

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 273  
Tuesday, February 18, 2003, 1:30 p.m.  
Aaronson Auditorium  
Tulsa Central Library  
400 Civic Center

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

Alberty, Chair Walker Butler West, Co. Inspector  
Dillard, Vice Chair Beach  
Tyndall  
Hutson

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, February 13, 2003 at 10:38 a.m., as well as in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

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

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**Case No. 2024**

**Action Requested:**

Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 10628 E. 106<sup>th</sup> St. N.

**Presentation:**

The application was made with an incorrect address. The notice was mailed out before we were notified of the error and it was too late to make the change. The notice will be re-advertised for the March 18, 2003 meeting.

**Board Action:**

Case No. 2024 was stricken from the agenda.

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**MINUTES**

On **MOTION** of Tyndall, the Board voted 4-0-0 (Alberty, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** the Minutes of January 21, 2003 (No. 272).

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**Case No. 2018**

**Action Requested:**

Variance to construct an accessory building prior to construction of a dwelling. SECTION 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance of required 30' of frontage on a public street to 0'. SECTION 207. STREET FRONTAGE

REQUIRED, located 13101 E. 66<sup>th</sup> St. N.

**Presentation:**

**Wayne Smothers**, 13101 E. 66<sup>th</sup> St. N., proposes to build a shop for his car collection, and to store personal belongings. He wants to construct the shop before his house for the convenience of time. Mr. Alberty asked about access to the property. Mr. Smothers replied that a cul-de-sac is to be constructed for his property and three others.

**Interested Parties:**

**Clinford Davis**, 6811 N. 129<sup>th</sup> E. Ave., complained of excessive water drainage from the subject property caused by the previous owner. Mr. Davis built a dam to protect his property. He submitted an aerial map (Exhibit A-1) to show the Board. He indicated the new property owner would not be able to build because of the flooding.

**Cindy Treat**, 6905 N. 129<sup>th</sup>, stated that five years ago when she bought her property it was a working dairy farm. She added that now her pond is going dry. She asked if the new construction was going to be a commercial building. She also wanted to know if the applicant plans to build the land up more.

**Applicant's Rebuttal:**

Mr. Smothers stated the building would be 60' X 150'. He has race cars and performance cars as a hobby but not commercial. Mr. Alberty asked if he was involved in the law suit. He replied that he was not involved. He thought his home would be built by the end of the year. He indicated the building would be about 9,000 square feet with a steel frame. He plans to construct it on the higher elevation points of the property and any increased elevation would be minimal.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker "absent") to **DENY** a **Variance** to construct an accessory building prior to construction of a dwelling; and to **APPROVE** a **Variance** of required 30' of frontage on a public street to 0', on the condition there is a mutual access easement of record, finding it will 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:

W/2 E/2 SW SW less S 790' thereof, Section 33, T-21-N, R-14-E, Tulsa County, State of Oklahoma.

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**Case No. 2021**

**Action Requested:**

Special Exception to allow auto repair and retail tire and accessory sales in a CS zoned district. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS  
– Use Unit 17, located 4110 S. 61<sup>st</sup> W. Ave.

**Presentation:**

**Daniel Smith**, 231 S. Adams, Sand Springs, Oklahoma, stated he owns a

Firestone/Bridgestone Store in Sand Springs. He proposes to open another one on the subject property. He submitted a site plan, aerial and artist sketch (Exhibits B-1, 2, and 3). He described the structure as a steel construction with brick façade, 60' X 80'. His current business has existed at the same location for seven years.

### **Comments and Questions:**

Mr. Beach reminded the applicant that outside storage of merchandise is prohibited within 300' of a residential district. Mr. Smith responded that he does not store any merchandise outside and does not plan to in the future.

### **Interested Parties:**

**Louis Price**, 5934 W. 43<sup>rd</sup>, stated he came to hear the details of the application and make recommendations. He informed the Board that he owns the EZ Mart Store adjacent to the property.

**Dale Hollison**, 6133 W. 42<sup>nd</sup> St., pointed out that 61<sup>st</sup> W. Ave. is narrow, and he was concerned for traffic safety. He asked for the location of the access to the subject property. Mr. Beach commented there are 40' access limits on 41<sup>st</sup> St., but it is not being utilized on the site plan. Mr. Beach commented that the applicant may need to do a little revision on the site plan, unless he changes the platted access. That may affect how the traffic flow and property are impacted.

