

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 249  
Wednesday, February 21, 2001, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

**MEMBERS PRESENT   MEMBERS ABSENT   STAFF PRESENT   OTHERS PRESENT**

Alberty, Chair	Hutson	Butler	West, Co. Inspect.
Tyndall		Fernandez	
Walker			
Dillard, Vice Chair			

The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600, Wednesday, February 14, 2001 at 12:00 p.m., as well as at the City Clerk's office, City Hall.

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

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**MINUTES:**

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Hutson "absent") to **APPROVE** the Minutes of January 16, 2001 (No. 248).

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**UNFINISHED BUSINESS**

**Case No. 1798**

**Action Requested:**

Special Exception to an AG zoned district for Use Unit 20, Commercial Recreation – Intensive: Paintball Field. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 20; a Variance to permit 30 paved parking spaces; and an Appeal of Administrative Official's Notice to stop and remove all business activity and related equipment dated October 16, 2000, located 12731 N. 118<sup>th</sup> E. Ave.

**Presentation:**

Ms. Fernandez stated that the applicant made a timely request for Continuance to March 20, 2001 to complete floodplain and hydrology studies.



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**Case No. 1812**

**Action Requested:**

Variance of Section 208, to allow more than one dwelling unit per lot of record in an AG district on a 10-acre tract. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6, located 15325 South Mingo Road.

**Presentation:**

David Allen, 15325 S. Mingo, Bixby, OK, stated his request to allow his son to move a mobile home onto his property.

**Comments and Questions:**

Mr. Alberty asked Mr. West if the entire property were in a flood zone, would it be possible to place a mobile home there. Mr. West replied that if the property were in a 100-year flood plain, then the bottom of the I-beam would need to be one foot above the base flood elevation for that area. If the property is found to be in the floodway, a hydrologist report will be required before any building permit could be issued. Mr. Alberty asked for a hardship. The applicant wants to keep the property in his name, and not subdivide. Mr. Dillard asked if this would be a temporary arrangement or permanent. Mr. Allen responded that has not been decided.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Variance** of Section 208, to allow more than one dwelling unit per lot of record in an AG district on a 10-acre tract, finding the applicant does not wish to subdivide, on the following described property:

N/2 N/2 of Government Lot 5, Section 19, T-17-N, R-14-E, Tulsa County, State of Oklahoma.

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**Case No. 1813**

**Action Requested:**

Variance of Section 208 to permit two dwelling units per lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9, located 10927 E. 106<sup>th</sup> St. N.

Case No. 1813 (continued)

**Presentation:**

**Dan Overholt**, 10927 E. 106<sup>th</sup> St. N. Owasso, OK, submitted a site plan (Exhibit C-1) to the Board. He stated a request to place a second home on his property.

**Comments and Questions:**

Mr. Alberty asked if he has contacted Department of Environmental Quality (DEQ) for a soil percolation test. The applicant responded that he was waiting until after the approval from this Board.

**Interested Parties:**

**Gary Kimbrall**, 10611 E. 106<sup>th</sup> St. N., Owasso, OK, stated the map that was mailed with the notice was incorrect. He added that people who were supposed to be notified were not notified and others not within 300' were notified. He stated his objection to another mobile home in the area, with concern for property values. He pointed out that surrounding residential properties were estates and he was concerned for the aesthetics of the neighborhood.

**Comments and Questions:**

Ms. Fernandez commented that the map with the first notice was corrected and mailed again. The map is merely a courtesy, but the notice was correct. Mr. Alberty asked if more notice was mailed than was required. She replied that was correct.

**Interested Parties:**

**Carl Venable**, 309 Southeast 9<sup>th</sup>, Pryor, OK, stated he owns the property next to the subject property. He was interested in what kind of home was to be placed on the property, and where it would be located on the property. The applicant described the home as just like the existing home but smaller, and 300' behind the existing dwelling. Mr. Dillard noted it was a 24' x 40' model. The applicant added that he would build a driveway and put a fence around it. Mr. Venable stated his objection to another mobile home.

**Anthony Venable**, stated he owns property next to Carl Venable's property. He stated he was interested because he had no information. He had no protest after hearing the details of the case.

