

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES (No. 22)
Friday, June 18, 1982, 9:00 a.m.
Room 119, Administration Building
500 South Denver Avenue
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Tyndall Walker, Acting Chairman Wines	Martin	Compton Jones Martin	Jack Edwards, Building Insp's. Office

The notice and agenda of said meeting were posted in the Office of the County Clerk on June 15, 1982, at 2:46 p.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 9:05 a.m.

MINUTES:

On MOTION of TYNDALL and SECOND by WINES, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to approve the Minutes of May 21, 1982 (No. 21).

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:

James Borgsmiller, 7443 East 68th Place, was present to address the Board. Mr. Borgsmiller is requesting permission to split the 2.7 acre tract into two 1.35 acre tracts with the dividing line running north and south. A mobile home will be placed on the back tract and one will be placed on the front tract allowing a 30-foot variance of the frontage with an easement to the back half.

Protestants: None.

Board Comments:

Mr. Tyndall asked if there were other mobile homes in the area and Mr. Borgsmiller advised that the subject area is located within a mobile home subdivision.

Case No. 154 (continued)

Board Action:

On MOTION of TYNDALL and SECOND by WINES, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts) of the bulk and area requirements to permit a lot-split (L-15414) on the following described property:

TRACT I: Beginning on the NE corner of said tract; thence West 317.5'; thence South 173.68' to a point that is 15' North of the South line of said tract; thence parallel to the South line East 282.5' to a point that is 35' West and 15' North of the Southeast corner of said tract; thence at an angle to a point that is 30' North of the Southeast corner; thence North 158.65' to the Point of Beginning: AND,

TRACT II: Beginning at the Northwest corner of said tract; thence South 188.68' East 685'; thence North 30' to the Southwest corner at an angle 40" to a point 15' North and 30' West of the Southeast corner of said tract; thence West 282.5'; thence North 173.68'; thence West 317.5' to the Point of Beginning, Tulsa County, Oklahoma.

Case No. 155

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Requests 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 Avenue.

Presentation:

The applicant was not present to address the Board.

The Staff advised the Board that the applicant was notified to be present for this meeting.

Protestant:

John Hays, Rt. 1, Box 453, Sperry, Oklahoma, 74073, was present to address the Board. He advised the Board that the applicant has removed about 3 or 4 cars from the subject property; however, there are still approximately 35 cars on the tract.

Board Comments:

Mr. Edwards advised the Board that he had monitored the subject tract since the last meeting and the applicant has failed in his effort to clear the property of the rest of the cars.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to deny a Special Exception (Section 420 - Accessory Uses in Residential Districts) for a home occupation in an RE zoned district; and a Variance (Section 240.3 - Use of Yards in R Districts) for additional time to remove an existing salvage operation on the subject tract, and allow the applicant 60 days to clean up the property, on the following

Case No. 155 (continued)

described property:

The North 432.2' of the East 330' 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.

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 southeast corner of 95th East Avenue and 136th Street North.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Comments:

TYNDALL made a MOTION to deny the application, but due to the lack of a second, the motion died.

The Board discussed the size of the subject property and its location.

Jack Edwards advised that the Planning Commission approved the application, subject to approval from this Board.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts) of the Bulk and Area Requirements to allow a lot-split (L-15440)*, subject to Tulsa City-County Health Department*, on the following described property:

The North 238.60' of the West 421.46' of the East 1,135.90' of the NE/4 of Section 36, Township 22 North, Range 13 East, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof; subject to natural gas line easement on the North 50' thereof; and subject to water line and gas line easements on the East 50'; and subject to 1/4 (one quarter) mineral reservation by a prior owner, EXCEPT that an easement for roads, streets with right of ingress and egress, is hereby retained over the Easterly 30' of said tract, to serve said tract, and/or any other properties.

*Tulsa City-County Health Department denied the request, since the property would not perc properly.

Case No. 187

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. Walker referred to the letter from the Owasso Board of Adjustment recommending approval of the request which was presented at the previous meeting.

