

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES (No. 21)
Friday, May 21, 1982, 9:00 a.m.
Room 119, Administration Building
500 South Denver Avenue
Tulsa Civic Center

MEMBERS PRESENT

Alberty
Martin
Tyndall
Walker (in at 9:25 a.m.)
Wines

STAFF PRESENT

Compton
Gardner
Martin

OTHERS PRESENT

Jack Edwards,
Building Inspectors
Office

The notice and agenda of said meeting were posted in the Office of the County Clerk on May 19, 1982, at 11:03 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 9:10 a.m.

MINUTES:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 3-0-1 (Martin, Tyndall, Wines, "aye"; no "nays"; Alberty, "abstaining"; Walker, "absent") to approve the Minutes of April 16, 1982 (No. 20).

UNFINISHED BUSINESS:

Case No. 154

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Request for a variance of the bulk and area requirements to permit a lot-split. This property is located north and east of 126th Street North and 143rd East Avenue.

Presentation:

The applicant was not present to address the Board.

Mr. Gardner advised that the Planning Commission recommended approval of the item on March 17, 1982. He suggested that the case be continued so that the applicant can be present.

Protestants: None.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to continue this item to the June 18, 1982, meeting.

Discussion:

Mr. Martin requested that the Staff instruct the applicant to be present for the next meeting.

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request for permission for a home occupation in an RE zoned district; and a Variance - Section 240.3 - Use of Yards in R Districts - Request for additional time to remove an existing salvage operation on the subject tract. This property is located at 8316 North Florence.

Presentation:

The applicant was not present to address the Board.

Mr. Gardner advised that the applicant was given 90 days to remove his salvage operation and at this time, the Board would consider the request for a home occupation. Mr. Gardner suggested that the Board hear the interested party to inquire about any progress that has been made concerning the salvage removal.

Interested Party:

John Hayes, Rt. 1, Box 453, Sperry, Oklahoma, 74073, was present to address the Board stating that the applicant has removed approximately half of the salvage cars. Mr. Hayes advised that there are still 35 or more cars on the subject property which have not been removed.

Board Comments:

Mr. Martin suggested that the case be continued to monitor the removal of the cars rather than to deny the application. The Board felt that the applicant should be allowed an additional 60 days to remove all of the cars and proceed with legal actions if the cars are not removed. Mr. Wines suggested that the Building Inspector's Department monitor the removal process to make sure that the applicant is making progress on the project.

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none "absent") to permit the applicant 30 days to June 18, 1982 to remove the salvage cars with the operation being monitored by the Building Inspector's Department; if progress has been made at the end of 30 days, the Board may continue the time another 30 days for the total removal of the cars, and that the applicant be present at the June 18, 1982 meeting, on the following described property:

The North 432.2 feet of the East 330 feet of the NW/4 of the NE/4 of the SE/4, LESS the West 17.5'; Section 29, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 183

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Request for a variance of the bulk and area requirements to allow a lot-split. This property is located at the SE corner of 95th East Avenue and 136th Street North.

Presentation:

Mr. Gardner advised that the applicant is requesting a 30-day continuance of the case.

Protestants: None.

Board Action:

On MOTION of TYNDALL and SECOND by WINES, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to continue this item to the June 18, 1982 meeting.

NEW APPLICATIONS:

Case No. 186

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to locate a mobile home in an RS District. This property is located at 6708 North Norfolk Avenue.

Presentation:

Charlotte McCutchen, 6708 North Norfolk Place, was present to address the Board requesting to place a mobile home behind her dwelling. Ms. McCutchen's elderly mother will live in the mobile home so Ms. McCutchen can tend to her needs. Ms. McCutchen submitted a plat of survey showing the placement of the two dwellings (Exhibit "A-1").

Protestants: None.

Board Comments:

Mr. Martin asked if there were other mobile homes in the area and Ms. McCutchen answered no. He also asked about the sanitary sewer and Ms. McCutchen stated that she would have municipal service at her residence, which would be connected separately to the sewer system.

Mr. Alberty asked if she had discussed the request with her neighbors and Ms. McCutchen stated that she had and they had no objections.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to locate a mobile home in an RS District for a period of 5-years, subject to meeting the Building Inspector's requirements, on the following described property:

The South 100' of the North 333.66' of the West 264.86' of the SE/4 of the SE/4 of Section 36, Township 21 North, Range 12 East of the I.B. & M., Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof. 5.21.82:21(3)

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Request to locate a mobile home in an AG-R District and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for more than one dwelling per lot of record. This property is located at 9948 East 120th Street North.

