

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 255
Tuesday, August 21, 2001, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair Tyndall Dillard, Vice Chair Hutson	Walker	Butler Fernandez	West, County Inspector
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The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5th St., Suite 600, Monday, August 20, 2001 at 8:20 a.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.

Mr. Hutson arrived @ 1:32 p.m.

MINUTES:

On **MOTION** of Tyndall, the Board voted 4-0-0 (Alberty, Dillard, Tyndall "aye"; no "nays", no "abstentions"; Walker, Hutson "absent") to **APPROVE** the Minutes of July 17, 2001 (No. 254) as amended Case No. 1844 for the Board to review any future plans for expansion and development, especially as pertains to the sewer system capacity.

UNFINISHED BUSINESS

Case No. 1886

Action Requested:

Special Exception to permit mini-storage in a CS district. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 16, located N of NW/c W. 26th St. S. & S. 65th W. Ave.

Presentation:

Diane Fernandez announced that the applicant, Chester W. Wilkins, made a timely request to withdraw this application. The applicant was not present.

Interested Parties:

There were no interested parties present to speak.

Board Action:

On **MOTION** of **Dillard**, the Board voted 4-0-0 (Alberty, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker "absent") to **ACCEPT** the request for withdrawal of Case No. 1886.

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NEW APPLICATIONS

Case No. 1888

Action Requested:

Special Exception to permit a singlewide mobile home in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9; and a Variance of Section 208 to permit two dwelling units per lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 5639 S. 89th W. Ave.

Presentation:

Pam Pack, 5639 S. 89th W. Ave., stated they propose to place a new mobile home on the subject property. She stated there are an existing dwelling and two accessory buildings, one of which is a garage.

Comments and Questions:

Mr. Alberty verified with the applicant that the mobile would be placed at the rear of the lot on the east end. He also verified that Ms. Pack has contacted the County Inspector to find out all the requirements and the Department of Environmental Quality for septic tank approval.

Interested Parties:

Danny Bullington, 5633 S. 89th W. Ave., expressed concern that property values would be decreased by a mobile home and that the septic lines would have to be right next to his fence.

Donna Pennick, 3421 S. 68th E. Ave., Berryhill, stated she is currently building a home near the subject property. She stated concern that the mobile homes and accessory buildings would decrease the value of surrounding property.

Board Action:

On **MOTION** of **Tyndall** to **DENY** a ***Special Exception*** to permit a singlewide mobile home in an RS district, finding it would be too many structures on a small lot, **FAILED** for lack of a second to the motion.

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker "absent") to **DENY** a **Special Exception** to permit a singlewide mobile home in an RS district, finding a lack of hardship.

Case No. 1889

Action Requested:

Variance of Section 208 to permit a doublewide manufactured home and an existing single-family dwelling of one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD -- Use Unit 9, located 10265 N. Sheridan.

Presentation:

Glen McCarty, 6319 S. 45th W. Ave., stated they propose to place a doublewide mobile home on the 10-acres subject property zoned AG.

Interested Parties:

Amos Atechula, 5000 E. 94th St. N., Sperry, Oklahoma, stated he opposes the application. He has purchased a large amount of land to develop with \$200,000 to \$300,000 homes. He stated that a mobile home would not compliment the character of the area.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** a **Variance** of Section 208 to permit a doublewide manufactured home and an existing single-family dwelling of one lot of record, with conditions for skirting, tie-downs, DEQ approval, and a building permit, finding the owner wants to keep the property under the same ownership.

NW SW NW Section 14, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1890

Action Requested:

Special Exception to permit a singlewide mobile home in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9; and a Variance of Section 208 to permit two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 5102 W. Cameron

Presentation:

Teresa Crabtree, 5148 W. Cameron, stated they plan to tear down the existing dwelling in one to one and one-half years. They propose to place a mobile home on the property for their son. There would be two dwellings for the temporary period.

