

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No.290
Tuesday, July 20, 2004, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Walker, Chair	Charney	Butler	West, Co. Inspector
Hutson, Vice Chair		Beach	Painter, Co. Inspec.
Dillard, Secretary		Alberty	
Tyndall			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, July 15, 2004 at 2:26 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

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MINUTES

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the Minutes of May 18, 2004 (No. 288).

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On **MOTION** of **Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the Minutes of June 15, 2004 (No. 289).

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REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 2111

Action Requested:

Appeal of determination of the County Inspector of noncompliance to the County Zoning Code SECTION 1650. APPEALS FROM THE COUNTY INSPECTOR, located: 5912 S 63RD AV W.

Presentation:

Mr. Beach informed the Board the applicant asked for a one month continuance.

Board Action:

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Hutson, Dillard, Tyndall “aye”; no “nays”; no “abstentions”; Charney “absent”) to **CONTINUE** Case No. 2111 to the meeting of August 17, 2004.

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Case No. 2107

Action Requested:

Mr. Walker informed the public this case was actually to be heard by the City of Tulsa Board of Adjustment.

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NEW APPLICATIONS

Case No. 2108

Action Requested:

Special Exception for a Use Unit 2, Bed and Breakfast in an AG District SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS, located: 16073 S 32ND AV W.

Presentation:

Tom and Claudine Mason, 16073 S. 32nd W. Ave., proposed to have a bed and breakfast in their home. They are prepared for two customers per day. They are on a private road at the edge of the county. They do not expect any significant change in the traffic. They are 300’ to the nearest neighbor’s driveway. The average length of stay per guest is one night. Mr. Mason stated they would have two guest rooms to accommodate two adults and one child in each room.

Comments and Questions:

Mr. Walker read the ordinance for a bed and breakfast. Mr. Walker asked about plans for signage. Mr. Mason replied he planned to place a wooden sign on the road and one on their driveway. There would not be any lights on the signs. Mr. Walker stated the size is limited to 32 sq. ft. Mr. Walker asked about plans for private parties and weddings. Mr. Mason responded that they do not plan for those events at this time.

Interested Parties:

Bob Dunlap, 15902 S. 26th W. Ave., expressed concern for traffic. He had submitted a letter (Exhibit A-1). The road is a private roadway easement as maintained by the Twin Mounds Estates Homeowners’ Association. The road

does not have an all-weather surface. The letter also mentioned the possibility of liability if the public uses the road.

Marilyn Dunlap, 15902 S. 26th W. Ave., stated the association's biggest concern is the liability.

Skip Mason, 16031 S. 32nd W. Ave., stated though his parents are not members of the homeowners' association, they contribute the same amount as the members. He stated his support of the application.

Applicant's Rebuttal:

Mr. Mason stated it is an oil field road. When people started building their homes the road was dedicated and every house had use of the road. He stated that he and his son provided two-thirds of the gravel the last time it was improved. He did not believe the home owners' association would be liable for any accident.

Board Action:

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson and "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a **Special Exception** for a Use Unit 2, Bed and Breakfast in an AG District SECTION 310, with conditions for no single guest to stay over 20 days/year; not to exceed two guest rooms with room occupancy of no more than two per room; no cooking in the guest rooms; no public restrooms; no special events as weddings, receptions, or dinner parties; two signs of 16 sq. ft. each are allowed, 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:

PRT SW SW BEG SWC E/2 SW SW TH N288.19 E325.8 SE22 4.73 S189.9
W528 POB SEC 22 17 12 3.26AC.

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Case No. 2109

Action Requested:

Special exception to allow a 180' cell tower and a special exception of the required 110% setback of the height of the tower in an AG zoned district SECTION 1204.3.E. & 1204.3.C.7 (a) – USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, located: 7220 E 171ST ST S.

