

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES (No. 24)
Friday, August 20, 1982, 9:00 a.m.
Room 119, Administration Building
500 South Denver, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Martin, Chairman Tyndall Wines	Walker	Gardner Jones Martin	Jack Edwards, Building Inspector's Office

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, August 16, 1982, at 12:01 p.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.

WITHDRAWAL:

Case No. 229

The applicant, Ms. Ova Lee Carpenter, is asking that this application be withdrawn and submitted a letter to that effect (Exhibit "A-1"), located at SW corner of 145th E. Avenue and 100th Street North.

MINUTES:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to approve the Minutes of July 16, 1982 (No. 23).

UNFINISHED BUSINESS:

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', located So. of the SW corner of 21st Street and 49th West Avenue.

Presentation:

Mr. Tom Archer advised that this property has gone through zoning and now needs a setback line to be comparable with the buildings on either side. The building to the north has a 54-foot setback and the building to the south has a 76-foot setback, discounting the porch. He believes the County Inspections Department is in agreement with the request for a 67-foot setback. A plot plan was submitted (Exhibit "B-1").

Mr. Edwards explained there is a section of the Code that allows encroaching buildings on either side to be averaged and the applicant has agreed he can live with that average. Mr. Edwards stated that the 67-foot setback is permitted under that Section of the Code.

Case No. 200 (continued)

Mr. Gardner stated that the applicant wants a variance of the screening requirement and the Board could continue the application and readvertise for waiver of the screening fence requirement.

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 Case No. 200 until September 17, 1982, at 9:00 a.m. in Room 119, Administration Building, Tulsa County Court House for the purpose of readvertising for a waiver of the screening requirements.

Case No. 205

Action Requested:

Special Exception - Section 210 - Principal Uses Permitted in Agricultural 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, at NE corner of 130th Street and 91st East Avenue.

Presentation:

Mrs. Rose Brehm was present and requested to put a mobile home on a 2 and 1/2 acre tract. A petition containing 20 signatures was presented at the previous Board meeting opposing this request; however, Mrs. Brehm presented a petition containing 32 signatures in favor (Exhibit "C-1"). Also, Mr. Alberty read a letter from the City of Collinsville (Exhibit "C-2") reversing their earlier recommendation and recommended this application be approved. The Collinsville Board of Adjustment advised that the City-County Health Department has given approval for another individual septic system. The Collinsville Board also required a permanent foundation, skirting on all sides and individual connections to all utility services. Mrs. Brehm explained that the Water Department in Collinsville told her as long as the mobile home was used by family members, a separate water tap would not be necessary. She is aware of the requirement for a separate septic system. Mr. Wines asked if there are other mobile homes in the area and Mrs. Brehm remarked there are mobile homes all around the area. Some of the lots have a house with a mobile home.

Protestants:

Mr. John Finney has lived in the area for several years. This is zoned as agricultural and the problem is that most of the residents are still on well water. There is a lot of runoff from septics. He was present at the meetings in Collinsville. The protest petition that was presented in the last meeting contain signatures from residents in North Dale Addition only, and there are not 35 people in that Addition to sign her petition of support. The closest water well is about 200 feet and is about 50 feet deep. The lots should stay 2-1/2 acres instead of being split. Mr. Martin wondered if there has been any evidence of contamination from the septic tank and Mr. Raymond Wells, a neighbor to the west of the subject property replied that the septic tank on the property now is having problems. There are two residences tied to it and the overflow runs out in front of his drive. Mr. Martin asked if there are any solutions to the problem with the system and Mr. Wells advised it was not installed correctly. He has checked with the Health Department and was told they were aware of the problem, but the percolation test was approved.

Case No. 205 (continued)

There are not enough lines to hook up to the rural water district.

Mr. Ted Deckard lives south of the subject property. It is his understanding there is only supposed to be one house on every 2-1/2 acres. He was asked to sign the petition of support but refused. Mrs. Brehm had told him she would build a cesspool if she had to.

Mr. Martin was concerned about the inconsistency between the information presented by the protestants and the Health Department stating that the percolation tests were approved.

Applicant's Comments:

Mrs. Brehm assured the Board that all the people who signed the petition in favor of her application reside in the North Dale Addition. Mr. Alberty stated the Board could not verify her statement because there are no addresses. Mrs. Brehm has owned the subject property for about four years, her daughter and family live there and have never had any problem with the septic system. Some of the other properties do not have proper septic systems or lateral lines. She was told at the time this application was filed that there was no reason the trailer could not be moved onto the property until the application was approved, so the lines were tied into the existing system and the Health Department has approved the installation of another septic tank behind the trailer if this application is approved.

Mr. Gardner explained this area was platted to put one dwelling unit on each 2-1/2 acres. It is not possible, under today's standards, to have a well system and septic system.

