

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 277
Tuesday, June 17, 2003, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair
Dillard, Vice Chair
Walker
Hutson
Tyndall

Butler
Beach

West, Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, June 12, 2003 at 2:00 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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 Tyndall, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the Minutes of April 15, 2003 (No. 275).

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Mr. Beach reminded the Board that the last meeting of May 20, 2003 was cancelled for lack of a quorum. All of those cases were continued to the June 17, 2003 agenda as unfinished business.

Case No. 2036

Action Requested:

Special Exception to allow Use Unit 24 (Mining and Mineral Processing) to excavate gravel from an AG and IM zoned district.

Presentation:

Mr. Beach informed the Board the applicant has withdrawn this case.

Board Action:

No Board Action required.

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Case No. 2038

Action Requested:

Variance of required setback of 75' from abutting R districts to 40' on the north and 49' on the south. SECTION 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 17 or 23, located NE/c 45th W. Ave. & W. 55th Pl.

Presentation:

John Copp, 4104 N. Narcissus, proposed to open a truck repair shop 50' X 120' to repair his personal trucks.

Mr. Dillard arrived at 1:35 p.m.

Comments and Questions:

Mr. Alberty asked if he was a part of the adjacent business (trucking establishment). Mr. Copp stated he was not. Mr. Alberty asked if he had discussed this application with the neighbors in the abutting R district. Mr. Copp stated he talked briefly with them five years ago about his plans for this project. He stated that at the time they did not state any opposition. Mr. Copp mentioned it would be used during daytime hours. Mr. Hutson asked about the use of the property to the west. Mr. Copp indicated a fireworks company and a church.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Hutson**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required setback of 75' from abutting R districts to 40' on the north and 49' on the south, finding it is abutted on two sides by industrial zoning, and 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:

Lots 18, 19, 20, and 21, Block 4, Opportunity Heights, Tulsa County, State of Oklahoma.

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Case No. 2039

Action Requested:

Variance of the required 30' frontage on a public street to 0'. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located 205' E of SE/c W. 43rd St. & 59th W. Ave.

Presentation:

Joe Coleman, 2645 E. 41st St., submitted a site plan (Exhibit A-1) to the Board. He proposes a lot split to provide a mutual access easement for Tracts 1 and 2, which he has sold. He describes the history of an old lagoon, which has now been filled in and replaced with a sewer line that serves a housing addition on West 43rd Street. The water line ends at the east end of West 43rd Street. He added they will need to file a 30' mutual access easement.

Comments and Questions:

Mr. Alberty asked if this was just to transact the land sale with no development plans at this time. Mr. Coleman replied in the affirmative.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required 30' frontage on a public street to 0'.

On Amended Motion of Walker, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required 30' frontage on a public street to 0', subject to filing a mutual access easement of record, finding because the street would dead end; and 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:

Beg. 660' S of NE/c of NW/4 Section 29, T-19-N, R-12-E, thence W 360.35', thence S 317.5', thence E 22.85', thence S 342.5', thence E 337.5', thence N 660' to POB, Tulsa County, State of Oklahoma.

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Case No. 2040

Action Requested:

Variance of required setback from centerline of 129th West Avenue from 100' to 60'. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16, located N of NW/c W. 41st St. S. & S. 129th W. Ave.

Presentation:

Ryan Eldridge, 16 S. Main, Sand Springs, Oklahoma, stated this is a subsequent phase of previous building plans, to be in line with existing buildings. The same person owns the adjacent property.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required setback from centerline of 129th West Avenue from 100' to 60', finding the same owner of the adjacent property plans to line up the new buildings as an extension of the existing mini-storage buildings and sufficient property for setback, on the following described property:

The N 132.00' S 447.00' E/2 SE/4 SE/4 SE/4 of Section 21, T-19-N, R-11-E of the IBM, Tulsa County, State of Oklahoma.