Comments and Questions:

Mr. Dillard asked if a two-year limit for two dwellings would meet their needs. Ms. Crabtree replied that would be long enough.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** a **Special Exception** to permit a singlewide mobile home in an RS district on a permanent basis; and a **Variance** of Section 208 to permit two dwelling units on one lot of record, with the condition that the existing dwelling be removed within two years, and skirting, tie-downs, DEQ approval, and a building permit, finding there are other mobile homes in the area and 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:

A part SE NE, Beg. 575.00' S and 533.99' E NW/c SE NE thence E 101.80' S 116.09' SW 103.25' N 136.55' POB, Section 5, T-19-N, R-12-E, Tulsa County, Oklahoma.

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Case No. 1891

Action Requested:

Special Exception to permit a single-family dwelling in an RMH zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 6, located 1505 S. 263rd W. Ave.

Presentation:

Jim Coleman, P.O. Box 351, Mannford, Oklahoma, stated he owns the mobile home on the subject property. He stated that someone wants to build a home there so he plans to move the mobile home. He would like to use both lots for the home. A site plan was provided (Exhibit A-1).

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** a **Special Exception** to permit a single-family dwelling in an RMH zoned district, per plan, 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:

Lots 1 and 2, Block 1, Keystone Manor 1, Tulsa County, Oklahoma.

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Case No. 1892

Action Requested:

Special Exception to permit a singlewide mobile home in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9, located 1217 E. 73rd St. N.

Presentation:

Sharon Ritz, 1217 E. 73rd St. N, stated her nephew owns the land. She informed the Board that N. Owasso Pl., but it has never been improved to extend to this property.

Comments and Questions:

Mr. Tyndall asked if there is a mobile home on the property presently. Ms. Ritz replied in the affirmative. She informed the Board that previously there have been two different mobile homes placed there at different times. She replaced the last one with a new mobile home and then found out about needing a building permit and other requirements. Ms. Ritz added that it has been set up with tie-downs, skirting and electricity. Mr. Alberty asked her if they enter from 73rd St. N. She replied that they do, and it is a dead end street. Mr. Hutson asked what the CBOA 349 action was about that was on the building permit. Mr. Albert responded that the Board placed a time restraint on a mobile home on the property.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** a **Special Exception** to permit a singlewide mobile home in an RS district, with conditions for tie-downs, skirting, DEQ approval, and building permit, 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 6, Block 4, Delaware Gardens, Tulsa County, Oklahoma

Case No. 1893

Action Requested:

Special Exception from 110% setback from AG zoned district. SECTION 1204.3.C.7.a. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions -- Use Unit 4, located 701 W. 41st St.

Presentation:

Ms. Fernandez announced to the Board that the applicant made an untimely request for withdrawal the evening before this hearing. The applicant was not present.

Interested Parties:

There were no interested parties present for Case No. 1893.

Board Action:

On **MOTION** of **Dillard**, the Board voted 4-0-0 (Alberty, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker "absent") to **ACCEPT** the request for withdrawal of Case No. 1893.

Case No. 1894

Action Requested:

Special Exception to allow cellular telephone tower 300' in height in an AG zoned district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -- Use Unit 4; and a Special Exception for a self-supporting non-monopole tower. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT, located W side US-169, S of SH-20

Presentation:

Brad Mason, 1208 Whiteoak, Edmond, Oklahoma, stated he was representing Nextel. They propose to build a 300' guyed tower on AG zoned land. The company has little or no coverage for the area at this time. Nextel has a cell tower site in Owasso and several north and northwest of Collinsville. He explained that from the RF studies they found a 300' guyed tower to be the most appropriate for linking with the other two sites in the area and for future expansion in the area.

Comments and Questions:

Mr. Alberty noted that the City of Collinsville Board of Adjustment would be in support of the tower, except for an ordinance prohibiting tower height to 200',

provided they had more documented information and it met their code requirements and regulations. Mr. Mason responded that the height would be needed to network with the other towers over the treetops.

Documentation provided reveals site to be flat farmland zoned AG to the north 630' to the north line of the landlord's property. There is farmland to the east 1760' to N. 129th E. Ave. Farmland stretches south 2,000' east to E. 136th St. N. On the west is farmland for 730' to the edge of a residential area and 570' from the east railroad right-of-way line. There is a creek and large trees lying between the proposed site and the railroad and residential area. The distance and trees hide the proposed compound site from the view of the residences located in the area. The nearest towers are: a U.S. Cellular 150' monopole tower located .62 miles north of the site; a 250' self supporting ATT tower located 1.60 miles north/northwest; a 170' monopole Cingular tower 0.60 miles northeast; and a 185' Sprint PCS guy tower located ½ mile to the southeast. The proposed tower would accommodate at least three other carriers and perhaps more for collocation. There is a 20' wide easement for ingress, egress and utility purposes from the south/southeast boundaries.

