

COUNTY BOARD OF ADJUSTMENT
MINUTES (Meeting No. 9)
Tuesday, May 19, 1981, 3:00 p.m.
Room 119, Administration Building
500 South Denver Avenue
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Crowley Dubie, Chairman Walker	Martin Wines	Alberty Hubbard Jones	Edwards, County Inspector's Office

The notice and agenda of said meeting were posted in the Office of the Tulsa County Clerk on Monday, May 18, 1981, at 9:33 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Chairman Dubie called the meeting to order at 3:01 p.m.

MINUTES:

On MOTION of CROWLEY and SECOND by WALKER, the Board voted 3-0-0 (Crowley, Dubie, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to approve the Minutes of April 21, 1981, (Meeting No. 8).

MINOR VARIANCES AND EXCEPTIONS:

Case No. 56

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1630) request for a variance of the frontage requirements to permit a lot-split in an AG-R District. This property is located northeast of 46th Street and 209th West Avenue.

Presentation:

Mr. Jones advised the Board that, on March 18, 1981, the Tulsa Metropolitan Area Planning Commission approved a lot-split (L-15115), subject to the approval of this Board. In addition, Mr. Jones explained that a protest had been lodged by LaHoma Brown at the April 21 Board meeting resulting in a continuance, but that she had submitted a letter withdrawing that protest. Mr. Jones submitted that letter of withdrawal to the Board (Exhibit "A-1"). For the record, the applicant, Opal Rivers, was represented.

Protestants: None.

Board Action:

On MOTION of CROWLEY and SECOND by WALKER, the Board voted 3-0-0 (Crowley, Dubie, Walker, "aye"; no "nays"; no "abstentions": Martin, Wines, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1630) of the frontage requirements to permit a lot-split (L-15115) in an AG-R District, on the following described property:

Case No. 56 (continued)

Beginning at a point on the West line of Section 26, Township 19 North, Range 10 East, Tulsa County, Said point being 2,798.04' South of the NW corner of said Section 26; thence East 318'; thence South 141.56'; thence West 318'; thence North 141.56' to the Point of Beginning. Less the West 30' for road easement.

Case No. 64

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 tract of land to be split into four lots. This property is located north and west of 31st Street and 137th West Ave.

Presentation:

The applicant, Don Bradfield, was not present. Mr. Jones advised that, on April 7, 1981, the Sand Springs Regional Planning Commission approved a lot-split (SSR L-34, subject to the approval of this Board and submitted a letter from the Sand Springs City Planner to that effect (Exhibit "B-1").

Protestants: None.

Board Action:

On MOTION of CROWLEY and SECOND by WALKER, the Board voted 3-0-0 (Crowley, Dubie, Walker, "aye"; no "nays"; no "abstentions"; Martin, 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 tract of land to be split into four lots (SSR L-34), on the following described property:

The W/2 of the S/2 of the S/2 of the SE/4 of the SW/4 of Section 16, Township 19 North, Range 11 East, Tulsa County, Oklahoma.

Case No. 67

Action Requested:

Variance (Section 1224 (a) .3 - Oil and Gas Extraction - Under the Provisions of Section 1630 - Minor Variances) request for a variance to permit drilling closer than 300' from any residence (will be as close as 75'). This property is located southeast of 96th Street North and Harvard Avenue and southwest of Yale Avenue and 96th Street North.

Presentation:

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Don McMillan, representing Broadway Energy, was present to address the Board and advised that Broadway Energy was seeking permission to drill as certain wells are developed, which might be closer than 300' from a residence, but not more than 75' from a residence. Mr. McMillan explained that Broadway Energy has a provision wherein permission must be obtained from the homeowner before drilling can occur within 200' of the homeowner's property. Mr. McMillan further explained that a 5¹ chain-link fence would be erected around each well, and that the wells would have 100' of surface casing and a blow-out preventor or control valves to avoid any problems that might occur. W. E. Wines, owner of

Case No. 67 (continued)

the property, was present, but did not address the Board on record.

Protestants: None.

Board Comments:

Mr. Walker asked Mr. McMillan how many residences were on the property. Mr. McMillan advised that there were not too many, and that the owner of the subject property also owned all the residences on the property.

Mr. Dubie asked Mr. McMillan if there were other wells in the area. Mr. McMillan advised that there were other wells on the subject tract.