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Case No. 2041

Action Requested:

Special Exception to allow a fireworks stand in an IL district from June 15 through July 5 and December 23 through January 3 for 5 years minimum. SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS, located S of SE/c 76th St. N. & US-169.

Presentation:

Sherry Barbour, 18622 S. 62nd E. Ave., Bixby, Oklahoma, propose to set up a fireworks stand for the Owasso Band Boosters, as a non-profit fund raiser. They are relocating to this property.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Dillard**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a fireworks stand in an IL district from June 15 through July 5 and December 23 through January 3 for 5 years minimum, 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:

The SW/4 NW/4 NW/4 of Section 32, T-21-N, R-14-E of the IBM, according to the U.S. Survey thereof. Less; A strip, piece or parcel of land lying in the SW/4 NW/4 NW/4, of Section 32, T-21-N, R-14-E, Tulsa County, State of Oklahoma, said parcel of land being described by metes and bounds as follows: Beg. at the NW/c of said SW/4 NW/4 NW/4, thence E along the N line of said SW/4 NW/4 NW/4 a distance of 289.1', thence S 15°58' W a distance of 247.4', thence S 8°01' W a distance of 360.1', thence S 0°04' W a distance of 65.7' to a point on

the S line of said SW/4 NW/4 NW/4, thence W along said S line a distance of 169.5' to the SW/c of said SW/4 NW/4 NW/4, thence N along the W line of said SW/4 NW/4 NW/4 a distance of 660.4' to POB.

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Case No. 2042

Action Requested:

Special Exception to allow Use Unit 2 (fire works stand) from June 25 through July 4 for the next ten years (2003 through 2012). SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2, located 12901 E. 96th St. N.

Presentation:

Jason Marietta, 2311A W. 4th, Pittsburg, Kansas, stated he works with Brett Watson, the applicant. They propose to set up a fireworks stand across the street from one that has been used for the past twenty years. A local church group will be running the stand. They will use access from 96th or the service road.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow Use Unit 2 (fire works stand) from June 25 through July 4 for the next ten years (2003 through 2012), 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:

Beg. 196.00' E SW/c SW, thence N 466.66' SW 110.76' S 434.79' to SL SW thence E 106.00' POB less S 50.00' for road, Tulsa County, State of Oklahoma.

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Case No. 2043

Action Requested:

Variance of requirements 2.1 acres land area per dwelling unit. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 12730 E. 122nd St. N.

Presentation:

R.J. Simmons, 12730 E 122nd St. N., Collinsville, Oklahoma, proposed to place a mobile home on the property. He lives in the existing house on the property. He pointed out another lot in the neighborhood has a house and mobile home.

Comments and Questions:

Mr. Alberty questioned Mr. Simmons about a sewage system. Mr. Simmons indicated there would be a separate sewage system for the mobile home.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of requirements 2.1 acres land area per dwelling unit, finding there are smaller lots in the area with two dwelling units, on the following described property:

E 198.00' W 264.00' SE SE NE less N 25' for Street, Section 5, T-21-N, R-14-E, Tulsa County, State of Oklahoma.

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Case No. 2044

Action Requested:

Special Exception to permit a mobile home in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Variance of required 5' side yard to permit placing the mobile across lot lines. SECTION 430.1. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, and RM Districts, located 5960 N. Rockford Ave.

Presentation:

Len Olejarz, P.O. Box 580853, Tulsa, submitted photographs (Exhibit B-1) which are examples of his projects. He wants to place a mobile home on the site and build additions to each end with one pitched roof. He proposed to place over two lot lines, involving lots 12, 13 and 14. This would be temporary until his home is built. He stated they would like to use the mobile for personal storage and home work shop after they build their permanent house.

