

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 264
Tuesday, May 21, 2002, 1:30 p.m.
Aaronson Auditorium
Tulsa City/County Central Library
400 Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair	Hutson	Butler
Tyndall		Fernandez
Walker		Stump
Dillard, Vice Chair		

The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5th St., Suite 600, Wednesday, May 15, 2002 at 3:40 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.

Mr. Alberty read the Rules and Procedures for the County Board of Adjustment Hearing.

CONTINUANCES AND CASES WITHDRAWN

Case No. 1955

Action Requested:

Variance of Section 207 requiring a minimum of 30' of frontage on a public street to permit a lot-split for two existing dwellings with 0' frontage. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located 6821 W. 25th St. S.

Presentation:

Mr. Beach announced that Renee Cowan, the applicant requested to withdraw her application.

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 April 16, 2002 (No. 263).

UNFINISHED BUSINESS

Case No. 1945

Action Requested:

Variance of the lot area of Tract 1 from 2 acres to 1.13 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of lot area of Tract 2 from 2 acres to 1.12 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of land area of Tract 1 from 2.2 acres to 1.49 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of land area of Tract 2 from 2.2 acres to 1.22 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of front yard setback of Tract 1 from 85' to 75'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of side yard setback of Tract 1 from 5' to 3' for storage building, from 40' to 2' for shop, and from 40' to 37' for garage. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 4204 E. 161st St. S.

Mr. Beach informed the Board that the request is not stated quite right but it does not affect the notice. The last variance should read: Variance of side yard setback of Tract 1 from 5' to 3' for storage building, and from 40' to 9' for shop. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS.

Presentation:

Dyanna Hughes, 4208 E. 161st St. S., stated that her family purchased the property 30 years ago. Now they would like to split the property to put the back portion in her name, and put in a driveway.

Comments and Questions:

Mr. Alberty commented that the AG zoning requires the 200' frontage.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Hutson "absent") to **APPROVE** a **Variance** of the lot area of Tract 1 from 2 acres to 1.13 acres; a **Variance** of lot area of Tract 2 from 2 acres to 1.12 acres; a **Variance** of land area of Tract 1 from 2.2 acres to 1.49 acres; a **Variance** of land area of Tract 2 from 2.2 acres to 1.22 acres; a **Variance** of front yard setback of Tract 1 from 85' to 75'; and a **Variance** of side yard setback of Tract 1 from 5' to 3' for storage building, from 40' to 9' for shop, as presented, finding it is a pre-existing condition that is being addressed, on the following described property:

The surface only of the N 370' of the E 350' of the W/2 NW/4 NE/4, Section 28, T-17-N, R-13-E, Tulsa County, State of Oklahoma.

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NEW APPLICATIONS

Case No. 1950

Action Requested:

Special Exception to allow fireworks sales from June 15 through July 4, 2002 from 9:00 a.m. to 9:00 p.m. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2; and a Variance of the all-weather surface for temporary parking. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 5505 Skelly Drive.

Presentation:

Jason Marietta, 2311A W. 4th St., Pittsburgh, Kansas, stated that the parking is paved at this location. He stated his request is otherwise the same as last year.

Comments and Questions:

Mr. Alberty informed the applicant that the zoning code has changed since last year, and he could request the relief for more than one year. Mr. Marietta asked for ten years. Mr. Alberty informed the applicant that last year the Board placed a restriction to remove temporary stands by August 1st. Mr. Marietta responded there is a permanent, metal building with sprinkler system to meet all city and county codes. Mr. Alberty noted that the site plan submitted shows three temporary stands. Mr. Marietta explained that they have built a permanent building on the property now, and they will not be using the temporary stands.

Mr. Beach stated that the application was made for the temporary open-air sales. He commented that if the intent is to sell fireworks from a retail store in a permanent building, he questioned if they need relief. Mr. Beach stated that if it is a retail use under Use. Unit 14 in CH zoning, it is a permitted use. Mr. Alberty expressed concern that the Board would not know if the building met inspection by the Fire Marshall. He suggested that in case there was a problem and since it was close to the sales season, if the Board approved the temporary stands, the applicant would be covered either way.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Walker**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Hutson "absent") to **APPROVE** a **Special Exception** to allow fireworks sales from June 15 through July 4 from 9:00 a.m. to 9:00 p.m., for a period of ten years, finding it will be in harmony with the spirit and

Case No. 1953

Action Requested:

Special Exception to allow a manufactured dwelling in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located 6643 N. Victor.

Presentation:

Mary Thomas, 6643 N. Victor, proposed to put a mobile home on the property. A site plan was provided (Exhibit A-1). Photographs (Exhibit A-2) were submitted to the Board.

