

TULSA COUNTY BOARD OF ADJUSTMENT  
MINUTES (No. 12)  
Tuesday, August 18, 1981, 3:00 p.m.  
Room 119, Administration Building  
500 South Denver, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Martin Walker, Acting Chairman Wines	Crowley Dubie	Gardner Hubbard Jones	Edwards, Building Inspector's Office Raymond, District Attorney's Office

The notice and agenda of said meeting were posted in the Office of the Tulsa County Clerk on Monday, August 17, 1981, at 9:38 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Acting Chairman Walker called the meeting to order at 3:16 p.m.

MINUTES:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve the Minutes of July 21, 1981, (No. 11).

MINOR VARIANCES AND EXCEPTIONS:

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Action Requested:

Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of 1630 - Minor Variances) request for a variance of the area requirements from over 2½ acres to .58 acres for Tract I and .932 acres for Tract II to permit a lot-split in an AG District. This property is located southeast of 198th Street and Elwood Avenue.

Presentation:

Mr. Jones advised the Board that, on August 5, 1981, the Tulsa Metropolitan Area Planning Commission approved a lot-split (L-15247), subject to the approval of the Tulsa County Board of Adjustment.

Arthur Peters, 338 South Xanthus Avenue, was present to address the Board and advised that the subject tract of land was 20 acres, was owned by his wife's family, and that they wished to split the lot in order to construct a residence on a portion of it for themselves.

Protestants: None.

Board Comments:

Mr. Martin asked Mr. Peters if there were any problems in the form of utilities or a sewer system. Mr. Peters advised that he was still working with the City-County Health Department in regard to the septic system; however all other problems had been solved and he was only awaiting a test from the Health Department. He stated that water and electricity were available and that gas was not available. Mr.

Martin asked Mr. Peters if the residential dwelling was in existence or if it was a proposed structure. Mr. Peters advised that the structure was proposed and would be constructed following necessary approval.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of 1630 - Minor Variances) of the area requirements from over 2½ acres to .58 acres for Tract I and .932 acres for Tract II to permit a lot-split (L-15247) in an AG District, subject to Tulsa City-County Health Department approval, on the following described property:

The W/2 of the SE/4 of the SW/4 of Section 12, Township 16 North, Range 12 East, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

Action Requested:

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 that has a residence on it and a mobile home; and, an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) request for an exception to permit a mobile home in an RS District. This property is located at 913 Valley Drive, Sand Springs, Oklahoma.

Presentation:

Mr. Jones advised the Board that this application had been continued from July 21, 1981, at the request of the Tulsa City-County Health Department in order that they might view the property and check the septic system. Mr. Jones further advised that he had received notice from the City-County Health Department that the septic system had been approved.

Sharon Cox, 913 Valley Drive, Sand Springs, Oklahoma, was present; however, she did not address the Board.

Protestants: None.

For the Record:

Mr. Gardner advised for the record that the application was for two mobile homes and a residence.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve 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 that has a residence on it and a mobile home; and, an Exception (Section 410 - Principal Uses Permitted in

Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RS District, on the following described property:

Lot 14, Block 9, Charles Page Home Acres No. 2 Addition to Tulsa County, Oklahoma.

NEW APPLICATIONS:

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) request for an exception to permit a mobile home in an RS District; 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 that has a residence on it. This property is located at 1025 East 56th Street North.

Presentation:

Jesse Jones, 1025 East 56th Street North, was present to address the Board and advised that, in the past, she has cared for an 80-year-old man and his handicapped son, and that she wished to locate a mobile home on her property for the two. She stated that the two men have been living in a small, hot apartment across town and that she did not feel that she was able to continue caring for them from that distance with the winter months approaching and the price of gasoline. Ms. Jones advised that she had been given permission by the Building Inspector's Office to temporarily locate the mobile home on the property and hook all the utilities up to it, so it is presently situated on the lot and has been inspected.

Protestants: None.

Board Comments:

Mr. Martin asked if Health Department approval was required and was advised by the staff that it was on a sanitary sewer system.

