

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES (No. 17)
Friday, January 15, 1982, 9:00 a.m.
Room 119, Administration Building
500 South Denver Avenue, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Martin, Chairman Tyndall Walker Wines	Dubie	Gardner Jones Martin	Jack Edwards, Build- ing Inspector's Off.

The notice and agenda of said meeting were posted in the Office of the Tulsa County Clerk on Wednesday, January 13, 1982, at 9:34 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Chairman Martin called the meeting to order at 9:15 a.m.

MINUTES:

Mr. Walker advised the Board that he had not received a copy of the November 20, 1981 minutes and wanted to read them before they were approved. The December 18, 1981 minutes were not ready for approval.

OTHER BUSINESS:

Mr. Martin read a letter of resignation from Casper J. Jones, who has served as the Secretary for the Board of Adjustment for the City for 30 years and for the County since September 1980, when it first began.

Mr. Martin, along with the other Board members, wished Mr. Jones the best of luck and expressed their appreciation for the fine service which he has given to the Board.

UNFINISHED BUSINESS:

Case No. 14

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, at 2005 South First Place, Broken Arrow, Oklahoma.

Presentation:

The applicant was not present to address the Board.

Mr. Jones advised the Board that this case was continued from December 1980, when the Board granted a home occupation for a wholesale distributor of candy and novelty items. It was approved for a period of one year, subject to the applicant coming back for a review of the application.

Protestants: None.

Case No. 14 (continued)

Board Comments:

Mr. Martin stated that he was familiar with this case since he works in Broken Arrow. He has received some reports concerning this case that it might be unfavorable and suggested that the Board continue it for another year.

Mr. Gardner stated that since there were no protestants who showed up, there may not be a great concern on this case. He stated that the neighbors were sent notices concerning this meeting. Mr. Gardner suggested that the Board could continue the item for a month, so that the applicant could be present.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to continue this case to January 17, 1983, subject to the same conditions being imposed at the previous meeting (see minutes of December 16, 1980).

Case No. 138

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; and, a
Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Variances - Request for a variance to permit two dwellings on one lot, located at 5703 West 23rd Street.

Presentation:

Mr. Jones advised the Board that this case was continued from the December 1980, meeting because the applicant was not present.

The applicant was not present to address the Board.

Board Comments:

Mr. Edwards advised the Board that Mr. Hoyt filed the application and was given a temporary electric hook-up.

Mr. Martin felt that the applicant should be present at the meeting and suggested that it be continued and notify the applicant by letter.

Protestants: None.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to continue this case to February 19, 1982, and that the applicant be notified of the meeting by letter.

NEW APPLICATIONS:

Case No. 125

Action Requested:

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an AG-R District located at the SE corner of 201st Street South and 131st East Avenue.

Presentation:

Larry Raper, P. O. Box 51, Bixby, Oklahoma, 74008, was present to address the Board. Mr. Raper advised that he is building a house on his 5 acres and is requesting permission to live in a mobile home on the same property until the house is completed.

Protestants:

Mr. Martin read a letter of protest from Philip E. Hecht (Exhibit "A-1"), who lives in the Bixby Ranch Estates where Mr. Raper also lives.

Board Comments:

Mr. Martin asked if there were other mobile homes in the area and Mr. Raper said there were other mobile homes on the south end of the area.

Mr. Walker asked how long the mobile home would be needed and Mr. Raper said he would need it for about 9 months.

Mr. Gardner referred to the letter stating that the restrictive covenants are private between the property owners in that area. He stated that the Board needs to judge this matter on its merits rather than on the covenants.

Mr. Jones advised that the Board granted 2 mobile homes in that same subdivision previously.

Applicant's Comments:

Mr. Raper said that there was a modular home in that same subdivision. He also added that the mobile home that he lives in now will be moved off the subject property when the house is completed.

Comments:

Mr. Edwards stated that a modular home is a double width trailer and is not considered a mobile home if it is tied down (secured) to a foundation.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to approve an Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an AG-R District, for a period of one year, subject to a building permit being issued, and subject to Tulsa City-County Health Department, and that the 2 dwellings not be occupied at the same time (mobile home must be removed upon completion of the new home), on the following described property:

Case No. 125 (continued)

Lot 1, Block 2, Bixby Ranch Estates Addition to Tulsa County, Okla.

Case No. 143

Action Requested:

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts-
Section 1224 (a) - Oil and Gas Extraction - Under the Provisions of Section
1680 - Request for an exception to permit oil and gas well drilling with
storage tanks in an AG-R District, located at 178th Street North and Garnett
Road.

Presentation:

Earl W. Arnold, 303 Center Office Building, was present to address the Board
on behalf of Jim Wolfe. There are 36 lots within this particular subdivi-
sion of which only six (6) lots have houses on them. Mr. Arnold advised
that they are not asking to drill within any area that is actually restricted
by the Zoning Code because they want to preserve the area and the aesthetic
value of the area.