Comments and Questions:

Mr. Alberty reminded the applicant that they need DEQ approval for a sewage system. The applicant indicated they would be on the city sewer system. Mr. Alberty observed there are other mobile homes in the area. He asked if they desire to make it a permanent dwelling. The applicant replied in the affirmative. Mr. Alberty asked the applicant when they plan to tear down the existing structure. The applicant indicated it has been vacated and they are ready to tear it down.

Jim Cartwright, 6643 N. Victor, was present and helped present the case.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Hutson "absent") to **APPROVE** a **Special Exception** to allow a manufactured dwelling in an RS zoned district, with conditions to remove the existing dwelling unit within 120 days; and DEQ approval, tie-downs, skirting, and building permit, on the following described property:

S 82.00' N 132.00' N 198.00' NW SW SE, less W 30.00' for street, Section 31, T-21-N, R-13-E, Tulsa County, State of Oklahoma.

Case No. 1954

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; and a Variance to the requirement of 30' of frontage on a public road to 0'. SECTION 207. STREET FRONTAGE REQUIRED, located 913 W. 4th St.

Presentation:

Barbara J. King, 525 Ridge Dr., Sand Springs, submitted a letter (Exhibit B-2) from the Sand Springs Board of Adjustment. She stated that she would like to

build a house on the property. She has the opportunity to have the carpentry class from the high school to build it. A site plan was provided (Exhibit B-1). She and her parents own the property and they do not want to change that.

Comments and Questions:

Mr. Beach explained that staff anticipated a lot-split because of the fence line drawn on the site plan. The applicant does not desire a lot-split. Mr. Alberty questioned the letter from Sand Springs and determined the application was requested properly.

Interested Parties:

Linda McDaniel, 904 W. 4th, Sand Springs, Oklahoma, stated she wanted to know what the applicant planned to do on the property. She was concerned about the affect on her own property value and felt she would be opposed to the variance of frontage to 0'. Ms. McDaniel stated she now understands that Ms. King plans to build a home behind her parents' home and she has no objection.

Alma Wall, 913 W. 4th St., Sand Springs, Oklahoma, stated she is the applicant's mother. She spoke in favor of the application.

Comments and Questions:

Mr. Walker commented there is a mixed use in the area and other lots with two dwellings per lot. Mr. Alberty noted the site plan indicated a new structure of 60' x 70'. Ms. King replied that it was supposed to be a 32' x 54' single-story house.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Hutson "absent") to **APPROVE** a **Variance** to allow two dwelling units on one lot of record, and to change the plan to a 32' x 54' size structure, as presented, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, and to **STRIKE** the **Variance** to the requirement of 30' of frontage on a public road to 0', on the following described property:

Lot 18, Block 19, Charles Page Home Acres, Tulsa County, State of Oklahoma.

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Case No. 1957

Action Requested:

Special Exception to allow fireworks stand for seasonal use in RS district. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2; and a Variance of Section 1340 to allow parking on grass. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 524 N. 49th W. Ave.

Presentation:

The applicant was not present. Two interested parties were present. The case was tabled to the end of the agenda.

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Case No. 1958

Action Requested:

Use Variance to allow Use Unit 15, gas utility office, in an AG-R zoned district (Keystone Rural Gas District #1), located 4112 South 249th West Avenue

Presentation:

Judy Powell, 22960 W. Coyote Trail, Sand Springs, Oklahoma, stated the community owned gas company proposes to move to the structure on the subject property. They are a non-profit organization, operated by a Board made up of volunteers. There are some machine shops nearby and across the street, and a fire department about 1/4 mile from the property.

Comments and Questions:

Mr. Alberty asked if they have large equipment or trucks to be stored on the property. Ms. Powell replied that a tractor would be stored there, and their drivers would drive the trucks home every day. He asked if there would be any outside storage. She responded there might be a minimal amount and they are considering building a screening fence.

Bob Hanes, 25314 W. 49th St. S., stated he is the Vice Chairman of the Board. He explained that the east half of the property would be fenced.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Hutson "absent") to **APPROVE** a **Use Variance** to allow Use Unit 15, gas utility office, in an AG-R zoned district (Keystone Rural Gas District #1), as presented, with screening fence on the eastern portion of the property to the building, on the following described property:

Tract 21, more particularly described as the S 220.00', of the N 248.00' of the W 500.00' of the E 550.00' of the NW/4 of Section 29, T-19-N, R-10-E of the IBM, Tulsa County, State of Oklahoma.

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Case No. 1959

Action Requested:

Special Exception to allow Use Unit 2 (fire works stand) in a CS zoned district from June 15, 2002 thru July 6, 2002. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2, located 9620 North 42nd East Avenue.

Presentation:

Jay Damron, 1142 S. Harvard, proposes to put a fireworks stand on the subject property. The stand is a 9' x 40' steel, temporary structure. It is to be placed east of the mini-storage. He has permission from the property owner to lease and use in this manner. He requested a ten year time period.