Case No. 187 (continued)

Harold Charney, 202 South Cedar, Owasso, attorney, representing J. H. Sharon, was present to address the Board. Mr. Charney advised that a privacy fence is currently being erected on the subject property. Mr. Charney advised that the applicant is willing to comply with any conditions imposed by the Board. The applicant is willing to black out or box up the window on her trailer which is offensive to the protestant.

Protestants:

Larry Bejeck, Rt. 3, Box 506, Collinsville, Oklahoma, 74021, was present to address the Board in protest to the application. He advised that the privacy fence will not cover the window and will still deprive him of his privacy. He stated that he still has no privacy with the mobile home being placed at its present location. He suggested that the mobile home be moved over 50 feet or turned around so as not to interfere with his privacy.

Board Comments:

Most of the Board members had the opportunity to visit the subject site as was suggested at the previous meeting. The Board felt that the location of the mobile home was not in violation of the Code, but conformed to the Code's requirements.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 3-0-1 (Alberty, Tyndall, Walker, "aye"; no "nays"; Wines, "abstaining"; Martin, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to locate a mobile home in an AG-R District, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) for more than one dwelling per lot of record, to approve the mobile home as it exists and that the applicant extend the existing privacy fence (8 feet) to at least the south end of the mobile home and additional screening or landscaping for additional privacy be imposed especially close to the window which concerns the protestant, approved for a period of two (2) years, and subject to Tulsa City-County Health Department approval of the septic system, on the following described property:

The East 180' of the West 1,216' of the S/2 of the N/2 of the SW/4, Section 6, Township 21 North, Range 14 East, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

Case No. 188

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agricultural Districts - Request for a temporary open air use to permit an outdoor rhythm and blues music festival in an AG District (Use Unit 2); and a 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 letter from Tulsa City-County Health Department (Exhibit "A-1"). Mr. Williams advised that he had visited the Sherrif's Department who requested that the Board contact them if their service was needed for

Case No. 188 (continued)

the outdoor rhythm and blues music festival. Off-duty peace officers would also be available for the activity for security purposes. They would not be uniformed, but would have a tag indicating their responsibility.

Protestants: None.

Board Comments:

Mr. Wines inquired as to the entrances and exits onto the subject tract and Mr. Williams advised that there would be one at 171st and another one will be a half of a mile east of the subject property.

The Board inquired as to the safety precautions and Mr. Williams advised that an ambulance and paramedics will be on site.

The Board was concerned that more security be required and that they be in uniform. They were also disappointed that the applicant had not provided all the information (written documentation) which they had requested of him at the previous meeting.

Board Action:

On MOTION of TYNDALL and SECOND by ALBERTY, the Board voted 3-0-1 (Alberty, Tyndall, Walker, "aye"; no "nays"; Wines, "abstaining"; Martin, "absent") to deny a Special Exception (Section 310 - Principal Uses Permitted in Agricultural District) for a temporary open air use to permit an outdoor rhythm and blues music festival in an AG District, and a Special Exception (Section 310 - Principal Uses Permitted in Agricultural Districts) to permit an outdoor rhythm and blues music festival in an AG District (Use Unit 20) on the following described property:

The W/2 of Section 32, Township 17 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

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

Jana Miller, 2321 South 1st Place, was present to address the Board requesting permission to place the mobile home on the back of her mother-in-law's 3.04 acre tract, which is not large enough to permit a lot-split. There will be two dwellings on the subject property if the application is approved.

Protestants: None.

Board Comments:

Mr. Walker asked if there were other mobile homes in the area and Mrs. Miller advised that there were many in the immediate area.

Case No. 189 (continued)

Board Action:

On MOTION of WINES and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) for more than one dwelling per lot of record, for a period of three (3) years, to be limited to the Miller family only and not for rental purposes, subject to approval by Tulsa City-County Health Department, on the following described property:

The South 155' of the North 310' of the N/2 of the SW/4 of the SE/4; LESS the East 467' in Section 23, Township 18 North, Range 14 East, containing 3.04 acres, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

NEW APPLICATIONS:

Case No. 196

Action Requested:

Variance - Section 1209.3 - Use Conditions - Request for a variance of the screening requirement from an abutting RS or RD District. This property is located between 63rd Street North and East 61st Court North and between Wheeling Avenue and Xanthus Place.