Board Comments:

Mr. Martin asked who was proposing to develop the well(s) and Mr. Arnold
stated that a developer for the well(s) has not been determined at this
time. Mr. Arnold stated that he wanted to have the Board's approval before
any detailed plans were made.

Mr. Gardner advised that the zoning for the subject area is AG-R, which is
a designation of agriculture and residential. It is a subdivided residen-
tial area with the remaining 30 lots being vacant for which the applicant
is proposing to drill well(s).

Mr. Martin asked if there were other oil producing properties in the area
and Mr. Arnold stated that there was outside of the North Meadows II
Addition within 165' from the line on the north and south lines of the
Addition.

WINES made a MOTION to approve the application. The Chair felt that fur-
ther discussion was necessary.

Protestants or Interested Parties:

Kay M. Bayouth, Jr., 11617 East 179th Street North, was present to address
the Board stating that there is oil production surrounding the addition
where he lives. He felt that he and the other 5 property owners in the
immediate area should have the same right to drill on their own land if
they met the requirements.

Bob Butler, 1710 South Boston Avenue, was present to address the Board
representing his son-in-law, Terry Beaver, a resident in the subject area.
Mr. Butler advised that the road leading to the North Meadows II Addition
has not been brought up to standards and would not be suitable for heavy
equipment to travel on, as the access to the proposed drilling.

Mr. Butler, an attorney and chairman of the Excise Equalization Board for
the County took time out to recognize Mr. Casper Jones who is retiring
today. Mr. Jones has served as the Secretary for the Board of Adjustment
for 30 years. Mr. Butler extended the best of luck to Mr. Jones.

Case No. 143 (continued)

Cleo Dan Cearly, 11515 East 179th Street North, was present to address the Board indicating also that the property owners should have the right to drill on their own land.

Lou Powell, Jr., 17815 North 120th East Avenue, was present to address the Board and advised that the homeowners and developer in the subject area signed a list of agreements. He felt that the homeowners should have some control of where the well(s) are drilled and was also concerned about the ingress and egress.

Terry Beaver, 11416 East 179th Street North, was present to address the Board in protest to the proposal.

Board Comments:

Mr. Gardner reminded the Board that oil and gas drilling must be 300' or more from any existing residence and 165' or more from the property line. The homeowners in the area would have to ask for both an exception and a variance to drill on their own lots because of the 300' setback requirement from a residence and 165' from a lease line.

Mr. Martin was concerned about the ingress and egress for the proposed well(s). He was also concerned that the application was too general and felt that it would be more specific concerning the location of a specific well or wells.

WALKER made a MOTION with the following conditions: That it be approved for a portion of the area divided between the center of blocks 2 and 3, and that the area to the north be approved, that the residential road in the southern portion of this platted area not be used, but that another access road be used.

Discussion ensued as to various restrictions being placed in the motion.

Mr. Jones suggested that the Board approve the application, subject to the applicant coming back with a plot plan showing the exact location of each individual well.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 2-2-0 (Walker, Wines, "aye"; Martin, Tyndall, "nay"; no "abstentions"; Dubie, "absent") to approve an Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1224 (a) - Oil and Gas Extraction - Under the Provisions of Section 1680) to permit oil and gas well drilling with storage tanks in an AG-R District on the north-half of the area that has been delineated by the easement line, which would include Block 1, Lots 1-7, Block 2, Lots 1-7 and Block 3, Lots 1 & 2, and to restrict 179th Street from usage as industrial ingress and egress for that development, on the following described property:

Lots 1 thru 7, Block 1; Lots 1 thru 10, Block 2; Lots 13 thru 15, Block 2; Lots 1 thru 3, Block 3; and Lots 3, 5 & 6, Block 4; All in North Meadows II Addition to Tulsa County, Oklahoma.

Discussion still ensued as to the motion and the restrictions.

Mr. Gardner advised that unless there is a substitute motion, the

Case No. 143 (continued)

application is denied because the law requires 3 affirmative votes.

Applicant's Comments:

Mr. Arnold asked that the case be continued so that specific proposals could be brought to the Board.

Board Comments:

Mr. Martin felt that the application should be denied at this time and that the applicant reapply and bring more detailed plans to the Board.

There being no other motion, the application was denied.

Case No. 144

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - 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 - Variances - Request for a variance to permit a mobile home on a lot that has a mobile home on it, located at 4928 South 63rd West Avenue.

Presentation:

Roberta Brown, 4928 South 63rd West Avenue, was present to address the Board on behalf of her daughter. Her daughter wishes to live in the mobile home on a temporary basis until she and her husband move into their house which is presently being constructed.

Protestants: None.

Board Comments:

Mr. Martin asked if there were other mobile homes in the area and Mrs. Brown said that there were. Mr. Martin also asked if the mobile home was hooked up to a septic tank and Mrs. Brown answered yes. Mr. Martin advised the applicant that she needs to get a building permit for the mobile home.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) 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 - Variances) to permit a mobile home on a lot that already has a mobile home on it for a period of one year, subject to a building permit being issued, and subject to approval of the Tulsa City-County Health Department, on the following described property:

Lot 19, Block 1, John Hale Addition to Tulsa County, Oklahoma.