Presentation:

Chris Villines, 2100 Lynnwood, Benton, Arkansas, for Cingular Wireless, stated the land owners were present. They proposed to put in a 180' monopole cellular tower. It would be located 200' from all property lines to AG and R zoning. The tower could accommodate three carriers. The surrounding topography is rolling. The land is wooded to the south and east with a hill, and open to the north and west. The facility would not cause visual obstruction. The utility buildings would

be 16' x 10' x 12' high. Ingress and egress would be by private road from 171st, north and south. The frontage on 171st is 660' in width.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Dillard**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson and “aye”; no “nays”; no “abstentions”; Charney “absent”) to APPROVE a **Special exception** to allow a 180' cell tower; and a **special exception** of the required 110% setback of the height of the tower in an AG zoned district, per plan, with condition it be located 200' from all property lines, on the following described property:

E/2 NW NE & SW NE SEC 35 17 13 60AC

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Case No. 2110

Action Requested:

Variance of the required frontage on a public street for residential purposes from required 30 feet to 0 feet for a property zoned AG and IM. SECTION 207. STREET FRONTAGE REQUIRED, located: 11707 East 130th Street North.

Presentation:

Deborah Oslin, 501 E. Center St., Collinsville, Oklahoma, stated Jonah Smith would speak for her.

Jonah Smith, 501 E. Center St., Collinsville, Oklahoma, stated they proposed to place a mobile home on 1.57 acres and eventually build a home. There is a private gravel road easement to the property. He pointed out the utility and road easements to the Board.

Comments and Questions:

Mr. Tyndall asked if they were creating a new lot. Mr. Smith replied they were not creating a new 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 (Walker, Tyndall, Dillard, Hutson and “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** a **Variance** of the required frontage on a public street for residential purposes from required 30 feet to 0 feet for a property zoned AG and IM, on the following described property:

BEG NWC W/2 NW NE SW TH S330 E206.9 N329.89 W206.9 POB SEC 32 22
14 1.57ACS

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Case No. 2112

Action Requested:

Variance of street frontage from 30' to 0'. SECTION 207. STREET FRONTAGE REQUIRED, located: 16961 N. 130th E. Ave.

Presentation:

Scott Marion, 9205 N. 103rd E. Ave., Owasso, Oklahoma, stated the owners purchased the property to build a home. They were not aware of the zoning ordinance regarding frontage. He contacted the city engineer and was told he would not have any objection. He contacted the owners of the property on the other side of the easement and did not object to the variance. He added they would have to extend the gravel road ten feet. A map and photograph were provided (Exhibits B-1 and B-2).

Comments and Questions:

Mr. Beach pointed out the map indicated two parcels but the only one before the Board was the southerly portion.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson and "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a **Variance** of street frontage from 30' to 0', finding existing conditions, on the following described property:

PRT NW SW BEG SECR NW SW TH W497.59 NE195.53 NW134 .31 NE276.57
NW315 NE105 E886.43 S POB SEC 9 22 14 9.211ACS, TR BEG 329.95S
NWC NW SW TH E1322.93 S343.90 W886. 43 SW527.01 W181.45 SW22.26
W190 N869.88 POB SEC 9 22 14 15.450ACS

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Case No. 2113

Action Requested:

Special Exception to allow mining of dirt in an IM district; Variance of street frontage from 50' to 0'. SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 24; SECTION 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS, located: 755' S & 601' E of SE/c W. 21st St & 49th W. Ave.

Presentation:

Dick McNair, 2005 N. 167th E. Ave., proposed to mine dirt in an IM district. After the mining project they plan to convert it to a commercial development. He stated they have an easement from 49th W. Ave. and they access through Bowers Oil Company.

Comments and Questions:

In response to Mr. Hutson’s questions, Mr. McNair replied they would obtain all permits and meet all requirements; estimate the project to last two to three years; and estimate the 300,000 to 500,000 yards of dirt. This will also improve the drainage directing it away from 21st Street rather than to 21st Street.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson and Charney “aye”; no “nays”; no “abstentions”; no “absences”) to **APPROVE** a ***Special Exception*** to allow mining of dirt in an IM district, per the application.