**Applicant's Rebuttal:**

Mr. Overholt stated that he does not plan to build any other houses on the property. He desired to keep the property in his ownership.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Variance** of Section 208 to permit two dwelling units per lot of record, with conditions for

Case No. 1813 (continued)

skirting, tie-downs, permits required, DEQ percolation test, finding the owner does not want to subdivide, on the following described property:

The W/2 W/2 SE/4 SE/4 of Section 7, T-21-N, R-14-E of the IBM, Tulsa County, State of Oklahoma.

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**Case No. 1814**

**Action Requested:**

Variance of land area per dwelling unit from 2.2 acres to 2 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6; and a Variance of Section 207 to permit a lot with 0' frontage on a public street, to permit a lot split in an AG district. SECTION 207. STREET FRONTAGE REQUIRED, located 2708 W. 91<sup>st</sup> St.

**Presentation:**

**Stewart Nance**, 2708 W. 91<sup>st</sup> St., stated he has a five-acre plot, which was surveyed by the previous owner for two parcels but a lot split was never completed. He would now like to finish the process in order to sell the parcel with the existing home.

**Comments and Questions:**

Mr. Alberty noted there was 330' of frontage of which 25' is roadway, and asked if it is an easement or dedication. Mr. Nance responded that when he filed he agreed to give another 25' for easement on 91<sup>st</sup> St. He stated he has already given another easement on the east to the property owner of a five acre tract behind his property. Mr. Nance planned to use that same easement to access his own back three acres. Mr. Alberty asked if he had plans to subdivide according to the lines drawn on his site plan. Mr. Nance replied that he does not plan to subdivide any more. The Chair also asked if the additional 25' he offered to the County for easement has been filed of record. Mr. Nance was unclear on the specifics, but he explained he plans to access his property from the easement on the east. The Chair asked for a hardship. The applicant stated that he wanted to build a home on the back lot but he needs County approval for this process.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Variance** of land area per dwelling unit from 2.2 acres to 2 acres; and a **Variance** of Section 207 to permit a lot with 0' frontage on a public street, to permit a lot split in an AG

Case No. 1814 (continued)

district, finding there are similar size tracts in the same area, and there is sufficient land for this action, on the following described property:

N/2 E/2 W/2 NE/4 NW/4, Section 22, T-18-N, R-12-E, Tulsa County, State of Oklahoma.

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**Case No. 1815**

**Action Requested:**

Variance of the required lot width of 200' to 147.2'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 3 & 6; a Variance of the required lot area from 2 to 1.04 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of land area from 2.2 to 1.11 acres for lot split. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located E of SE/c W. 36<sup>th</sup> St. & 65<sup>th</sup> W. Ave.

**Presentation:**

**Eugene L. Harrison**, 3605 S. 65<sup>th</sup> W. Ave., stated he desires to sell a portion of his property. He added that it passed a soil percolation test. A site plan was submitted (Exhibit D-1).

**Comments and Questions:**

Mr. Alberty asked for a hardship to be stated. The applicant explained his reasons for asking for the variances and his decision not to seek rezoning. Ms. Fernandez described previous divisions of property that caused the need for these variances. The Chair noted the need to correct existing conditions.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Dillard**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Variance** of the required lot width of 200' to 147.2'; a **Variance** of the required lot area from 2 to 1.04 acres; and a **Variance** of land area from 2.2 to 1.11 acres for lot split, per plan, finding the hardship to be correcting the existing conditions, on the following described property:

A tract of land in the E/2 N/2 N/2 NW/4 SW/4 of Section 20, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as: from the SE/c of the N/2 N/2 NW/4 SW/4 of Section 20, a found ½" Rebar, and the POB, go S 89°51'47" W for a distance of 152.22' to a 5/8" Rebar, thence N 0°00'00" E for a

Case No. 1815 (continued)

distance of 330.95' to a 5/8" Rebar, thence N 90°00'00" E for a distance of 147.20' to a 1/2" Rebar, thence S 0°52'10" E for a distance of 330.63' to the POB.

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**Case No. 1816**

**Action Requested:**

Variance of Section 207 requiring 30' of frontage for residential uses to 0' to permit a mobile on an existing land locked parcel. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 9; located 18604 S. 73<sup>rd</sup> E. Ave.