Comments and Questions:

Mr. Hutson questioned Mr. Olejarz about the proposed stick built structure. Mr. Olejarz stated it would be about 1,200 square feet, at the south end of the property. The mobile home will be about 700 square feet.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special**

Exception to permit a mobile home in an RS district; and a **Variance** of required 5' side yard to permit placing the mobile across lot lines, finding the lots are narrow and there are numerous mobile homes in the area, on the following described property:

Lots 12, 13, 14, Block 4, East Turley Addition Amended Blocks 1, 4, 5 & 8, Tulsa County, State of Oklahoma.

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Case No. 2045

Action Requested:

Special Exception to permit a church in an AG district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5, located NE/c E. 151st St. S. & S. Lewis.

Presentation:

Pastor Bobby Hocking, P.O. Box 4, Bixby, Oklahoma, stated he is the pastor and founder of this three year old church. He informed the Board they have reached the maximum capacity of 50 in a store front in downtown Bixby. They propose to build a structure with a capacity of 250 people.

Comments and Questions:

Mr. Alberty questioned if the request for church use is for the entire property. The applicant stated they have purchased two acres on the south end with an option to purchase the remaining 2.45 acres. Mr. Alberty asked if the current owner is in agreement with this request. Pastor Hocking replied in the affirmative.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Hutson**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a church in an AG district, limited to the portion of property that the applicant owns, subject to the plan submitted, 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:

The S 667.59' W/2 W/2 SW/4 SW/4 of Section 17, T-17-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, less and except Beg. at the SW/c of said W/2 W/2 SW/4 SW/4; thence N along the W line of said W/2 W/2 SW/4 SW/4 a distance of 400.00'; thence N 88°47'31" E a distance of 50.00'; thence S 01°12'29" E a distance of 375.16'; thence N 88°41'12" E a distance of 280.98' to a point in the E line of said W/2 W/2 SW/4 SW/4; thence S along the E line of said W/2 W/2 SW/4 SW/4 a distance of 24.75' to the SE/c of said W/2 W/2 SW/4

SW/4; thence W along the S line of said W/2 W/2 SW/4 SW/4; a distance of 330.98' to the POB.

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Case No. 2046

Action Requested:

Special Exception to allow a fire works stand Use Unit 2 in an RS zoned district for two years. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2; and a Variance of the hard surface parking to allow gravel and grass. SECTION 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 524 N. 49th W. Ave.

Presentation:

Randy Coleman, 4114 N. 37th W. Ave., proposed to set up a fireworks stand, operated by Big Blast Fireworks. He indicated there is gravel in the parking area.

Sherry Barbour, 18622 S. 62nd E. Ave., Bixby, Oklahoma, stated she has been working with Mr. Coleman to put this case together. They have a five-year contract and she wanted to know if they could request five years on this application even though he applied for two years. Mr. Alberty stated they would have to come back before the Board for the other three years. She indicated there is gravel in the parking area, though grass has grown up through it. She stated if they find it is too soft for parking they would add more gravel. She wanted to make sure a mobile storage unit would be allowed. She stated the stands would be 24' long; open at both ends; built according to the code for electricity; and have been inspected by the city inspector in Sapulpa.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

Mr. Beach interjected during the motion that if the Board was inclined to approve they could continue this case to the July meeting to include request for approval for the other three years.

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a fire works stand Use Unit 2 in an RS zoned district for two years; and a **Variance** of the hard surface parking to allow gravel and grass, 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; and to **CONTINUE** Case No. 2046 to the meeting of July 15, 2003 to consider the time period, regarding 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 1,200' E of the NW/c of Lot 1, in Section 5, T-19-N, R-12-E; 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 98.4' 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.

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Case No. 2047

Action Requested:

Variance of required 30' of frontage on a public street to 0'. SECTION 207. STREET FRONTAGE REQUIRED; and a Variance of land area per dwelling unit from 2.1 to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 22650 W. 41st St.

Presentation:

Douglas L. Schaeffer, 22650 W. 41st, Sand Springs, Oklahoma, proposed to place a mobile home on the subject property. They have obtained a new soil percolation test for a separate sewage system.