Board Action:

On MOTION of CROWLEY and SECOND by WALKER, the Board voted 3-0-0 (Crowley, Dubie, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to approve a Variance (Section 1224 (a) .3 - Oil and Gas Extraction - Under the Provisions of Section 1630 - Minor Variances) to permit drilling closer than 300' from any residence, subject to the following conditions:

- (a) Permission be obtained from the owner of a residence of which drilling will occur within 200' of the residence;
- and, (b) the drilling and development of the oil and gas leases in accordance with the criteria and specifications as presented (100' of surface casing and a blow-out preventor or control valves on each well), on the following described property:

The NW/4; and the S/2 of the NE/4 of Section 21, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

Case No. 50

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1227 - Automotive and Allied Activities - Under the Provisions of Section 1670) request for a variance to allow a wrecker service in an RS District. This property is located at 409 East Houston Avenue.

Presentation:

Mr. Jones advised that this Case had been continued from the April 21 meeting due to the fact that the applicant was hospitalized for open-heart surgery. Mr. Jones further advised that he had received information from the Broken Arrow City Planner to the effect that the applicant, Frank Young, was still hospitalized, and that the Broken Arrow Board of Adjustment had continued the Case indefinitely. Mr. Jones advised the Board that an application could not be continued indefinitely -- that it must be continued to a date certain. Mr. Jones explained that this Case dealt with an open violation of sorts and was basically an appeal from a decision of the Building Inspector and, further, that the Ordinance stated that the Board must take some type of action within 90 days.

Case No. 50 (continued)

Protestants: None.

Board Action:

On MOTION of CROWLEY and SECOND by WALKER, the Board voted 3-0-0 Crowley, Dubie, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1227 - Automotive and Allied Activities - Under the Provisions of Section 1670) to allow a wrecker service in an RS District, on the following described property:

Beginning 112.3' West of the NE corner of the NW/4 of the NE/4; Thence South 726.76' to Railroad; Northwesterly approximately 75'; North 687.15'; East 61.6' to the point of beginning, Section 14, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 62

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680) request for an exception to permit 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) request for a variance of the time limitation of one year for a mobile home in an RS District. This property is located at 2630 South 49th West Avenue.

For the Record:

Board members had been provided with a resolution approved and adopted by the Tulsa County Board of Commissioners amending the Tulsa County Zoning Code, Section 440.6 Special Exception Uses in Residential Districts, Requirements by deleting subsections a, b, c, and d, and providing that the Board of Adjustment may impose a time limit and may impose a bonding requirement for mobile homes permitted in RS and RM Districts, except RMH, by Special Exception.

Presentation:

Robert Converse, 2630 South 49th West Avenue, was present to address the Board.

Protestants: None.

Board Comments:

Mr. Crowley asked Mr. Converse if there were other mobile homes in the area. Mr. Converse replied that there were at least six mobile homes in the immediate area and possibly more. Mr. Crowley then asked Mr. Converse what the approximate lot sizes in the area were. Mr. Converse advised that the subject lot was 165' wide and 300' long, but that he was uncertain as to other lot sizes in the area.

Mr. Dubie asked Mr. Converse how near the proposed mobile home would be to an existing mobile home in the area. Mr. Converse advised that there was an existing mobile home directly across the street.

Case No. 62 (continued)

Board Action:

On MOTION of CROWLEY and SECOND by WALKER, the Board voted 3-0-0 (Crowley, Dubie, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680) to permit 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) of the time limitation of one year for a mobile home in an RS District, for a period of five (5) years, removal bond waived, and subject to Health Department approval, on the following described property:

The East-Half of Lot 6, Elliotts Subdivision, Tulsa County, Oklahoma.

Case No. 63

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680) request for an exception to permit a mobile home in an RS District; and, a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) request for a variance to permit a mobile home for a period of more than one year; and, a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670) request for a variance to permit a mobile home on a lot with a residence already attached. This property is located at 7002 West Brady Street.

Presentation:

Tessie Underwood, 7002 West Brady Street, was present to address the Board.

Protestants: None.

Board Comments:

Mr. Dubie asked Ms. Underwood if there were other mobile homes in the area. Ms. Underwood advised that there were no others in the area.

Mr. Crowley asked Ms. Underwood what the lot size was. Ms. Underwood replied that it was 350' wide and 650' deep.

Board Action:

On MOTION of CROWLEY and SECOND by WALKER, the Board voted 3-0-0 (Crowley, Dubie, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680) to permit a mobile home in an RS District; and, a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) to permit a mobile home for a period of more than one year; and, a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670) to permit a mobile home on a lot with a residence already attached, for a period of five (5) years, removal bond waived, on the following described property:

Case No. 63 (continued)

Block "C" Farm Colony, County of Tulsa, Oklahoma.

Case No. 65

Action Requested:

Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670) request for a variance of the frontage requirements from 30' to 20' in an AG District. This property is located west of Harvard on 106th Street North.

