

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 3
Tuesday, November 18, 1980, 3:00 p.m.
Room 119, Administration Building
500 South Denver Avenue
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Dubie, Chairman Martin Walker	Crowley Wines	Gardner Hubbard Jones	Andy Allen, District Atrorney's Office

After declaring a quorum present, Chairman Dubie called the meeting to order at 3:50 p.m.

MINUTES

On MOTION of WALKER and SECOND by MARTIN, the Board voted 3-0-0 (Dubie, Martin Walker, "aye"; no "nays"; no "abstentions"; Crowley, Wines, "absent") to approve the Minutes of October 21, 1980, (No. 2).

MINOR VARIANCES AND EXCEPTIONS:

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Action Requested:

Variance (Section 310 - Principal Uses Permitted in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage and area requirements in an AG District.

Presentation:

George Suppes, Jr. 3223 East 31st Street, Suite 211, was present to address the Board.

Protestants: None.

Board Comments:

Mr. Dubie stated that on November 5, 1980, the Planning Commission approved a lot-split on this property, subject to the approval of this Board.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 3-0-0 (Dubie, Martin, Walker, "aye"; no "nays"; no "abstentions"; Crowley, Wines, "absent") to approve a Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provision of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split (L-15040), on the following described property:

A tract of land beginning at a point 200' North of the SW corner of the Northwest Quarter of the Northwest Quarter of Section 26, Township 17 North, Range 14 East, in Tulsa County, State of Oklahoma; thence 100' North; thence East 180'; thence South 100'; thence West 180' to the point of beginning, containing .41 acres more or less.

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements from 200' to 158.75'.

Presentation:

Mr. Jones advised the Board that on November 5, 1980, the Planning Commission approved a lot-split on this property, subject to the approval of this Board.

George Suppes, Jr., 3223 East 31st Street, Suite 211, was present to address the Board.

Board Comments:

Mr. Dubie asked Mr. Suppes if there was anything located on the subject property. Mr. Suppes stated that there was nothing to his knowledge on the property.

Protestants: None.

Interested Parties:

Mr. and Mrs. W. L. Burkes, 2011 East 14th Place, were present as interested parties, being owners of property adjoining the subject property.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 3-0-0 (Dubie, Martin, Walker, "aye"; no "nays"; no "abstentions"; Crowley, Wines, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 200' to 158.75' to permit a lot-split (L-15041), on the following described property:

The South 317.50' of the East 560' of the SW/4 of the SW/4 of the NE/4 of Section 28, Township 17 North, Range 13 East, in Tulsa County, Oklahoma.

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage and area requirements in an AG District to permit a lot-split.

Presentation:

Mr. Jones advised the Board that on October 21, 1980, a lot-split was approved by the Sand Springs Regional Planning Commission, subject to the approval of this Board, and submitted a letter from the Sand Springs Regional Planning Commission to that effect (Exhibit "A-1").

Protestants: None.

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Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 3-0-0 (Dubie, Martin, Walker, "aye"; no "nays"; no "abstentions"; Crowley, Wines, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split (SSRL-29), on the following described property:

The N/2, N/2, NE/4, SE/4, of Section 2, Township 19 North, Range 10 East, in Tulsa County, Oklahoma.

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Action Requested:

Variance (Section 330 - Bulk and Area Requirements in an Agriculture District - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage and lot area requirements to permit a lot-split.

Presentation:

Mr. Jones advised the Board that on October 15, 1980, the Planning Commission approved a lot-split on this property, subject to the approval of this Board.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 3-0-0 (Dubie, Martin, Walker, "aye"; no "nays"; no "abstentions"; Crowley, Wines, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in an Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage and lot area requirements to permit a lot-split (L-15035), on the following described property:

A tract of land situated in the SW/4 of the SW/4 of the SE/4 of Section 18, Township 22 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described to-wit: Beginning at the SW corner of said SW/4, SW/4, SE/4, Sec. 18, T-22-N, R-14-E; thence due East 319.32'; thence North 00°-04'-32" West a distance of 342.41' to a point; thence West 31°-34'; thence South 00°-04'-52" East a distance of 342.41' to the point of beginning, according to the U. S. Government Survey thereof.

NEW APPLICATIONS:

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Action Requested:

Exception (Section 440 - Special Exception Uses in Residential Districts, Requirements - Section 440.2 - Home Occupations - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to permit a home occupation, which will consist of a wholesale distributor of candy and novelty items in an RE District.

Presentation:

Mr. Jones advised the Board that the Broken Arrow Planning Commission sent a memorandum recommending denial of the application, and submitted the memorandum (Exhibit "B-1").

Gary Bryan, 2005 South First Place, Broken Arrow, was present to address the Board. Mr. Bryan stated that he had a five-acre tract of land, and that there was a telephone office, the Oklahoma Natural Gas office, and a plumbing contractor's office in the immediate area. Mr. Bryan further stated that, in this operation, he would have no employees.

Protestants: None.

Board Comments:

Mr. Walker asked Mr. Bryan what the days and hours of operation would be. Mr. Bryan stated that his present office, located at 1527½ South Sheridan Road, was open for business from 1:00 p.m. to 3:00 p.m., and that trucks used for pick-up and delivery would be at the place of business just long enough to load-up and deliver one to five cases of candy. When asked about the type of truck (i.e., semi, van, etc.) to be used, Mr. Bryan replied that the van-type was used presently--that a semi could not get in the driveway.

Mr. Dubie asked Mr. Bryan why he wished to move his location of business. Mr. Bryan stated that his wife does all the bookkeeping and secretarial work and that she had just been discharged from the hospital and could not travel excessively. Mr. Bryan further stated that this location would be more efficient and less costly.