Comments and Questions:

Mr. Alberty asked about access to the property. Mr. Schaeffer stated they would both use the driveway that extends from 41st Street. Mr. Beach explained that it is a statutory right-of-way that would be W. 41st Street, but is not dedicated. Mr. Alberty asked about maintenance of the road, to which Mr. Schaeffer replied the family maintains it. Mr. Hutson asked if it was asphalt. Mr. Schaeffer replied that it is asphalt. The applicant is asking for a permanent time period.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required 30' of frontage on a public street to 0'; and a **Variance** of land area per dwelling unit from 2.1 to 1.5 acres, finding there are smaller tract sizes next to the mobile home park, and there is a 24.75 statutory right-of-way, on the following described property:

W 330.00' of N 396.00' NE NE NE, Section 28, T-19-N, R-10-E, Tulsa County, State of Oklahoma.

Case No. 2048

Action Requested:

Variance of lot width from 150.00' to 105.00'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of land area per dwelling unit from 2.1 to 1.48 acres and lot area 2.0 acres to 1.47 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Parcel 1: Variance of land area 2.1 acres to 1.80 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of lot area 2 acres to 1.67 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of the required 30' street frontage to 25'. SECTION 207. STREET FRONTAGE REQUIRED, located 7311 E. 156th St. N.

Presentation:

Mr. Beach informed the Board that he discovered too late to advise the applicant that if the lot split is approved, the new lot line on the east side of the panhandle would probably be too close to the existing house and barn, causing a violation of the required side yard of 15'. If the Board is inclined to approve, he suggested a continuation to advertise for the additional relief.

Marjorie Harrell, 7311 E. 156th St. N., Collinsville, Oklahoma, proposed to split the subject property among family members. They planned to split the property this way to allow access to the back lot. The abandoned structure is in foreclosure and will probably be demolished. She pointed out numerous one and two acre lots in the area.

Comments and Questions:

Mr. Alberty explained the side yard requirement to the applicant.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Hutson**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 2048 to re-advertise for more relief, on the following described property:

Parcel 1: A tract of land in the SW/4 SW/4 SE/4 of Section 14, T-22-N, R-13-E of the IBM, more particularly described as follows, to-wit: Commencing at the SW/c SE/4 of Section 14, T-22-N, R-13-E; thence S 89°51'10" E along the S line SE/4 a distance of 239.00' to the POB; thence continuing S 89°51'10" E a distance of 195.51'; thence N 00°00'25" E a distance of 413.00'; thence N 89°51'10"W a distance of 200.50'; thence S 00°00'29" W a distance of 383.00'; thence S 89°51'10" E a distance of 5.00'; thence S 00°00'29" W a distance of 30.00' to the

POB AND Parcel 2: A tract of land in the SW/4 SW/4 SE/4 of Section 14, T-22-N, R-13-E IBM, more particularly described as follows, to-wit: Commencing at the SW/c SE/4 of Section 14, T-22-N, R-13-E; thence S 89°51'10" E along the S line of the SE/4 a distance of 209.00'; thence continuing S 89°51'10" E a distance of 30.00'; thence N 00°00'29" E a distance of 30.00'; thence N 89°51'10" a distance of 5.00'; thence N 00°00'29" E a distance of 383.00'; thence S 89°51'10" E a distance of 200.50'; thence N 00°00'25" E a distance of 247.30'; thence N 89°51'44" W a distance of 225.495'; thence S 00°00'29" W a distance of 660.26' to the POB, Tulsa County, Oklahoma.

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Election of Officers:

On **Nomination of Dillard**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **ELECT** Wayne Alberty as Chairman.

On **Nomination of Dillard**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **ELECT** Roland Walker as Vice Chairman.

On **Nomination of Hutson**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **ELECT** Gene Dillard as Secretary.

There being no further business, the meeting was adjourned at 3:10 p.m.

Date approved: _____

Chair