Presentation:

Mr. Martin read a letter from the Owasso Board of Adjustment who recommended approval of the request with four conditions being imposed (Exhibit "B-1").

Harold Charney, attorney, 202 South Cedar, Owasso, was present to address the Board on behalf of J. H. Sharon. Mr. Charney submitted a petition of support containing approximately 16 names of neighbors who have no objection to the mobile home (Exhibit "B-2"). Mr. Charney also submitted two pictures of the subject property (Exhibit "B-3") and a page from the phone book listing a beauty shop located in a neighbor's home (Exhibit "B-4").

Mr. Charney advised that Mr. and Mrs. Sharon's daughter has moved her mobile home on the subject tract on her parent's property. There are four (4) other mobile homes in the immediate area. Mr. Charney advised that the utilities are already hooked up to the mobile home.

J. H. Sharon, Route 3, Box 507, Collinsville, Oklahoma, 74021, was present to address the Board stating that the present location of the mobile home is the best location for utilities, for convenience and closest to the driveway. Mr. Sharon advised that Mr. Bejeck, who is protesting the application and who lives next to the Sharons, agreed to the placement of the mobile home earlier and protested the application after the mobile home was placed at the same location as was proposed.

Protestants:

Tom Tannehill, attorney representing Mr. and Mrs. Larry Bejeck, Rt. 3, Box 506, Collinsville, Oklahoma, 74021, was present to address the Board. Mr. Tannehill submitted six (6) pictures of the proposed mobile home and the surrounding area (Exhibit "B-5"). Mr. Bejeck is not in protest to the application, but is concerned about the location of the mobile home because it is pushed directly into the property line. Mr. Bejeck, who lives directly west of the subject property, offered to pay half of the expense to have the mobile home placed at another location on the property prior to any utility hookups. Mr. Tannehill stated that Mr. Bejeck protests because the location of the mobile home would not give him any privacy. Mr. Tannehill stated that there is no hardship involved.

Larry Bejeck, Rt. 3, Box 506, Collinsville, Oklahoma, 74021, was present to address the Board stating that he objects to his privacy being taken away from him. He felt that a screening fence would not help since it is too close to the property line.

Board Comments:

Mr. Gardner advised that a mobile home is permitted in an AG-R District as a matter of right. He also stated that there are several mobile homes in the immediate area. The question which the Board should be

Case No. 187 (continued)

concerned about is the location of the mobile home on the lot and its compatibility with adjoining properties.

Mr. Wines asked Mr. Sharon if he could move his mobile home to a different location on the lot and Mr. Sharon stated that the present location is about the only place for the mobile home to be placed because there is a water problem on the east portion of the property.

Mr. Gardner suggested that the mobile home might be placed east and west on the property rather than north and south so that both parties could compromise.

The Board suggested that the case be continued to the end of the meeting so that the two parties could talk about the location and try to work it out among themselves.

After discussing the matter between themselves, the two parties could not come to an agreement so they decided to let the Board make the decision.

Board Comments:

The Board was concerned with the needs for both parties and felt that they should look at the mobile home on the subject property before making a decision. Mr. Wines also suggested that the two parties continue to talk and find a solution to the matter if possible.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none "absent") to continue this item to the June 18, 1982 meeting so that the Board members can view the site.

Case No. 188

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agricultural Districts - Request for an exception to permit an outdoor rhythm and blues music festival in an AG District, (Use Unit 20). This property is located at 171st Street and Lewis Avenue.

Presentation:

Gene Williams, 12139 East 36th Street, was present to address the Board and submitted a summary of planned activities for the proposal (Exhibit "C-1"). Mr. Williams is requesting permission to hold an outdoor rhythm and blues music festival on the Gomer Evans' Ranch which is being leased to the applicant for this purpose. The festival will be a one day event which will begin at noon on Saturday, July 3, 1982. Mr. Williams stated that the subject property is located three (3) miles to the east of the Okmulgee Beeline and three (3) miles to the west of Memorial Drive.

Protestants: None.

Board Comments:

Mr. Martin asked the applicant if he had discussed the program with the County Commissioner in that district and Mr. Williams answered no.

Case No. 188 (continued)

The Board was concerned with the potential traffic problem. The Board wanted a written response from the Sherrif's Department, highway patrol, on-site security and security traffic control plan and also the plan for sanitary service and approval from the City-County Health Department.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none "absent") to continue this item to the June 18, 1982 meeting.

Case No. 189

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for more than one dwelling per lot of record. This property is located at 2321 South 1st Place.