Presentation:

John Laizure, 7602 Glenwood Circle, Broken Arrow, was present to address the Board and submitted a copy of the Planning Commission Minutes when the subject tract was rezoned to RMH (Exhibit "C-1") and twelve (12) pictures of homes in the immediate area (Exhibit "C-2").

The subject area is used as a housing development with conventional type built homes and mobile homes. The applicant is requesting a variance of the screening requirement because the original application conceded to leave the south portion zoned RS-3 and to buffer it from the rest of the homes in the area.

Protestants:

Suzanne Hall, 1909 East 61st Place North, was present to address the Board in protest to the application. Ms. Hall submitted a petition of protest bearing approximately 40 signatures (Exhibit "C-3"). She advised that a separate entrance was proposed for the mobile home park area, but that road has now deteriorated. She advised that heavy trucks are continually traveling on the residential roads. She requested that the applicant be required to place the screening on the subject property.

Stephanie Kuykerdale, 1902 East 61st Place North, was present to address the Board protesting to the heavy trucks which travel on the residential roads. She advised that the area is very dangerous since most of the families in the area have small children. She was also concerned because most of the mobile homes do not have skirting on them.

Applicant's Rebuttal:

Mr. Laizure advised that construction and development projects are quite unsightly until the project is completed. He advised that the mobile homes would be skirted.

Case No. 196 (continued)

Board Remarks:

Mr. Alberty felt that the screening should be imposed on the south portion, but should not be required on the west side of the subject property.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to waive the screening requirement along the west side of the development where there is existing trees and vegetation to provide the screening and not to waive the screening requirements along the south side of the development, on the following described property:

Lots 1-14 and Lots 26-41, Block 1; Lots 16-41, Block 3, Lots 1-15, Block 4; and Lots 1-10, Block 5, Scottsdale Addition, County of Tulsa, Oklahoma, according to the recorded Plat thereof.

Case No. 198

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the 75' setback from abutting R Districts; and a
Variance - Section 1225.3 (b) - Use Conditions - Variance of the screening requirement from abutting R Districts. This property is located at 4500 West 57th Street.

Presentation:

Jim Pattison, 902 West 23rd Street, was present to address the Board and submitted a copy of the plot plan, floor plan and elevation plan (Exhibit "D-1"). Mr. Pattison, who owns an interior-finish contracting business, advised that he intends to construct a 60' x 100' building on the west side of the subject tract for a warehouse and office. He is requesting a variance of the 75' setback requirement and is requesting that the screening requirement be waived.

Protestants: None.

Interested Party:

Joe Woodson, 4548 West 57th Street, was present to address the Board inquiring about the screening on the east property line since the business will be located on the west side of the property. He also wanted to inform the applicant of the sewer line which runs across the subject property.

Board Comments:

The Board discussed the screening requirement and the applicant's request for a waiver. Mr. Pattison and Mr. Woodson agreed to work together concerning the screening which will separate their property.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) to waive the 75' requirement and require a minimum 10' requirement on the west property line, and that no screening requirement be imposed, but that the applicant and interested party work

Case No. 198 (continued)

together concerning the screening aspect, on the following described property:

Lot 5, Block 2, Bozarth Acres, Tulsa County, Oklahoma.

Case No. 199

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Request for a variance of the setback from an abutting R District from 85' to 25'. This property is located at 6509 North 115th East Avenue.

Presentation:

John Kornegay, P. O. Box 66, Owasso, Oklahoma, was present to address the Board and submitted a plat (Exhibit "E-1"). The plat drawing shows the mini-storage units which presently exist on the subject property. The storage units are 20' wide when constructed and Mr. Kornegay is now proposing to construct another building on his property. A 30'-wide building is proposed for the remaining 94.06' on the east portion of the subject tract. Therefore, a variance is requested of the 75' setback requirement to 25'.

Protestants: None.

Staff Comments:

Mr. Compton advised that the applicant came before the Board in 1979 and was denied his request. Since that time, the property to the north of the subject property has recently been zoned from AG to IL. He also advised that there has been physical conditions which occurred on both properties. There was no protestants at the previous meeting.