**Wendell Drake**, 4401 S. 61<sup>st</sup> W. Ave., expressed concern for water run-off, since there is already a problem. He is in the process of finding a way to prevent the drainage across his property. Mr. Alberty replied that the applicant would have to present a drainage plan for the County Engineer.

### **Applicant's Rebuttal:**

Mr. Smith responded that his business was in no way affiliated with the carwash. He stated he has an easement agreement with the bank off of W. 41<sup>st</sup> St., and he thought there was an easement from the EZ Mart also.

### **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 auto repair and retail tire and accessory sales in a CS zoned district, with condition for an 8' screening fence to the residential district, 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:

Part of Lot 2, Beg. SE/c, thence W 381.86' N 250.00' E 88.80' NE 154.25' WL S 100.00' E 140.00' S 165.00' POB Block 1, Southwest Plaza Shopping Center, Tulsa County, State of Oklahoma.

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### **Case No. 2022**

#### **Action Requested:**

Special Exception to allow a church and related church activities/uses (food pantry,

clothes distribution, etc.) in an IL zoned district. SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 5, located 5310 W. 60<sup>th</sup> St.

**Presentation:**

**Dennis Mitchell**, 5913 W. 62<sup>nd</sup> St., stated he is the applicant's brother-in-law. They are occupying a building in an IL district that has not been approved for church use. They plan to pave for additional parking, and add more buildings with restrooms.

**Johnny Turner**, 5913 W. 62<sup>nd</sup> St., stated they need to enlarge their space to have the food pantry and room for distribution of clothing and other things. They need the special exception on the whole property.

**Interested Parties:**

**Mike Copeland**, 15 E. 5<sup>th</sup> St., Ste. 3800, stated he represented Mack Truck Sales, north of the subject property. He expressed concern for the safety of children and pedestrians because of the large trucks going in and out of the business. He informed the Board they have had people come to the business from the church for water, restroom facilities, and a telephone. There is no other access for Mack Trucks.

**Applicant's Rebuttal:**

Mr. Turner responded that a fence would be put up and there should no longer be a problem with pedestrians in the roadway. He responded to questions from the Board, indicating they have twenty in maximum attendance with ten cars; they distribute food on Sundays; services are on Friday nights, Saturday nights and Sunday mornings.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 2-2-0 (Tyndall, Hutson "aye"; Alberty, Dillard "nay"; no "abstentions"; Walker "absent") to **DENY** a **Special Exception** to allow a church and related church activities/uses (food pantry, clothes distribution, etc.) in an IL zoned district, and the **Motion Failed** for lack of three affirmative votes.

Mr. Dillard spoke in favor of the positive influence of this church on the surrounding community.

On **MOTION** of **Dillard**, the Board voted 3-1-0 (Alberty, Tyndall, Dillard "aye"; Hutson "nay"; no "abstentions"; Walker "absent") to **APPROVE** a **Special Exception** to allow a church and related church activities/uses (food pantry, clothes distribution, etc.) in an IL zoned district, finding there are three points for ingress and egress, and 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:

All of Block 6, less Beg. at the SW/c, N 16.,60', NEly 344.40' to a point (for road right-of-way), Oakhurst Estate, Tulsa County, State of Oklahoma.

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**Case No. 2023**

**Action Requested:**

Variance of average lot width from 150' to 112.75' to permit a lot split in an AG district.

SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS –  
Use Unit 6, located 4921 S. 235<sup>th</sup> Pl. W.

**Presentation:**

**David Muirheid**, 202 Hinton, Mannford, Oklahoma, stated he was in the process of selling the subject property. He discovered he had to make provision for access for the long narrow lot.

**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 **Variance** of average lot width from 150' to 112.75' to permit a lot split in an AG district, finding it is a long narrow property, on the following described property:

A tract of land located in the W/2 of the SE/4 of Section 28, T-19-N, R-10-E, IBM, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beg. at a point on the S line of Section 28, 850' E of the SW/c of said SE/4; thence N 1046.00' to the POB; thence W 315.00'; thence S 56.00'; thence E 30.00'; thence S 320.00'; thence E 255.00'; thence S 670.00'; thence E 30.00'; thence N 1046.00' to the POB.