Presentation:

Mr. Martin read a letter (Exhibit "D-1") from the Broken Arrow City Planner stating that they cannot recommend approval of the request at this time, but suggested that the case be continued to the next meeting.

The applicant was present, but was unaware of the request for continuance.

Protestants: None.

Comments:

Mr. Gardner advised that the subject property is zoned AG. He stated that there is an existing house on the subject property and inquired about the size of the tract. If the tract were split and each structure were placed on a tract containing a minimum of two acres, the applicant would not have to have the Board's approval. The applicant, however, only has approximately 3 acres, and therefore, has to have approval from the Board.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to continue this item to the June 18, 1982 meeting.

Case No. 190

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for permission to locate a mobile home in an RS District. This property is located North of West 61st Street, between South 68th Street and South 69th West Avenue.

Presentation:

William Treadwell, P. O. Box 611, was present to address the Board requesting permission to locate his mobile home on the subject property. Mr. Treadwell stated that there was a mobile home on the property previously.

Protestants: None.

Case No. 190 (continued)

Board Comments:

Mr. Martin asked if there were other mobile homes in the area and Mr. Treadwell stated that there were several in the area.

Mr. Martin asked about the sanitary sewer system and Mr. Treadwell stated that he is presently hooking the mobile home onto the sanitary sewer system.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to locate a mobile home in an RS District, for a period of five years, subject to the Tulsa County Building Inspector's regulations, and subject to the sanitary system hookup, on the following described property:

Lots 13 to 24 inclusive, Block 57, Taneha Addition to Oakhurst, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 191

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for permission to allow two dwelling units on a lot of record. This property is located at 19202 East 111th Street South.

Presentation:

Mr. Martin read a letter (Exhibit "E-1") from the Broken Arrow Board of Adjustment recommending approval of the application.

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwelling units on a lot of record, on the following described property:

The N/2 of the NE/4 of the NE/4 of the NE/4, Section 36, Township 18 North, Range 14 East; LESS a tract of land beginning 462' West of the NE corner of said Section 36; thence West 198'; thence South 330'; thence East 198'; thence North 330' to the point of beginning all being in Tulsa County, Oklahoma.

Case No. 192

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to place a mobile home in an RS District. This property is located north of the NW corner of 73rd Street and Victor Ave.

Case No. 192 (continued)

Presentation:

Linda Eaton, 7308 North Victor Avenue, was present to address the Board requesting permission to place her mobile home on her parents property. The mobile home would be located north of her parents' home.

Protestants: None.

Board Comments:

Mr. Martin asked if there were other mobile homes in the area and Ms. Eaton stated that there are many mobile homes in the area. She advised that she had talked to her immediate neighbors about the proposal and they had no objections.

Mr. Gardner advised that a time-limit would not be needed for this application, since there are many problem homes in the area.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to place a mobile home in an RS District, subject to Tulsa City-County Health Department and Building Inspector's regulations, on the following described property:

The North 155' of Lot 12, Block 4, Golden Hill Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 193

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to locate a mobile home in an RS District; and a Variance - Section 440.6 - Special Exception Uses in Residential Districts - Request for a variance of the one year time-limit. This property is located at 4916 South 63rd West Avenue.

Presentation:

Ruth Mass, 5359 East Young, was present to address the Board requesting permission to place her mobile home on the subject property. Ms. Mass is in the process of buying the property in question and will close the deal on May 28, 1982.

Protestants:

Hazel Gibson, 2814 East 45th Street North, was present to address the Board concerning a legal issue dealing with the subject property. Ms. Gibson advised that she previously owned the property and has not fully paid the taxes on the property. She is in protest in permitting Ms. Mass to place her mobile home on the subject property.

Board Comments:

Mr. Walker asked if there were other mobile homes in the area and Ms. Mass answered in the affirmative.

Mr. Martin asked if the property was served by sanitary sewer system and Ms. Mass stated that it will be hooked up to a septic tank.

Case No. 193 (continued)

Mr. Gardner advised that this Board cannot act on legal matters which involve two private parties and should be concerned with the land use in question only. He also stated that the variance which is requested is not needed because the County Zoning Code has been amended and does not require a time-limit.

Board Action:

On MOTION of TYNDALL and SECOND by ALBERTY, the Board voted 4-0-1 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; Wines, "abstaining"; none "absent") to approve a Special Exception (Section 440.6 - Principal Uses Permitted in Residential Districts) to locate a mobile home in an RS District, subject to the Tulsa City-County Health Department, on the following described property:

Lot 15, Block 1, John Hale Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 194

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to place a mobile home in an RE District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to place two residences on one lot of record. This property is located West of the NW corner of 76th Street North and Madison Avenue.