Mr. Alberty asked if there was a floodplain problem which exists and Mr. Edwards assured the Board that there was not.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts) of the setback from an abutting R District from 75' to 25' on the following described property:

Lot 1, Block 1, Village Industrial Park, Tulsa County, Oklahoma.

Case No. 200

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the setback from 49th West Avenue from 100' to 67'. This property is located south of the southwest corner of 21st Street and 49th West Avenue.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Case No. 200 (continued)

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to continue this item to the July 16, 1982, meeting.

Case No. 201

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agricultural Districts - Request to allow a church in an AG-R District. This property is located at the SW corner of 116th Street North and 123rd East Avenue.

Presentation:

Jo Gibson, Rt. 3, Box 530, Collinsville, Oklahoma, 74021, was present to address the Board and requested permission to allow a church on the subject property. She advised that she has pictures and a blue print of the proposed structure, but failed to bring them.

Ron Folsom, who resides in Collinsville and is a member of the Cumberland Presbyterian Church which is proposed on the subject property, was present to address the Board. Mr. Folsom advised that the Church recently purchased the 3.8 acre tract and they are proposing to construct a church complex with many phases involved.

Protestants: None.

Interested Party:

Robert Lake, 11426 North 123rd East Avenue, Rt. 3, Box 635, Collinsville, Oklahoma, was present to address the Board as an interested party concerning the site plan. He had no objections to the use.

Board Comments:

The Board advised the applicant that the use could be approved, but the plot plan would have to be brought to the Board for approval and conditions could then be placed on the approval. Mr. Alberty suggested that the applicant review the site plan with the Staff prior to the Board's review.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agricultural Districts) to allow a church in an AG-R District, to approve the church use only, subject to the applicant coming to the Board with the site plan for review prior to the issuance of a building permit, that the case be continued to the July 16, 1982, meeting, on the following described property:

A tract of land in the NW/4 of the NW/4 of the NE/4 of Section 8, Township 21 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as: Beginning at the NW corner of the NE/4 of Section 8,; thence South 288.73'; thence East 633.6'; thence North 288.7' to a point on the North line of Section 8; thence West 633.74' along the North line to the Point of Beginning; LESS the North 30' for Roadway Easement.

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Case No. 202

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a mobile home in an RS District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for two dwellings on one lot. This property is located at 1041 Valley Drive.

Presentation:

Mr. Walker read a letter from the Sand Springs Board of Adjustment, who recommended approval of the application (Exhibit "F-1").

The applicant was out of town and was unable to attend the meeting.

The applicant's immediate neighbor to the north was present to address the Board on behalf of Mary Potts.

Protestants: None.

Board Comments:

Mr. Alberty asked if there are other mobile homes in the surrounding area and the neighbor representing the applicant answered in the affirmative.

Mr. Alberty inquired as to the reason for the mobile home and Ms. Potts' neighbor advised that Ms. Potts will use the mobile home for her relatives to reside in.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 3-0-1 (Alberty, Tyndall, Walker, "aye"; no "nays"; Wines, "abstaining"; Martin, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) for a mobile home in an RS District; and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) for two dwellings on one lot, subject to approval from Tulsa City-County Health Department, on the following described property:

Lot 6, Block 24, Charles Page Home Acres No. 4, a Subdivision in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

Case No. 203

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request for a mobile home in an RS District. This property is located at 5704 West 60th Street.

Presentation:

Kathleen Gash, P. O. Box 492, Glenpool, Oklahoma, 74033, was present to address the Board requesting permission to place her mobile home on the subject property.

Protestants: None.

Board Comments:

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

Case No. 203 (continued)

by the sanitary sewer system and she answered yes.

Mr. Alberty asked if there was another dwelling on the lot and Ms. Gash advised that the mobile home would be the only dwelling on the subject lot.

Board Action:

On MOTION of TYNDALL and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) for a mobile home in an RS District, subject to approval from the Tulsa City-County Health Department and Building Inspector's office, on the following described property:

Lots 1, 2, and 3, Block 15, East Addition to New Taneha, Tulsa County, Oklahoma.

