances is the extreme narrowness of the tracts per the site plan, on the following described property:

A tract of land in the SE/4 NW/4 Section 29, T-19-N, R-12-E of the IBM, more particularly described as Beg 435.75' E NW/c SE/4 NW/4; thence S 100';thence E 884.25'; thence N 100' to a point on the N line SE/4 NW/4; thence W 884.25' to the POB and Beg 100' S of the N line at the E line SE/4 NW/4 Section 29, T-19-N, R-12-E; thence W 1,320'; thence S 100'; thence E 1,320'; thence N 100'; to the POB, Tulsa County, State of Oklahoma

Case No. 1732

Action Requested:

Variance of required minimum lot width from 200' to 181' and 185' in an AG zone, proposed lots to facilitate a proposed lot split. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6, located at 11825 E. 166th St. N.

Case No. 1732 (continued)

Presentation:

The applicant, **Barbara Johnson**, 9810 N. 136th E. Ave., Owasso, stated that her family purchased the 9.8+ acres of property eight years ago with plans to put two homes there. She stated that they were not aware of the 200' width requirement for a lot-split. She added that they have invested in two houses and now have no place to put one of the houses. Ms. Johnson informed the Board that the second home is for their son and his family for a permanent residence.

Comments and Questions:

Mr. Alberty informed Ms. Johnson about the letter from Bridgette Holmes to the Board indicating her concern that a home would be built too close to her own property. Mr. Walker noted that concerning this letter, the plot plan indicates that the distance was many times more than what would be required of any agricultural or residential area.

The applicant's husband, Steve Johnson, stated it was their intention to split the property into two equal parts and the frontage was to be the same on each part. Mr. Walker commented that there is sufficient land area, and considering the shape of the lot it would be sufficient justification for the hardship.

Interested Parties/Protestants:

There were none present.

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Variance** of required minimum lot width from 200' to 181' and 185' in an AG zone, proposed lots to facilitate a proposed lot split, per plan submitted with the lot split down the center, finding that the hardship is that the lot is deep and the variance on the frontage is going to be less than 14' per each lot, which is less than 10%, on the following described property:

Pt of E/2 NW, Beg. 1,682.65' E of the NW/c of the NW; thence E 373.65' S 1,174.32' W 182.42', NW 128.74' NW 171.06' NW 5.34' N 954.10' to POB, Tulsa County, State of Oklahoma

Case No. 1733

Action Requested:

Variance of Section 330 of the required 200' average lot width to 156.90' for lot split. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, located W of NW/c E. 126th St. N. & N. Mingo Rd.

Case 1733 (continued)

Presentation:

The applicant, **Jason Owens**, 8815 E. 126th St. N., Collinsville, stated that he owns the subject property, approximately 6.5 acres. He stated that he would like to split the property, and allow 40' on the west side for access to back part, for any prospective buyer. Mr. Owens added that his land failed the percolation test, and he has not obtained a soil percolation test on the back portion.

Protestants:

Donna Hampton, 12747 N. 91st E. Ave., Collinsville, stated that her concern is that when she purchased her seven-acre tract, she expected the surrounding properties to remain seven-acre tracts. She stated that her property failed the percolation test, and she has a lagoon and septic system. She is concerned that smaller tracts and more mobile homes will lessen the value of her property. She added that there has been a problem with people using the private gravel road as well.

Comments and Questions:

Mr. Alberty commented that if the property fails a percolation test, and satisfy the Department of Environmental Quality, there would not be any development allowed.

Applicant's Rebuttal:

Mr. Owens stated that he understands the problem concerning the gravel road, and that is the reason he is providing additional access for the back portion of property from 126th Street North.

Comments and Questions:

Mr. Alberty commented that the actual width of the lot is greater than 200', but the panhandle and the way it is calculated creates a hardship.