Presentation:

John Williams, 3024 East 106th Street North, was present to address the Board and submitted a Plat of Survey (Exhibit "C-1"). Mr. Williams advised that the request for a variance of the frontage requirements was for the purpose of a common driveway which would be used for ingress and egress to two separate lots, each accommodating one dwelling at 106th Street North.

Protestants: None.

Board Action:

On MOTION of CROWLEY and SECOND by WALKER, the Board voted 3-0-0 (Crowley, Dubie, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to approve a Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670) of the frontage requirements from 30' to 20' in an AG District, subject to the condition that the driveway will be serving a single dwelling on each of the two lots at the rear of the subject property and not a multiple dwelling, on the following described property:

A tract of land located in the W/2, NE/4, NE/4, of Section 17, Township 21 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma; more particularly described as:

Beginning at a point 165' East of the NW corner of the W/2, NE/4, NE/4 of said Section 17, Township 21 North, Range 13 East; thence South 00°-02'-04" West a distance of 665 feet; thence North 89°-45'-31" West a distance of 165'; thence South 00°-02'-04" West a distance of 50'; thence South 89°-45'-31" East a distance of 310'; thence North 00°-02'-04" East a distance of 715'; thence North 89°-45'-31" West a distance of 145' to the point of beginning, containing 2.57 acres; LESS the North 25' for Roadway Easement.

Case No. 66

Action Requested:

Variance (Section 310 - Principal Uses Permitted in Agriculture Districts- Under the Provisions of Section 1670) request for a variance to permit a mobile home in an AG District that already has five (5) mobile homes and a boarding house on the property in question. This property is located north and west of 86th Street North and Highway #75.

Presentation:

The applicant, Mary McClain, was not present.

Protestants:

W. E. Wines, 9300 North Yale Avenue, P. O. Box 35, Owasso, Oklahoma, advised that he was concerned over the size of the property (3.34 acres) accommodating six mobile homes and a boarding home in regard to a septic system.

Case No. 66 (continued)

Remarks:

Mr. Jones advised that there was speculation that a lagoon situated on the property served as a sanitary system, and that it probably exceeded the requirements to serve the number of people living on the tract of land. Mr. Jones further advised that the Health Department would be forwarding a notice of approval or disapproval of the results of the perc test.

Note:

On May 28, 1981, a notice was received from the City-County Health Department stating that the percolation test had failed, but that the lagoon on the property was State approved and exceeded the requirements necessary to serve residents of the property. This notice was entered into the record as Exhibit "D-1".

Board Action:

On MOTION of CROWLEY and SECOND by WALKER, the Board voted 3-0-0 (Crowley, Dubie, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to approve a Variance (Section 310 - Principal Uses Permitted in Agriculture Districts - Under the Provisions of Section 1670) to permit a mobile home in an AG District that already has five (5) mobile homes and a boarding house on the property, for a period of five (5) years, removal bond waived, and subject to Health Department approval of a sewer system, on the following described property:

The West 329.5' of the SW/4, SE/4, of Section 21, Township 21 North, Range 13 East; AND a tract in the E/2 of the E/2 of the E/2 of the SW/4 of Section 21, Township 21 North, Range 13 East of the Indian Base and Meridian in Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to-wit: Beginning at a point on the East line of the SW/4 of Section 21, Township 21 North, Range 13 East, said point being 713' North of the SE corner thereof; thence North along the East line of said SW/4 a distance of 100' to a point; thence West and parallel to the South line of said Section, a distance of 299' to a point; thence South and parallel to the East line of said SW/4, a distance of 100' to a point; thence East and parallel to the South line of said Section, a distance of 299' to a point and place of beginning.

OTHER BUSINESS:

County Inspector Requests an Interpretation of Section 330 - Setbacks in AG and AG-R Districts.

Presentation:

Mr. Jones explained that a typographical error had been made when the Zoning Code was being compiled and that the setback requirement should have been 25' from a nonarterial street, rather than the 35' presently reflected in the Code.

Board Action:

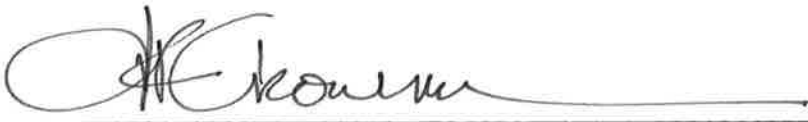
On MOTION of CROWLEY and SECOND by WALKER, the Board voted 3-0-0 (Crowley, Dubie, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to interpret The Tulsa County Zoning Code Section 330. Bulk and Area Requirements in Agriculture Districts, that building set-

County Inspector Request: (continued)

back from a nonarterial street in an AG-R District is 25'.

There being no further business to come before the Board, the Chair adjourned the meeting at 3:45 p.m.

Date Approved 23 June 1981


Chairman