Case No. 204

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Request to allow a sanitary landfill in an AG District. This property is located at the NE corner of 56th Street North and Harvard Ave.

Presentation:

Carl Wright, Route 2, Box 116, Broken Arrow, Oklahoma, 74012, was present to address the Board requesting permission to allow a sanitary landfill on the subject tract. Mr. Wright advised that another landfill is located on the east side of his property.

Protestants: None.

Board Comments:

Mr. Walker asked if the use would be residential or industrial and Mr. Wright advised that it would be both residential and industrial.

Mr. Walker read a letter from the County Engineer's Office stating that the land would be an acceptable use with the conditions imposed.

Mr. Alberty asked the applicant if he was familiar with the Health Department's regulations which would apply to him and he answered in the affirmative.

Mr. Tyndall suggested that if the application were approved that it be approved on a temporary basis to review the use at some other date.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts) to allow a sanitary landfill in an AG District, subject to the Tulsa City-County Health Department regulations, subject to the County Engineer's requirements, for a period of three years, on the following described property:

Case No. 204 (continued)

The East 850' of the NW/4 of the SW/4 and the East 850 feet of the SW/4 of the NW/4, more particularly described as beginning 50' East of the NW/4; thence East 1270'; thence North 1200'; thence South-westerly 1654' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 205

Action Requested:

Special Exception - Section 210 - Principal Uses Permitted in Agriculture Districts - 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 to allow two dwelling units on one lot of record. This property is located at the NE corner of 130th Street and 91st East Avenue.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Comments:

The Board requested that the Staff notify the applicant and request that she be present for the next meeting.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to continue this item to the July 16, 1982 meeting.

Case No. 206

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow a mobile home in an RS District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for two dwelling units on one lot. This property is located at 3158 South 61st West Avenue.

Presentation:

Vera Chaney, 3159 South 61st West Avenue, was present to address the Board requesting permission to place the mobile home on the subject property. Mrs. Chaney advised that the mobile home is presently on the subject lot because she was not aware that she was in violation of the Zoning Code. She advised that her son would reside in the mobile home and she lives in the house that is presently on the property.

Protestants: None.

Board Comments:

Mr. Alberty asked if there were other mobile homes in the area and Mrs. Chaney advised that there are several mobile homes in the area.

Mr. Wines asked if the mobile home would be hooked up to a sanitary sewer system and Mrs. Chaney advised that it would be hooked up to a septic system.

Case No. 206 (continued)

Board Action:

On MOTION of WINES and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow a mobile home in an RS District, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) for two dwelling units on one lot, subject to the Tulsa City-County Health Department, to be occupied by family members only, on the following described property:

Lot 10, Block 4, Berryhill Acres, City of Tulsa, Tulsa County, Okla.

Case No. 207

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Request to allow a church in an AG District. This property is located at the SE corner of 96th Street and 129th East Avenue.

Presentation:

Mr. Walker read a letter from the Owasso Board of Adjustment recommending approval of the use, subject to a site plan being approved by the Board prior to the issuance of a building permit (Exhibit "G-1").

The applicant was out of town and unable to be present for this meeting. A friend of Don Dorsey was present to address the Board requesting approval of a church use on the subject property. He advised the Board that the church does not intend to construct the building for several years, therefore, a site plan is not available at this time.

Protestants: None.

Board Action:

On MOTION of WINES and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts) to allow a church in an AG District, subject to the Tulsa City-County Health Department approval, subject to the applicant returning to the Board when the site plan is available prior to the issuance of a building permit, on the following described property:

A tract of land in the N/2 of the NW/4 of Section 21, Township 21 North, Range 14 East, Tulsa County, Oklahoma; beginning at a point on the West line of the NW/4 that is 474.0' South of the Northwest corner of the NW/4; thence continuing South a distance of 845.92'; thence East along the South line of the N/2 of the NW/4 a distance of 509.84'; thence North and parallel to the West line of said NW/4 a distance of 845.39', said point being 474.0' South of the North line of said NW/4; thence West and parallel to the said North line a distance of 509.84' to the point of beginning, containing 9.9 acres, more or less.