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Section 1203 - Horticultural Nursery - Request for a variance to permit a horticultural nursery in an RE District; and, a

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances - Request for a variance of the size of an accessory building from 750 square feet to 3,456 square feet (96' x 36' pole barn), located at 9200 North Osage Drive, Sperry, Okla.

Presentation:

Wayne Hendrix, representing Terry Hendrix, Rt. 1, Box 255, Sperry, Oklahoma, 74073, was present to address the Board. Mr. Hendrix and his son own a five acre tract which is 267' wide and 815' long, which has two zoning classifications. The north end which fronts on 92nd Street North is zoned residential and the south end is zoned agriculture. The AG zoning would require that the structure be built on the south end which would create a hardship of building a road there and extending expenses for utilities such as water, gas, telephone and lights. He advised the Board that he and his son grow flowering planted mums. They are requesting that the structure be built close to the mobile home for convenience.

Protestant or Interested Party:

Authur Teague, P. O. Box 419, Sperry, Oklahoma, was present to address the Board as an interested party. After looking at the map which indicated the subject property, Mr. Teague had no concerns or objections.

Board Comments:

Mr. Gardner advised that a horticultural nursery is permitted in an AG District by right. A true horticulture nursery will not allow any retail selling. The flowers can be grown here then taken somewhere else to be sold or distributed. Mr. Hendrix stated that there would be no retailing at the subject location.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1203 - Horticultural Nursery) to permit a horticultural nursery in an RE District, and, a

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the size of an accessory building from 750 square feet to 3,456 square feet (96' x 36' pole barn), and that no retail selling be permitted, subject to the issuance of a building permit, and that it be in compliance with the Tulsa City-County Health Department, on the following described property:

A tract of land in the SW/4 of the NE/4 of Section 23, Township 21 North, Range 12 East, Tulsa County, more particularly described as follows, to wit: Beginning at a point 700' East and 175' South of the NW corner of the SW/4 of the NE/4 of Section 23, Township 21 North, Range 12 East; thence South 815'; thence West 257'; thence North 815'; thence East 267' to the point of beginning, LESS a 25' road easement along the North line, containing 5 acres, more or less.

Case No. 146

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, located at 3340 South 63rd West Avenue.

Presentation:

The applicant was not present to address the Board.

Mr. Edwards advised the Board that the applicant has a building permit on the mobile home and a temporary electric hook-up. He stated that he did not have any problems with the application.

Protestants: None.

Board Comments:

Mr. Martin asked Mr. Edwards if there were other mobile homes in the subject area and Mr. Edwards answered in the affirmative.

Board Action:

On MOTION of WINES and SECOND by WALKER, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "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 (1) year, on the following described property:

Lot 17, Block 2, Berryhill Acres Addition to Tulsa County, Oklahoma.

Case No. 147

Action Requested:

Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities - Request for permission to use property for church use and church school use with related activities; and request for permission to operate a children's day care center, located west of the NW corner of 101st Street and 129th East Avenue.

Presentation:

Tom Summers, 1605 South Dogwood, Broken Arrow, Oklahoma, 74012, was present to address the Board and submitted a plot plan (Exhibit "C-1"). Mr. Summers referred to the diagonal marked area on the plot plan and requested that it be used for the purpose of expansion in the future. The initial structure for the first phase is approximately 6,000 square feet and they are expecting to have four (4) phases of construction. The plat shows two driveways and two accesses from 101st Street, but the initial structure would only include one of those. Mr. Summers advised that this case went before the Broken Arrow Board of Adjustment and the Broken Arrow Planning Commission this week in which they recommended approval, subject to the Tulsa County Board of Adjustment approval. Mr. Summer stated that the church use is requested, but also, an additional request for a school and day care center is before the Board.

Protestants: None.

Case No. 147

Board Comments:

Mr. Martin asked if the subject property was within the Broken Arrow Fence Line and Mr. Summers answered in the affirmative.

Mr. Martin inquired about the day care center and Mr. Summers stated that the request is not for a commercial-type of day care center, but one for the congregation.

Mr. Gardner suggested that if the case were approved that it be conditioned upon the dedication of the right-of-way to the Major Street and Highway Plan for 101st Street and any conditions imposed by Broken Arrow. Mr. Summer stated that the Broken Arrow Planning Commission members said that he would not have to go through the platting requirement.

Board Action:

On MOTION of TYNDALL and SECOND by WALKER, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use the property for church use and church school use with related activities; and permission to operate a children's day care center, subject to the recommendations of Broken Arrow, subject to the plot plan submitted, and subject to the dedication of the 101st Street right-of-way being in compliance with the Tulsa City-County Major Street and Highway Plan (50' from centerline) on the following described property:

E/2, SE/4, SW/4, SE/4 of Section 20, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 11:15 a.m.

Date Approved

February 19, 1982

William G. [Signature]

Chairman