Chairman Walker asked if there were other mobile homes in the area and Ms. Jones advised that there was one located on the lot directly next to her.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RS District; 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 that has a residence on it, on the following described property:

Beginning 451' West of the SE corner of the SE/4 of the SE/4 of Section 1, Township 20 North, Range 12 East; thence West

50'; thence North 224'; thence East 50'; thence South 224' to the point of beginning to the County of Tulsa, State of Okla.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680) request for an exception to permit an automobile repair and body shop in a CS District. This property is located at 140th West Avenue and Highway #51.

Presentation:

Mr. Jones submitted to the Board a letter (Exhibit "A-1") from David Mick, Chairman, Sand Springs Board of Adjustment, dated August 6, 1981, advising that, since Board of Adjustment Case Numbers 95 and 100 are quite some distance from the present corporate limits and are not likely to become included in the limits for the foreseeable future, it was the feeling of the Sand Springs Board of Adjustment that there was no need to hold referral public hearings pertaining to the two applications. Mr. Mick also thanked the Tulsa County Board of Adjustment for being given the opportunity to review and comment on the applications.

Wayne and Peggy Harrison, 14501 Alfalfa Lane, Sand Springs, Oklahoma, were present to address the Board and submitted a plot plan (Exhibit "A-2"). Mrs. Harrison advised that the closest building to that on the subject property was  $\frac{1}{2}$  mile away and was a convenience store selling automotive and diesel fuel. She further advised that she and her husband operated a very respectable business, that it was very clean, that all work was scheduled by the week in order to ensure that there was not an overflow in vehicles which would result in outside storage of the automobiles. Mrs. Harrison explained that all autos were kept inside the building and that all work was performed inside the structure. Mr. Harrison stated that they were leasing the property and the structure with an option to buy and that all the equipment needed to operate the business had been moved in and set up. He explained that they were unaware that an exception was needed in order to operate in a CS District until the Building Inspector informed them when they were in the process of putting a small office within the structure.

Protestants:

C. H. Todd, Route 4, Box 800, Sand Springs, Oklahoma, advised the Board that he owned the property directly east of the subject property. Mr. Todd stated that he had been approached by Mr. Harrison some months earlier about operating an automobile repair and body shop at the location and that he had informed Mr. Harrison that he was not in favor of the idea--that he felt a commercial strip shopping center would go in. Mr. Todd also briefed the Board members on the transactions made by the State of Oklahoma Department of Transportation when the acquisition of land for Highway #51 and #64 occurred.

Remarks:

Mr. Gardner advised that the proposed type of activity in that particular area could present a problem if work and storage was permitted out-

side the structure on the property; however, since all storage and work is kept on the interior of the structure, the use should present no problem.

Board Comments:

Mr. Walker asked Mr. Harrison if there had been an access door to the structure built in or if they planned on doing so. Mr. Harrison replied that an access had been built into the front of the structure.

Board Action:

On MOTION of WINES and SECOND by MARTIN, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680) to permit an automobile repair and body shop in a CS District, subject to no outside storage or work being performed on the premises, and subject to monitoring by the Building Inspector's Office, on the following described property:

Prt SE NW Beg. 2109 S. & 1809 E. NWC NW Th N 351.7 NW 112 N 100 NW 105.2 S 385 SEly 247.7 POB Less Beg. 1715.21 SE Intr WL NW & S Hwy R/W Th SE 105.2 S 99.66 NW 105.6 N 99.52 POB Sec 16 19 11 1.50 acs.

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) request for a variance of the size of an accessory building from 750 square feet to 1,200 square feet in an RS District. This property is located at 6145 West 42nd Street.

Presentation:

Oden and Ruth Garrison, 6145 West 42nd Street, were present to address the Board and advised that they owned a trash service requiring adequate storage space. Mr. Garrison stated that he built a 1,200 square-foot accessory building (pole barn) in which to park his trash hauling truck and several other vehicles that he owns. He advised that the barn had a cement floor and was for storage purposes only--that he did not perform any type of vehicular work for a profit or for pleasure.

Protestants: None.