Presentation:

Robert Brumley, 801 East 76th Street North, was present to address the Board requesting permission to place his mobile home on the subject property which is a 5-acre tract. Mr. Brumley stated that there are other mobile homes to the north, south, east, and west.

Protestants: None.

Board Comments:

Mr. Edwards, from the Building Inspector's Office, advised that a building permit is required.

Mr. Martin asked if the mobile home was on a septic tank system and Mr. Brumley answered in the affirmative.

Board Action:

On MOTION of WINES and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to place a mobile home in an RE District, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to place two residences on one lot of record, on the following described property:

Beginning 839.28' South of the NW corner of Cedar Hill Addition; thence South 454.97' to a point 30' North of the South line of the SE/4; thence West 538'; thence North 455'; thence East 538' to the point of beginning, all in Section 25, Township 21 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 195

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow a mobile home in an RS District. This property is located at 13338 East 129th Street.

Presentation:

Mr. Martin read a letter (Exhibit "F-1") from the Broken Arrow Board of Adjustment recommending approval of Case No. 26, which was an application by Mr. Mantooth to allow a mobile home in an RS District. The Board recommended a 90-day extended period for Mr. Mantooth to sell or move the mobile home from the subject tract.

William Mantooth, Rt. 5, Box 220, Broken Arrow, Oklahoma, 74012, was present to address the Board requesting the extended 90-day period to sell his mobile home. He advised the Board that if he did not sell the mobile home within 90 days, he would move it from the property in question.

Protestants: None.

Board Comments:

Mr. Albery suggested that the case be continued for 90-days with the intent that the applicant will sell the mobile home or dispose of it within that time.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 5-0-0 (Albery, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none "absent") to continue this case to the August 20, 1982 meeting with the intention that the applicant will remove his mobile home from the subject property within 90 days.

Case No. 197

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts- Request for a home occupation for the storage of trucks and drilling rigs overnight; and a
Variance - Section 410 - Principal Uses Permitted in Residential Districts- Request for a use variance to allow the storage of trucks and drilling rigs overnight. This property is located west of 126th West Avenue and North 141st Street South.

Presentation:

Mr. Martin read a letter (Exhibit "G-1") from the Glenpool Board of Adjustment recommending approval of the application.

Sam Allen was present to address the Board on behalf of Eddie Whitchurch, Box 397, Kiefer, Oklahoma, 74041, and submitted a letter (Exhibit "G-2") from Texaco stating that they have no objections to the property being used for the intended purpose. The request is to permit the continuance of a preexisting nonconforming use. Texaco is cutting back half of the use of their property and is leasing two acres to Mr. Whitchurch, which is located on the southeast corner of the 80-acre subject tract.

Case No. 197 (continued)

There will be a garage on the subject property and a 24' x 24' movable office building on the property. Mr. Allen stated that there will be a guard living in a mobile home on the property at night to watch the equipment and trucks.

Protestants:

Mrs. W. E. Jones, Route 2, Box 134, Glenpool, Oklahoma, 74033, was present to address the Board protesting the appearance of the use. She stated that she was not in protest to the application, but wanted the site to be kept clean and kept up which their present operation is not.

Board Comments:

Mr. Martin asked if the nonconforming use would terminate when the property was sold and Mr. Gardner stated that it would not, but that it runs with the land.

Mr. Wines asked if their lease has a condition concerning the cleanliness of the property, and Mr. Allen stated that the neatness of the yard is a condition of the lease, and if not maintained, the lease will terminate.

Mr. Martin suggested that if the application is approved that it be approved for a one-year period in which the applicant can come back to the Board concerning the operation and the cleanliness. Mr. Alberty suggested that the approval be reduced to the 2-acre subject tract. Mr. Edwards asked if any signs would be used and Mr. Allen answered no.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none "absent") to find that the 2 acres are an established nonconforming industrial use and to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts) to allow the storage of trucks and drilling rigs overnight as requested and presented, and to approve the additional 24' x 24' office building, for a period of one-year, subject to the applicant returning to the Board in one-year (May 20, 1983) in order to continue the use beyond that time, on the following described property:

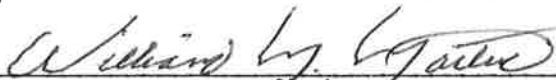
The Southeast two (2) acres of the described tract as follows, to wit:

The North-Half of the SW/4 of Section 15, Township 17 North, Range 12 East, Tulsa, Tulsa County, Oklahoma.

There being no further business, the Chair adjourned the meeting at 11:55 a.m.

Date Approved _____

June 18, 1982



Chairman