Chairman Martin asked the applicant if there is a hardship and she replied this trailer is for her daughter and two children. The petition stated for two to four years. The daughter just had a new baby and cannot make enough money to pay the high rent demand in other places. When the water tap was put on her property, the Water Department asked if the other residents in the area would want the water lines because the district was wanting to bring a water tap from the north to 128th Street.

Mr. Alberty was concerned about the two different recommendations from the Collinsville Board of Adjustment. If the entire area is now served by water wells and the Health Department's policy is not to allow additional septic tanks and water wells, he questions what is taking place since this application would allow two septic tanks on a 2-1/2 acre lot. This is a temporary use that would require a sizeable investment and he felt it would be more of a permanent improvement. The Collinsville Board of Adjustment required a permanent foundation, which would also be expensive for a temporary use. Mr. Wines suggested the other residents check on the possibility of tapping into the rural water district.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to DENY a Special Exception (Section 210 - Principal Uses Permitted in Agricultural Districts) to locate a mobile home in an AG-R District; and a Variance (Section 208 - One Single-family Dwelling Per Lot of Record) to allow two dwellings on the same lot, on the following described property:

Case No. 205 (continued)

Lot 3, Block 5, North Dale Acres Addition, a Subdivision in
Tulsa County, Oklahoma, according to the recorded plat thereof.

Case No. 215

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the
Residential Districts - Request to allow a mobile home in an RS District,
N. of the NW corner 66th Street North and Peoria Avenue.

Presentation:

The applicant's daughter was present. She presently has a temporary permit for a mobile home behind her mother's house and would like to make the permit permanent. All utilities are operable and approved by the City and County. Her mobile home is tapped into the main sewer. There is one mobile home across the Street on Peoria Avenue, which is the only one in the immediate area. The property is about 1-1/2 acres in size.

Mr. Gardner advised that the land on the west side of Peoria Avenue is all planned for industrial, so the Staff has no problem with the application.

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 approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow a mobile home in an RS District, on the following described property:

The South Third of the E/2 of the NE/4 of the SE/4 of the SE/4
of Section 36, Township 21 North, Range 12 East, Tulsa County,
Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 238

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture
District - Request for a variance of the frontage requirements in an AG
District 200' to 176' and 198', at SE corner of 191st Street and South
Lewis Avenue.

Presentation:

Mr. Haydron Dukes has owned the subject property for about 18 years.

A letter was submitted from the City of Glenpool making no recommendation, since this area is not within the current city limits of Glenpool (Exhibit "D-1").

It is in the Liberty-Mounds vicinity and development started in 1969. At the time, the Statutes required over 2-1/2 acres, which is how the land developed along 201st and halfway along Lewis. There was no need to file a plat at that time because the lots were over 2 1/2 acres. There are several reasons for the request. O.N.G. did not want to go over 100' during the initial development. The soil in this area is pretty tight and if the land does not percolate, a septic system with

a lagoon cannot be installed on anything less than 2-1/2 acres. They are meeting the State Health Statutes in that respect. A road is complete and dedicated to the County up to the north edge of the Liberty School property, which is 1,100 feet south of the half-section line. Now they are in the second phase of development and the County requires a 200' frontage, which is hard to break up within a mile. The minimum acreage for each tract is 2-2/3rds, which he has to maintain because of the tight soil area. Most of the lots are four acres. He presented a plot plan (Exhibit "D-2") and outlined the present development. This project was started before the frontage requirements.

Mr. Gardner explained that the Planning Commission has reviewed a sketch plat of the lots which are subject to this Board's approval. There is a waiver of the minimum frontage, but they have more than the required acreage.

Mr. Dukes advised that the Planning Commission heard his case on June 24, 1982. Mr. Alberty thought the land should be subdivided. If a subdivision plat has been filed, the Board could consider a waiver of the frontage requirements. However, if the applicant is trying to accomplish a subdivision plat through a series of lot-splits, Mr. Alberty would not be in favor of this application.

Mr. Dukes talked with Mr. Wilmoth of the INCOG Staff, who advised him there was no problem with the sketch plat. However, there are different requirements for section lines. Mr. Alberty asked how the applicant is going to serve the interior lots. Mr. Dukes replied he is not sure that he will. There is no sewer service there and probably no hope for any within the next 20 years.

Mr. Gardner explained that a sketch plat has been filed and the applicant will be required to complete a subdivision plat, but still needs a waiver of the frontage. The Board could approve the waiver subject to completion of a plat. Mr. Edwards advised that all of the outside lots are over 2-1/2 acres, they do not fall within the lot-split classification and because the outside lots are facing section line roads it does not fall within a subdivision. This falls into the subdivision classification only when the interior street is installed. The only consideration before the Board is waiving the frontage requirement from 200' to 198' because Mr. Dukes was stopped on the building permit. Mr. Gardner remarked that the State Statutes define "subdivision" as any dividing of the land that involves five or more pieces of property or even less if a street is involved, such as any interior street. There can be one lot and a street, and be required a subdivision plat. The Staff has no problem with a waiver of the frontage, but does object to the waiver of frontage being accomplished without meeting the definition of a "subdivision plat". If the Planning Commission wants to waive the subdivision plat, it is within their jurisdiction to do so.