Case No. 208

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Request for a variance of the lot area from 2 acres to 1.48 acres; and a request for a variance of the land area from 2.2 acres to 1.6 acres, and a request for a variance of the lot width from 200' to 197.71'. This property is located at 1400 Block North of North Maple Ave.

Presentation:

Mr. Walker read a letter from the Sand Springs Regional Planning Commission who approved the request with three conditions placed on it (Exhibit "H-1).

Bill Breisch, 104 East 13th Street, Sand Springs, Oklahoma, 74063, was present to address the Board and submitted a plat (Exhibit "H-2"). Mr. Breisch advised that this tract would conform to the tracts surrounding it. He advised that a house is proposed for the tract, but was not included on the plat.

Protestants or Interested Party:

Frank Bogert, 1313 South Main Street, was present to address the Board concerning the use proposed for the subject tract. He was concerned that the present zoning would not be changed.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts) of the lot area from 2 acres to 1.48 acres, and a variance of the land area from 2.2 acres to 1.6 acres, and a variance of the lot width from 200' to 197.71', subject to the approval of the Tulsa City-County Health Department, on the following described property:

Beginning at the Northeast corner of Lot 1, Block 1, Twin Oak Estates 2nd Addition to the City of Sand Springs, Oklahoma; thence in a Westerly direction along the North line of said Addition a distance of 215.00'; thence North 0°-05'-56" West a distance of 236.34'; thence South 89°-36'-06" East a distance of 147.10'; thence South 55°-24'-27" East a distance of 307.60' to a point on a curve, said point also being a point of curvature (P.C.) of a curve to the left with a radius of 315.21', the tangent of said curve having a bearing of South 89°-54'-04" West; thence along said curve to the left a distance of 197.71' to the Point of Beginning, containing 1.48 acres, more or less.

Case No. 209

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 809 Terrace Drive.

Presentation:

Mr. Walker read a letter from the Sand Springs Board of Adjustment stating that they did not have the opportunity to review the case. The letter included a summary of previous recommendations which were made in the immediate area for mobile home use (Exhibit "I-1").

Case No. 209 (continued)

Tommy Austin, 809 Terrace Drive, was present to address the Board requesting permission to place a mobile home on the subject tract.

Protestants: None.

Board Comments:

Mr. Walker asked if there were other mobile homes in the surrounding area and Mr. Austin advised that there are 4 or 5 mobile homes in the immediate area.

Board Action:

On MOTION of WINES and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow a mobile home in an RS District, subject to approval from the Tulsa City-County Health Department and Building Inspector's Office, on the following described property:

Lot 1 of the Replat and Resubdivision of Lot 8, in Block 10; Lots 4, 5, and 6, Block 11; and Lot 1 in Block 12, Charles Page Home Acres #2, Sand Springs, Oklahoma, Tulsa County, Oklahoma.

Case No. 210

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 (a) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the one year time-limit to 10 years. This property is located at 1511 East 63rd Street North.

Presentation:

James Burr, 509 South Forrest Drive, Jenks, Oklahoma, was present to address the Board requesting permission to place his mobile home on the subject property.

Protestants: None.

Board Comments:

Mr. Walker asked if there were other mobile homes in the area and Mr. Burr advised that there are three or four other mobile homes in the housing subdivision.

Mr. Walker asked if the mobile home was on a sewer system and Mr. Burr advised that the sewer is presently there because a house previously was on the property, but had been destroyed.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to locate a mobile home in an RS District; and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts) with no time limit being imposed, subject to Tulsa City-County Health Department approval, and subject to obtaining a building permit, on the following described property:

Case No. 210 (continued)

Lots 16 and 17, Block 2, Phillips-Farm Addition, Tulsa County, Okla.

Case No. 211

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Applicant requests to have two dwelling units on one lot of record. This property is located at 3329 West 61st Street.

Presentation:

Charles Voseles, attorney, representing the applicant, Willie LePheW, 3329 West 61st Street, was present to address the Board and submitted a communication from the Oklahoma State Department of Health (Exhibit "J-1"), and a drawing of the tract (Exhibit "J-2").