**Presentation:**

**Betty Williams**, 18604 S. 73<sup>rd</sup> E. Ave., Bixby, OK, stated her desire to place a mobile on the subject property, and pointed out the location on an aerial for the Board. The property is already split on two separate tracts with separate deeds. She has filed to grant an easement for roadway. The applicant submitted a photograph (Exhibit E-1).

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Variance** of Section 207 requiring 30' of frontage for residential uses to 0' to permit a mobile on an existing land locked parcel, 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:

N/2 N/2 NE/4 SW/4, Section 2, T-16-N, R-13-E, Tulsa County, State of Oklahoma.

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**Case No. 1817**

**Action Requested:**

Special Exception to allow Use Unit 2 in an IL zoned district. SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 2, located S of SE/c W. 51<sup>st</sup> St. & S. 65<sup>th</sup> W. Ave.

**Presentation:**

**Charles Sittler**, 7272 W. 51<sup>st</sup> St., proposed to establish a cemetery. He stated that he has been through the public hearing process with the County Commissioners and now seeks BOA approval for Phase 1. Mr. Sittler asked Vince Moore to speak for the application.

Case No. 1817 (continued)

**Interested Parties:**

**Vince Moore**, 5638 S. 65<sup>th</sup> W. Ave., stated that he has 375' of frontage to the subject property. He considered a groomed cemetery to be a pleasant view versus some other uses for the property. He expressed the need for a cemetery in the area.

Mr. Sittler submitted seven letters (Exhibit F-1) from nearby neighbors who are in support of the application.

**Jack Spradling**, 1660 E. 71<sup>st</sup> St., stated that on the previous application there was concern about drainage. Cemeteries do not use a lot of paving, and there will be around 20-30 spaces. He noted there are two ponds, which they plan to maintain with improvements to provide more detention that would more than offset any paved parking. Mr. Spradling stated the property was platted by the church that owned it previously, and they do not propose to re-plat the whole area. He stated they would amend the plat as the Phases develop.

**Board Action:**

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Special Exception** to allow Use Unit 2 in an IL zoned district, for cemetery use of all 40 acres, 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:

Lot 1, Block 1, Solid Rock Fellowship Addition, Tulsa County, State of Oklahoma.

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**Case No. 1818**

**Action Requested:**

Special Exception to permit a mobile home in an RS district, located 6509 N. Trenton Ave.

**Presentation:**

**Linda Keeton**, 6527 N. Quaker, stated she and her husband bought the subject property about five to six years ago. The previous owners lived in a mobile home on the property. She added they plan to clean up the property and move in a new home for their residence. She stated that there are other mobile homes in the area including next door to the subject property.

**Comments and Questions:**

Mr. Alberty noted there were other structures. She replied they plan to use the existing mobile for storage at the back, and they are in the process of removing a fifth-wheel off the property. She added that they plan to tear down an old shed.



Case No. 1818 (continued)

The Chair reminded the applicant to apply with the County Inspector for a building permit for mobile home use. Mr. Tyndall asked what would be left on the property. The applicant replied that the existing mobile home would be used for storage, and a new mobile home would be on the property, everything else would be removed. Mr. Walker expressed objection to a mobile being used for storage. Mr. West responded that the County does not approve of a mobile used for storage because it appears that there are two dwelling units on the property.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS district, with conditions that the existing mobile be removed from premises, lot be cleaned up including removal of the fifth-wheel, all substandard accessory buildings, and subject to requirements for tie-downs, skirting, DEQ soil percolation test, and all required permits for new mobile home, on the following described property:

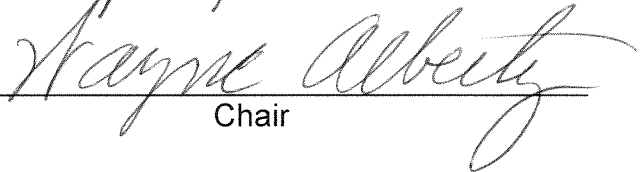
Lot 6, Block 4, Phillips Farms Addition, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 2:50 p.m.

Date approved: \_\_\_\_\_

3/20/01

  
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Chair