Mr. Hutson asked if site is within Collinsville city limits. Mr. Mason stated it is just outside of the city limits. Mr. Alberty noted that at 300' the applicant would not be able to comply with the setback guideline for 110% from the adjoining property. Mr. Mason pointed out that the owner of the subject property also owns the adjacent property that Mr. Alberty was referring to. Mr. Alberty questioned Mr. Mason regarding the design of the structures. Mr. Mason described the tower as a lattice work with the guy wires, the equipment shelter would be 11 ½' x 20' x 9 ½', with a prefabricated structure at the base of the tower. The 100' x 100' base area would be surrounded by 6' cyclone fence and protective wire to keep people out and gravel surface. Mr. Dillard questioned Mr. Mason regarding landscaping. He was open to landscaping as required by the zoning code.

Interested Parties:

Bill Holman, 2012 Valleyview Dr., Claremore, Oklahoma, stated he is a property owner and that this site would look better than some other properties in the area.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** a **Special Exception** to allow cellular telephone tower 300' in height in an AG zoned district; and a **Special Exception** for a self-supporting non-monopole tower, per presentation, 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,

Site lease area: A 100' by 100' leased area lying within and being a part of the E/2 NW/4 SE/4 of Section 29, T-22-N, R-14-E of the IBM on the parent tract: SE/4 NE/4

and the SE/4 SW/4 NE/4 and NE/4 SE/4 and the E/2 NW/4 SE/4 of Section 29, T-22-N, R-14-E of IBM, Tulsa County, State of Oklahoma.

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Case No. 1895

Action Requested:

Special Exception to allow a manufactured home in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9; a Variance to allow two dwelling units on one lot. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD; and a Variance of the 20' rear setback to 5'. SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, located NE/c W. 54th St. & 43rd W. Ave.

Presentation:

Nancy Rosson, 8356 S. 129th W. Ave., Sapulpa, Oklahoma, stated her father owns the property. He is currently ill and needs 24 hour care. The family has owned the property, he has lived there a long time and they are concerned that he would get more confused if they tried to move him. She would live in the mobile home for the remainder of his life in his home.

Comments and Questions:

Mr. Alberty noted that Ms. Rosson asked for this relief on a temporary basis. He indicated that the area is transitioning to industrial.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** a **Special Exception** to allow a manufactured home in an RS zoned district; a **Variance** to allow two dwelling units on one lot; and a **Variance** of the 20' rear setback to 5', per presentation, 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:

Lots 9 and 10, Block 17, Opportunity Heights, Tulsa County, State of Oklahoma.

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Case No. 1896

Action Requested:

Variance of the required 200' average lot width to 165' for lot split. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS -- Use Unit 6, located 4324 S. 73rd W. Ave.

Presentation:

Carl Westfall, 4222 S. 73rd W. Ave., stated his request for relief.

Comments and Questions:

Mr. Alberty noted the need for the 30' strip to meet the code requirement for frontage on a dedicated street.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of Tyndall, the Board voted 4-0-0 (Alberty, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** a **Variance** of the required 200' average lot width to 165' for lot split, 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:

A tract of land situated in the NE/4 NW/4 of Section 30, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit: Beg. at the SE/c of said NE/4, thence N 0°37'00" W along the E line of said NE/4, a distance of 30.00' to a point, thence S 88°52'08" W a distance of 362.94' to a point, thence N 00°37'00" W a distance of 300.66' to a point, thence S 88°52'08" W a distance of 297.35' to a point, thence S 00°37'39" E a distance of 330.66' to a point, thence N 88°52'08" E a distance of 660.24' to the POB.

There being no further business, the meeting was adjourned at 2:53 p.m.

Date approved: _____

19/18/01
Wayne Alberty
Chair