Comments and Questions:

Mr. Walker asked if the stand would be moved after the season. Mr. Damron replied that he plans for seasonal sales only and the stand would be stored in a fenced storage area after the season closes.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Hutson "absent") to **APPROVE** a **Special Exception** to allow Use Unit 2 (fire works stand) in a CS zoned district from June 15 thru July 6, as presented, for a ten year period of time, on the following described property:

Lot 10, Block 4, Park Meadows, Tulsa County, State of Oklahoma.

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Case No. 1960

Action Requested:

Special Exception to allow a water storage facility (tower) in an RS district, located 5116 South 85th West Avenue.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, stated he was representing Sapulpa Rural Water Company. The company was organized in the 1960's, and a Board of Directors governs the rural water district. Most of the district is located in Creek County. The tower would increase water pressure and capacity for the district. He submitted a map (Exhibit D-2) to point out the site and elevation. The site has been leased for 99 years. Mr. Norman suggested that the site could be fenced if the Board requires. The site was selected for the elevation. The applicant will obtain a construction permit from the Department of Environmental Quality and inspections for the security of the water supply. They will also obtain any County

construction permits required. A site plan and photos (Exhibit D-1 and D-2) was provided.

Interested Parties:

Genevieve Fitzpatrick, 5320 S. 83rd W. Ave., expressed concern about the site of the tower separating her property from the community.

Comments and Questions:

Mr. Alberty asked if her property is developed. She has a house there and has occupied it since 1970. Ms. Fitzpatrick explained that her house is hard to find and is at the end of the road. She is concerned that it will decrease her property value. She did not think they should place it in a populated area.

Applicant's Rebuttal:

Mr. Norman responded that the tower should increase the value of property because they have adequate water supply and fire protection for the first time. It should also decrease insurance rates. He stated that after a long study this site was found to be the best for the most efficient function.

Comments and Questions:

Mr. Walker asked how far the tower would be from the street. Mr. Norman replied that it appears to be about 25' from the boundary to the nearest tank wall and another 25' to the centerline. Mr. Alberty asked about the structure. Mr. Norman described the tower as a welded steel, circular tank all the way to the ground on a concrete foundation.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Hutson "absent") to **APPROVE** a **Special Exception** to allow a water storage facility (tower) in an RS district, with the proposed 8' chain link fence around the site, per presentation, finding 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:

A tract of land located in the E/2 SW/4 NE/4 of Section 36, T-19-N, R-11-E, Tulsa County, State of Oklahoma, more particularly described as follows: Commencing at the NE/c E/2 SW/4 NE/4, thence W a distance of 300.00', thence S a distance of 65.00' to the POB, thence S 75.00', thence E 75.00', thence N 75.00', thence W 75.00' to the POB.

Case No. 1957

Action Requested:

Special Exception to allow fireworks stand for seasonal use in RS district. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2, and a Variance of Section 1340 to allow parking on grass. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 524 N. 49th W. Ave.

Presentation:

The applicant was not present.

Interested Parties:

Jackie Edge, 4906 W. Edison, stated she has rented there for 18 years. She stated she was also representing **Fay Norris**, 4904 W. Edison, her landlady. They live adjacent to the subject property. She listed their complaints that the property has not been maintained; grass grows too high; and no water or sanitary facilities. She added that cars park along the street and near the corner causing poor visibility for traffic at the intersection. The intersection is located where the outer boundaries of the City of Tulsa, Tulsa County, and Osage County meet. They have made complaints but have not received a good response. She stated this is the first opportunity they have had to voice their opposition to the stand.

Comments and Questions:

Mr. Alberty asked if it has been operated illegally. Ms. Edge understood that the previous property owner legally allowed the use of the property for a fireworks stand, but it was sold to another person in the last year.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Hutson "absent") to **DENY** a **Special Exception** to allow fireworks stand for seasonal use in RS district; and a **Variance** of Section 1340 to allow parking on grass, finding it would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

A certain tract of land located in Lot 1, of Section 5, T-19-N, R-12-E of the IBM Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at a point 24.75' S and 1,20.00' E of the NW/c of Lot 1, in Section 5; thence S and parallel with the W line of Lot 1, a distance of 320.00' to a point; thence E and parallel with the N line of Lot 1, a distance of 98.40' to a point, said point being 24.75' W of the E line of Lot 1; thence N and parallel with the E line of Lot 1, a distance of 330.00' to a point, said point being 24.75' W and 24.75' S of the NE/c of Lot 1; thence W and parallel with the N line of Lot 1, a distance of 99.25' to the POB.

There being no further business, the meeting was adjourned at 2:47 p.m.

Date approved: 6/18/02

Wayne Albertz
Chair