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Variance** of Section 330 of the required 200' average lot width to 156.90' for lot split, finding the hardship to be the technicality in calculating the width and the panhandle, for the following described property:

The property is located: West of northwest corner East 126th Street North and North Mingo Road. Legal Description: A tract of land being a part of the SE/4 SW/4 of Section 36, T-22-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows to-wit. Commencing at the SE/c of SE/4 SW/4 of Section 36, thence S 89°54'49" W, on an assumed bearing, along the S line of the SE/4 SW/4 of said Section 36 a distance of 274.985' to the POB; thence continuing

Case No. 1733 (continued)

S 89°54'49" W a distance of 40', thence N 00°00'48" W a distance of 922.00', thence N 89°54'49" E a distance of 314.955' to a point on the E line of the SE/4 SW/4, thence S 00°00'54" along said E line a distance of 392.00', thence S 89°54'49" W a distance of 274.97', thence S 00°00'48" E 530' to POB, containing 3.32 acres, more or less

Case No. 1734

Action Requested:

Variance of the required 30' frontage on a public street to 0'. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6; and a Variance to allow three dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located S of SE/c W. 51st St. & S. 193rd W. Ave.

Presentation:

Mr. Alberty stated that the Board received a letter from the Sand Springs Board of Adjustment met and recommended support and approval of this application.

The applicant, **Larry Brannon**, 8423 S. 56th W. Ave., stated that his family desired to make their homes on the subject property. He added that the property was land-locked and they constructed a road to access S. 193rd W. Ave. The mobile home has already been moved in on the south side of the KMO easement. He proposes to build a shop building 40' x 100', and live in one end of it while he builds his own home, and one son's family would live in the other end of it. After his home is built they would build a home for his son. Mr. Brannon stated he has obtained a letter from KMO granting easement for the septic and waterlines.

Protestants:

None.

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Variance** of the required 30' frontage on a public street to 0'; and a **Variance** to allow three dwelling units on one lot of record, finding the hardship to be has expended his own funds to extend a street that otherwise would be county maintained, on the following described property:

The W/2 NW/4 of Section 36, T-19-N, R-10-E of the IBM, less a strip of land 100' in width, including any area in this tract on the 100' strip, which extends beyond the entry point of the centerline because of the angle of the centerline with the property line, in the NW/4 NW/4 Section 36, T-19-N, R-10-E, the centerline of which is described as follows: Beg. at a point on the W line of said NW/4 approximately 396'

Case No. 1734 (continued)

S of the NW/c of Section 36; thence in a SEly direction approximately 1,275' to a point on the S line NW/4 approximately 877' E of the W line of the NW/4 NW/4, Section 36, AND a strip of land 100' in width, including any area in this tract on the 100' strip which extends beyond the entry point of the centerline because of the angle of this centerline with the property line, in the SW/4 NW/4 of Section 36, T-19-N, R-10-E of the IBM, the centerline of which is described as follows: Beg at a point on the N line of the said SW/4 approximately 877' E of the W line of said SW/4; thence in a SEly direction approximately 653' to a point on the E line of said SW/4 approximately 1,796' S of the N line of Section 36, all in Tulsa County, State of Oklahoma.

Case No. 1735

Action Requested:

Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6, located at 3702 S. 51st W. Ave.

Presentation:

Micah Sexton, 123 W. 7th, Ste. 200, Stillwater, an attorney, stated that he is representing his brother in this case. He stated there have been two residences on the property almost continuously since 1972. The applicant proposes to tear down the residence on the back and his mother already lives in the mobile home on the front of the property.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Dillard**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Variance** to allow two dwelling units on one lot of record as presented, finding it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Commencing at the NE/c of Tract 3, Parks Acres Subdivision, a subdivision of the SE/4 of the SE/4 of Section 20, T-19-N, R-12-E, thence S along the eastern tract line 81'; thence W 250', thence S 81', thence W 250', thence N 162', thence E 500' to the POB AND the E 500' of the S 60' of the W/2 of the NE/4 of the SE/4 of Section 20, T-19-N, R-12-E of the IBM, all in Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:40 p.m.

Date approved: June 20, 2000

Robert L. Walker
Chair