Amended Motion:

On **Motion of Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson and “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** a ***Variance*** of street frontage from 50’ to 0’, the second by Dillard stands, finding there is a road easement to access the property, on the following described property:

BEG 755.04S & 717.77E NWC NW TH E601.72 S565.32 W6 01.72 N565.51
POB SEC 16 19 12 7.81ACS

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Case No. 2114

Action Requested:

Use variance to allow storage in a portable building as principal use in an OL zoned district to function as accessory to the adjacent residential use. SECTION 610. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS, located: 403 South 176th West Avenue

Presentation:

Tom Gudge, III, 2250 E. 73rd St., Ste 600, stated he represented the owner, Hugh Lilley, who was also present. There is a storage building on Lot 4 for the home on Lot 1. He submitted photographs (Exhibit C-1). He also owns Lot 1 to the south of the subject property in the CS zoned district. He purchased all three lots together. He pointed out the elevation from the street and that the storage building is on the same level as the house. He was told by the seller of the storage building that he

did not need a building permit. There are no other buildings. He could not place the building on the same lot with the house because of the topography. He noted that other neighbors have storage buildings. It is used for personal items and lawn care equipment. The applicant would be willing to tie the lots together.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson and “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** a **Use Variance** to allow storage in a portable building as principal use in an OL zoned district to function as accessory to the adjacent residential use, finding the owner will tie the Lots 1 and 4 of Block 2 together, and there would be no other structures built on this lot, and the unusual shape of the lot, on the following described property:

LT 4 BLK 2, WEKIWA HILLS

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Case No. 2117

Action Requested:

Variance of land area per dwelling unit from 2.1 to 1.1 acres to permit two dwelling units. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located:13106 N 129th E. Ave.

Presentation:

Mr. Beach informed the Board that due to a change in the processing of new applications, this case was not advertised in time for this meeting even though the application was made in time. The applicant asked that the Board hear the case today even though they would not be able to make a decision until the next meeting.

Chris Himebaugh, 13106 N. 129th E. Ave., Collinsville, Oklahoma, proposed to use an existing mobile home on 2.2 acres while he builds a stick built home on the same property. The mobile would then be used for a family member. He obtained support from his neighbors and out of state property owners for this application. He plans to use an aerobic system for the two homes. He would be willing to remove the trailer when his father no longer lives there.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson and “aye”; no “nays”; no “abstentions”; Charney “absent”) to **CONTINUE** Case No. 2117 to the meeting on August 17, 2004.

Com SE/c NE/4 Sec 32 T22N R14E Tulsa County, Oklahoma, th W along S line NE/4 50’ POB th SW 558.80’; th W 171.50’; thence N 558.80’; th E 171.50’ POB, 2.2 acres

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Case No. 2115

Action Requested:

A variance of the required 30 ft frontage on a public dedicated street to 0 ft for a lot split, located: 18401 N LEWIS AVE E.

Presentation:

Mr. Beach informed the Board this case was not processed. The staff recommended a full refund of \$410.00

Board Action:

On **Motion of Dillard**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson and “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** a Refund of \$410.00.

N/2 NE SW NW SEC 5 22 13 5ACS

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Case No. 2116

Action Requested:

Special Exception to permit a fireworks stand in an RS district for a period of 5 years; Variance of all weather surface parking area, located: 1109 W WEKIWA RD N.

Presentation:

Mr. Beach informed the Board this case was not processed. The staff recommended a full refund of \$708.00.

Board Action:

On **Motion of Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson and “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** a Refund of \$708.00.

LT 15 BLK 4VALLEY VIEW ESTATES

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Case No. 2118

Action Requested:

Variance of the required frontage on a public street from 30' to 0', located: 7123 W SKYLINE DR S.

Presentation:

Mr. Beach informed the Board this case was not processed. The staff recommended a full refund of \$415.00.

Board Action:

On **Motion** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a refund of \$415.00.

BEG 794.7S NWC NE TH S410.94 E1060 N410.94 W1060 POB SEC 30 19 12
10ACS, STRATFORD ESTATES BLK 2

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There being no further business, the meeting was adjourned at 2:40 p.m.

Date approved: _____

Chair