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**Case No. 2025**

**Action Requested:**

Variance of average lot width from required 150' to 145.3'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6; a Variance of lot area from 2 acres to 1.51 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of the land area from 2.1 acres to 1.74 acres to permit a lot split #19482. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 611 S. 263<sup>rd</sup> W. Ave.

**Presentation:**

**Mike Mararra**, 9936 E. 55<sup>th</sup> Pl., stated the owner owns the house on the south side of Coyote Trail in the middle of the existing Tract 1. He pointed out a small triangle on Tract 2 that his client proposes to purchase on the south and east of Coyote Trail to combine with his land to create a second tract to the north. He stated the hardship is the layout of the land in respect to Coyote Trail. They are also providing a legal description and a dedication of Coyote Trail as they found no easements or dedication of record.

**Comments and Questions:**

Mr. Alberty commented that the owner has enough land to accomplish what he wants to do. He asked for the hardship. Mr. Marrara responded that the property to the east is platted and the lots are smaller than what the applicant proposes.

**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 average lot width from required 150' to 145.3'; a **Variance** of lot area from 2 acres to 1.51 acres; and a **Variance** of the land area from 2.1 acres to 1.74 acres to permit a lot split #19482, finding the geography and layout of the property, on the following described property:

A tract of land in the NE/4 NW/4 SE/4 of Section 6 T-19-N, R-10-E of the IBM, being more particularly described as follow, to-wit: Beg. at the NE/c of the said NE/4 NW/4 SE/4; thence Sly along the E line of said NE/4 NW/4 SE/4 a distance of 660.92' to the SW/c; thence N 89°49'49" W a distance of 41.00'; thence N 40°31'29" W a distance of 663.88' to a point on the SEly right-of-way line of Coyote Trail; thence N 50°18'31" E a distance of 116.99' to a point of curve; thence around a curve to the right whose radius is 2,687.86' a distance of 133.01' to a point on the N line of the NE/4 NW/4 SE/4; thence N 89°48'29" E a distance of 278.64' to the POB; AND the S/2 S/2 of the SW/4 SW/4 NE/4 and the SE/4 SW/4 NE/4: The S/2 S/2 of the SW/4 SW/4 NE/4 and the SE/4 SW/4 NE/4 of Section 6, T-19-N, R-10-E of the IBM, both of Tulsa County, State of Oklahoma.

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**Case No. 2026**

**Action Requested:**

Variance to allow 2 mobile homes permanently. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 9; and a Variance of land area per dwelling unit from 2.1 acres to 1.25 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 5134 S. 253<sup>rd</sup> W. Ave.

**Presentation:**

**David Taylor**, 5134 S. 253<sup>rd</sup> W. Ave., stated he has one mobile home on his property where his daughter and son-in-law live. He and his wife propose to put a second mobile home on the property. They have one accessory building on the property. They want it to be a permanent residence. There are other mobile homes in the area.

**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 **Variance** to allow 2 mobile homes permanently; and a **Variance** of land area per dwelling unit from 2.1 acres to 1.25 acres, finding it will 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:

SE/4 NE/4 NW/4 NW/4, Section 32, T-19-N, R-10-E, Tulsa County, State of Oklahoma.

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**Case No. 2027**

**Action Requested:**

Special Exception to modify a previous condition of approval of a home school facility in an RS district to allow the proposed building to be larger than approved. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located S of SE/c W. 41<sup>st</sup> St. & 61<sup>st</sup> W. Ave.

**Presentation:**

**Wendell Drake**, 4401 S. 61<sup>st</sup> W. Ave., stated they found they need to build the school building larger than they previously thought.

**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 modify a previous condition of approval of a home school facility in an RS district to allow the proposed building to be larger than approved, not to exceed 3,200 square feet, on the following described property:

NW/c NE NW, thence S 660.00' E 665.00' N 330.00' W 620.00' N 330.00' W 40.00', to POB, less Beg. NW/c NE NW, thence S 660.00' E 25.00' N 660.00' W 25.00' POB for street, Section 29, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 3:00 p.m.

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

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Chair