Mr. Voseles advised that there are presently two structures on the 150' x 335' subject tract. There is presently a mobile home on the property, which will be replaced with a 28' x 50' house. The mobile home is in the process of being sold and the house which is presently located elsewhere, will be moved to the subject property.

Protestants: None.

Board Comments:

Mr. Albery asked Mr. Voseles if the applicant would meet all of the setbacks required and Mr. Voseles advised that the applicant is aware of the setback requirements and will adhere to them.

Board Action:

On MOTION of WINES and SECOND by ALBERTY, the Board voted 4-0-0 (Albery, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to have two dwelling units on one lot of record, on the following described property:

Beginning 760' West and 35' North of the Southeast corner of Section 33, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma; thence East 150'; thence North 335'; thence West 150'; thence South 335' to the Point of Beginning.

Case No. 213

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts; and a request for a variance of required lot width to allow a lot-split. This property is located at 4702 South 69th West Avenue.

Presentation:

The applicant was not present to address the Board.

Protestants:

Mrs. Clarence Hall, 4900 South 69th West Avenue, who lives across the street from the applicant, was present to address the Board in protest to the request. Mrs. Hall advised that she was not informed about the meeting by receiving a mailed notice. Mrs. Hall advised that the applicant recently placed the second mobile home on the subject property and

Case No. 213 (continued)

is in the process of making it legal. She stated that if the mobile home is permitted on the subject tract it will decrease the property value in the area. A water problem is also prevalent on the subject property. She advised that both mobile homes are hooked up to the same septic tank system.

Board Comments:

Mr. Edwards of the Building Inspector's Office advised that he had previously given the applicant permission to place the subject mobile home on the subject tract not knowing that there was already one there.

The Board felt that improper notice was given by the applicant. The Board felt that the application should be denied and that the Building Inspector inspect the site for possible violations of the Zoning Code.

Board Action:

On MOTION of TYNDALL and SECOND by WINES, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to deny a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of required lot width to allow a lot-split, on the following described property:

The N/2 of the N/2 of the SE/4 of the NW/4 of the SE/4 and the S/2 of the N/2 of the SE/4 of the NW/4 of the SE/4, Tulsa County, Okla.

Case No. 214

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts- Request for a variance of the front setback from 35' to 18' from the property line. This property is located west on the NW corner of 56th Street North and North Lewis Avenue.

Presentation:

Norman Stanley, 2315 East 56th Street North, was present to address the Board and submitted two pictures of the subject property (Exhibit "K-1"). Mr. Stanley is proposing to construct a 24' x 30' two-car garage in the front of his property.

Protestants: None.

Board Comments:

Discussion ensued concerning the amount of frontage from the centerline of 56th Street North. The Board determined that if the request is granted, the building may come inside the City's right-of-way. The Board advised the applicant that he needs to have a surveyor look at his property and determine the exact measurements and legal description for his property.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to continue this item to the July 16, 1982, meeting so that the applicant can return with more detailed information concerning his property.

OTHER BUSINESS:

Application No. CZ-44

Action Requested:

Request for consideration from the County Board of Commissioners.

Presentation:

Steve Compton advised the Board that the case in question is a zoning application (CZ-44), which was continued by the County Board of Commissioners. The County Commission is encountering some concerns about the IL zoning request, and therefore, has requested that the Staff suggest some alternatives. One of the Staff's suggestions was that the applicant come before the County Board of Adjustment asking for a Use Variance as per Item 3 of the letter to the County Commissioners (Exhibit "L-1"). The Use Variance could be granted based on the fact that there is an existing deteriorated nonresidential structure on the subject tract, which has been used for business in the past. The applicant would remove the existing structure and replace it with a new structure.

Board Comments:

The Board advised Mr. Compton that they would be willing to listen to the presentation for the case and come to a decision at that time. They did not feel that they could commit themselves to a decision until they heard all of the facts involved in the application, however they felt this was basically a zoning case.

There being no further business, the Chair adjourned the meeting at 12:23 p.m.

Date Approved

July 16, 1982

Chairman