Board Comments:

Board members expressed a concern over the fact that debris and material might, in the future, accumulate outside the storage building and also that the structure might be used for commercial purposes at some point in the future. The applicant assured the Board members that it was not his intention for those problems to occur.

Remarks:

Mr. Gardner advised the Board members that they could place certain restrictions on the approval, thus preventing the concerns voiced from occurring.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the size of an accessory building from 750 square feet to 1,200 square feet in an RS District, subject to the following conditions: (1) All material, vehicles, and equipment must be stored inside the structure; (2) there shall not be more than one (1) refuse truck on the premises; and (3) there shall be a covenant filed with the Tulsa County Clerk's Office stating that there will be no commercial business performed within the structure, all on the following described property:

Lot 7, Block 2, Lewis Terrace Addition to the County of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) request for an exception to permit a mobile home in an RS District. This property is located at 6414 North Quincy Ave.

Presentation:

Jacqueline Chase, 1808 East 62nd Street North, the daughter of the applicant, Joe McClure, was present to address the Board and advised that her father was unable to attend due to the fact that he was ill. Mrs. Chase stated that her father had emphysema, as well as some other complications, and she wished to locate a mobile home on the subject property so that her son could reside there and look after his grandfather. Mrs. Chase explained that Mr. McClure owned six lots at the end of a block and that the mobile home would be situated on Lot 24, on which a mobile home had been located some years ago, because all the necessary utility hook-ups were available on that lot. She stated that the property was on a sanitary sewer system.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RS District, subject to the applicant making application to the Building Inspector's Office for a building permit, on the following described property:

Lot 24, Block 17, Golden Hill Second Addition to the County of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1680) request for an exception to permit a machine shop in a CH District. This property is located at 65th Street North and Peoria Avenue.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to continue Case No. 98 to September 15, 1981, in order to allow for the presence of the applicant.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) request for an exception to permit a mobile home in an RM-2 District; 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 two single-family dwellings on a single lot in an RM-2 District. This property is located at 7409 West 16th Street.

Presentation:

Clifford Dobyns, 6119 South Yorktown Avenue, Apartment #53, was present to address the Board and advised that his mother owned the subject property on which he wished to locate a mobile home behind her residence. He stated that he had set the electric pole and, when he called for an inspection, he discovered that he was required to appear before the Board for an exception and a variance. Mr. Dobyns advised that it was his intention to reside in the mobile home, but that he might not be moving into it for another six months. He stated that he had already purchased the mobile home and that there were quite a number of mobile homes in the area, with several along 16th Street. He also stated that the mobile home would be hooked up to a septic system and that the City-County Health Department had performed and approved the necessary perc test required.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RM-2 District; and, a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670) to permit two single-family dwellings on a single lot in an RM-2 District,

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subject to the applicant making application to the Building Inspector's Office for a building permit, on the following described property:

The West 1/2 of Lots 186, 187, and 188, Block B, Billington Acre Tracts, Tulsa County, Oklahoma.

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Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) request for an exception to permit a mobile home in an RS District; 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 that has a residence on it in an RS District. This property is located at 6819 North Trenton.

Presentation:

Nolen and Mary Goff, 835 North 93rd East Avenue, were present to address the Board and advised that her parents owned the subject property and that they would like to locate their mobile home on the tract of land. Mrs. Goff stated that the mobile home would be on a sanitary sewer system and that the mobile home would be located behind the residence of her parents.

Protestants: None.

Board Comments:

Mr. Martin asked Mrs. Goff if there were other mobile homes in the area. Mrs. Goff advised that there were five mobile homes located on 68th Street North and supplied the Board with those particular addresses.

Board Action:

On MOTION of WINES and SECOND by MARTIN, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RS District; 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 that has a residence on it in an RS District, subject to the applicant making application to the Building Inspector's Office for a building permit, on the following described property:

Lot 1, Whiteley & Orr First Addition to the County of Tulsa, Okla.

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Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1212 - Eating Places - Under the Provisions of Section 1680) request for an exception to permit an eating establishment in an IL District. This property is located at 5626 West 21st Street.