Mr. Martin advised that he could not, in good faith, vote to approve this application due to the fact that the memorandum sent by the Broken Arrow Planning Commission recommended denial and the Broken Arrow Comprehensive Plan did not support commercial.

Mr. Martin asked Mr. Bryan if he had appeared before the Broken Arrow Planning Commission when his application was reviewed. Mr. Bryan stated that he did not because he was not notified of the hearing.

Mr. Martin asked about the possibility of appealing before the Broken Arrow Planning Commission, thereby giving Mr. Bryan the opportunity to present his application. Mr. Gardner suggested that would be a good alternative--that the case could be continued before the County Board of Adjustment until December 16, and that, in the meantime, the request could be reheard by the Broken Arrow

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Planning Commission. Mr. Bryan indicated that he had a problem with that because he had to renew his lease at 15th and Sheridan or remove his business by December 1.

Mr. Martin stated that if the Broken Arrow Planning Commission recinded the recommendation for denial, he felt certain that the Board would approve the application; therefore, Mr. Bryan could act accordingly.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 3-0-0 (Dubie, Martin, Walker, "aye"; no "nays"; no "abstentions"; Crowley, Wines, "absent") to continue this application for an Exception (Section 440 - Special Exception Uses in Residential Districts, Requirements - Section 440.2 - Home Occupations - Under the Provisions of Section 1680 - Special Exceptions) to permit a home occupation, which will consist of a wholesale distributor of candy and novelty items in an RE District, until the next regularly scheduled meeting, December 16, 1980.

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Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Exceptions) request for permission to place a mobile home in an RS District; and a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) request for a variance of the one-year time limitation to keep the existing mobile home on the lot.

Presentation:

Loren Fletcher, 6021 South 68th West Avenue, was present to address the Board. Mr. Fletcher stated that his mother and father, 78 and 79 years old, respectively, were presently residing in the mobile home. Mr. Fletcher further advised that he owns two lots which adjoin each other and that one mobile home (in which he resides) is already in existence on one of the lots, and that he would like to locate an additional mobile home on the other lot in which his mother and father would reside.

Protestants: None.

Board Comments:

Mr. Walker asked Mr. Fletcher if there are any other mobile homes in the area. Mr. Fletcher replied that there were several in the immediate area, including one on the lot adjoining his. Mr. Fletcher explained that this mobile home would not be used for rental purposes, and that he had permission from the County to temporarily hook up to utilities, which he has done.

Mr. Dubie asked Mr. Fletcher how much of a variance of the one-year time limitation he would need. Mr. Fletcher indicated that two years should be sufficient.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 3-0-0 (Dubie, Martin, Walker, "aye"; no "nays"; no "abstentions"; Crowley, Wines, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Exceptions) for the placement of a mobile home in an RS District; and, a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the one-year time limitation to keep the mobile home on the lot, with an extension of one year on the time limitation for a total of 2-years, removal bond required, on the following described property:

Lot 12, Block 58, Taneha Addition, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Exceptions) request for an exception to allow a mobile home to remain in an RS District.

Presentation:

Mr. Jones advised the Board that on August 16, 1979, the City Board of Adjustment granted an exception to allow a mobile home on this property for a period of one year.

Shirley Kerker, 1401 West Easton Street, was present to address the Board.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 3-0-0 (Dubie, Martin, Walker, "aye"; no "nays"; no "abstentions"; Crowley, Wines, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Exceptions) to allow a mobile home to remain in an RS District for a period of one-year, removal bond required, on the following described property:

The East 70'; West 120' of Lot 3, Block 3, Golden Hills Addition, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to locate a mobile home in an RS District.

Presentation:

Mr. Jones advised the Board that on September 17, 1970, the City Board of Adjustment granted permission to locate a mobile home on this same tract of land for a period of two years, and on November 2, 1972, the

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City Board of Adjustment granted permission to locate a mobile home on this same tract of land for a period of one year.

Mark Kaese, 818 North 94th East Avenue, was present to address the Board.

Protestants: None.

Board Comments:

Mr. Martin asked Mr. Kaese if there are other mobile homes in the area. Mr. Kaese advised that there are some nearby.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 3-0-0 (Dubie, Martin, Walker, "aye"; no "nays"; no "abstentions"; Crowley, Wines, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS District for a period of one-year, removal bond required, on the following described property:

Lot 8, Block 1, Carr Addition, Tulsa County, Oklahoma.

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Action Requested:

Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1670 - Variances) request for a variance to permit a welding shop in a CS District.

Presentation:

Mr. Jones advised the Board that on February 15, 1979, the City Board of Adjustment granted a variance to permit a mobile home in a CS District for a night watchman, for a period of three years, for the present owner only, owner being, William D. Stephenson, removal bond required, on the following described tract: Lots 1, 2, and 3, Block 1, Second Lake Subdivision.

Ms. Sharon Liggans, 319 South 44th West Avenue, was present to address the Board.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 3-0-0 (Dubie, Martin, Walker, "aye"; no "nays"; no "abstentions"; Crowley, Wines, "absent") to approve a Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1670 - Variances) to permit a welding shop in a CS District, on the condition that no outside work will be performed and there will be no outside storage of materials, on the following described Property:

Lots 5, 6 and 7, Block 1, Second Lake Subdivision, Tulsa County, Oklahoma.

OTHER BUSINESS:

Interpretation - Waste Water Injection Wells

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 3-0-0 (Dubie, Martin, Walker, "aye"; no "nays"; no "abstentions"; Crowley, Wines, "absent") to table this item of business until the next regularly scheduled meeting, December 16, 1980.

There being no further business to come before the Board, Chairman Dubie adjourned the meeting at 4:45 p.m.

Date Approved _____

1/20/81



Chairman