Presentation:

Judy Reeves, 5626 West 21st Street, was present to address the Board and submitted a plot plan (Exhibit "B-1"). Mrs. Reeves advised that  
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she and her husband had recently purchased the subject property and had located a small 14' x 70' building in which they wished to operate a small cafe.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1212 - Eating Places - Under the Provisions of Section 1680) to permit an eating establishment in an IL District, on the following described property:

TRACT I: The following described real estate situated in the County of Tulsa, State of Oklahoma, to wit: A tract of land in the NW/4 of the NW/4 of the NE/4 of Section 17, Township 19 North, Range 12 East of the Indian Base and Meridian, according to the U. S. Survey thereof, described as follows, to wit: Beginning at a point 50' South and 50' East of the NW corner of said NW/4 of the NE/4 of the NE/4; thence East parallel to the North Line thereof for 150'; thence South parallel to the West Line thereof for 150'; thence West 150' to a point that is 50' East of the West Line thereof; thence North 150' to the point of beginning; AND

TRACT II: A tract of land in the NW/4 of Section 17, Township 19 North, Range 12 East, Tulsa County, State of Oklahoma, said tract of land containing more than 2.5 acres, and said tract of land being described as follows, to wit: Beginning at the NW corner of said NW/4 of the NE/4; thence South  $0^{\circ}-39'-30''$  East along the West Line thereof for 433.41'; thence North  $61^{\circ}-19'-45''$  East for 130.60'; thence North  $87^{\circ}-44'-45''$  East for 166.89'; thence North  $6^{\circ}-43'-30''$  East for 175.70'; thence North  $71^{\circ}-18'-00''$  East for 132.90'; thence North  $3^{\circ}-18'-50''$  East for 147.30' to a point on the North Line of said NW/4 of the NE/4; thence Due West along the North Line thereof for 441.40' to the point of beginning, EXCEPT the North 150' of the West 200', LESS the North 50' thereof; and LESS the West 50' thereof in Section 17, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1209 - Mobile Home Dwellings - Under the Provisions of Section 1680) request for an exception to permit a mobile home in an AG-R District. This property is located at 14043 East 210th Street South.

Presentation:

Mr. Jones advised the Board that the applicant Don Ward, 824 West Elgin, Broken Arrow, had telephoned him and advised that he could not attend the meeting. Mr. Jones further advised that the Board had granted

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approval of a mobile home on the property directly to the north at its July 21st meeting (BOA Case #80).

Protestants: None.

Remarks:

Mr. Edwards advised that the plat itself is not limited to residential and will allow mobile homes.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve an Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1209 - Mobile Home Dwelling-Under the Provisions of Section 1680) to permit a mobile home in an AG-R District, on the following described property:

Lot 6, Block 7, Bixby Ranch Estates to the County of Tulsa, Okla.

OTHER BUSINESS:

- Communication From Casper Jones.

Presentation:

Mr. Jones advised that when an appeal from the decision of the Building Inspector is filed with the Board of Adjustment Office, the Building Inspector no longer has the authority to serve cease and desist orders, etc. He further advised that, the majority of the time, the applicants do not have their mailing lists consisting of the names and addresses of property owners within a 300' radius of the subject property with them. Mr. Jones explained that, presently, the Board of Adjustment Staff does not have the authority to dismiss the application for an appeal if the applicant does not furnish the mailing list within a certain time-frame because the Board has not adopted a set time-frame for such. He further stated that the City has a policy of allowing an applicant seven calendar days in which to provide the Office with the list of names and, if the applicant does not submit the information within that time-frame, the Staff has the authority to dismiss the application, whereupon the Building Inspector's Office can once again exercise its authority.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve and adopt a policy wherein an applicant filing an appeal from the decision of the Building Inspector is allowed a time-frame of seven (7) calendar days in which to submit to the Board of Adjustment Staff the required names and addresses and any other information needed by the Staff if the necessary information is not submitted within 7 calendar days, and after such time the application may be dismissed.

There being no further business to come before the Board, the Chair adjourned the meeting at 4:11 p.m.

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Date Approved Sept 25, 1981

Ed Rubin  
Chairman