Protestants: None.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of the frontage requirements from 200' to 176' and 198', subject to the completion and filing of a subdivision plat,

Case No. 238 (continued)

or other alternative permitted within the Subdivision Regulations for Tulsa County, on the following described property:

The North 660' and the West 880' of the NW/4 of Section 8, Township 16 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 244

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request for a minor variance of the minimum lot width to permit a lot-split, north and east of North 75th East Avenue and East 76th Street North.

Presentation:

Mr. Dan Payne was present and is requesting a variance from a 200-foot wide lot to 165 feet. This would split a 5-acre tract into two pieces. Chairman Martin asked if there are any buildings or improvements on the property and Mr. Payne advised there are none. The property has passed the percolation test and houses would be built on both lots. The Planning Commission has approved the lot-split.

Protestants: None.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of the minimum lot width to permit a lot-split (L-15531) on the following described property:

The N/2, NE/4, SW/4, SE/4, of Section 26, Township 21 North, Range 13 East of the I.B.&M., Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Case No. 245

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the minimum lot area in an AG District to permit a lot-split, at the NE corner of 136th Street North and 141st East Avenue.

Presentation:

Ms. Janet Allen was present and advised this lot-split was approved by the Planning Commission last Wednesday. Shw owns 5-3/4ths acres, has sold the house with 1-1/4ths acre and plans on building another house on the remaining 4-1/2 acres. The Health Department has given approval. A plat of survey was submitted (Exhibit "E-1").

Protestants: None.

Board Action:

On MOTION of WINES and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Residential District) of the minimum lot area in an AG District to permit a lot-split (L-15532) on the following described property:

Case No. 245 (continued)

The East 267' of the West 485.2' of the South 516.6' of the SE/4 of the SE/4, and the West 218.2' of the South 516.6' of the SE/4 of the SE/4, LESS 25' for Roadway easement on West, All of the hereinbefore described land lying and being in Section 28, Township 22 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Case No. 247

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request for a variance of the bulk and area requirements in an AG District to permit a lot-split, West of the SW corner of Peoria Avenue and 201st Street South.

Presentation:

A letter was submitted from the City of Glenpool advising that they are not making a recommendation due to the fact that this area is not within the current city limits of Glenpool (Exhibit "F-1").

Ms. Marylynn Kirk has an acre of land on which she placed a trailer two weeks ago. All utilities have been installed, but she was not aware of the need to apply to the Board.

Mr. Alberty advised that the Planning Commission has approved the lot-split and the percolation test passed.

Protestants: None.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) to permit a lot-split (L-15536) on the following described property:

Beginning at the NW corner of the E/2, SE/4, SW/4; thence East 136.5'; thence South 319'; thence West 136.5'; thence North 319'; in Section 12, Township 16 North, Range 12 East, Tulsa County, Okla.

NEW APPLICATIONS:

Case No. 228

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to put a mobile home in an RS District. This property is located at 5940 North Evanston Avenue.

Presentation:

Mr. Bailey, was present representing his wife, Rhonda Bailey, 5948 North Evanston, requesting permission to place their mobile home at the subject location. The mobile home would be located on their 2.99 acre tract and will have a 6' chain link fence enclosing it.

Case No. 228 (continued)

Protestants:

Mr. Alberty read a letter of protest from Margaret Dail who owns forty (40) acres on East 56th Street North (Exhibit "G-1").

Board Comments:

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

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 approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to place a mobile home in an RS District, subject to Tulsa City-County Health Department approval, on the following described property:

A tract of land beginning at a point 921' South and 40' East of the Northwest corner of the N/2 of the SE/4 of Section 5, Township 20 North, Range 13 East of the Indian Base and Meridian; thence East and parallel to the North line of said N/2 of the SE/4 a distance of 348' to a point; thence South and parallel to the West line of said N/2 of the SE/4 a distance of 374' to a point; thence West and parallel to the North line of said N/2 of the SE/4 a distance of 348' to a point; thence North and parallel to the West line of said N/2 of the SE/4 a distance of 374' to a point and place of beginning, Tulsa County, Oklahoma.

Case No. 230

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request for a home occupation (Talent Agency) in an RMH District. This property is located at 6266 North Xanthus Place.

Presentation:

Rick Brown, 6266 North Xanthus Place, was present requesting permission to operate a talent agency within his home. There would be no employees at the subject location other than the applicant. He would conduct the business only by telephone and would use the location to store records and/or contracts. Mr. Brown works with rock-n-roll groups in booking them for various gatherings.

Protestants:

Billy Mason, was present representing Dave Vanhattem, the owner of Spring Valley Mobile Village, and advised that the subject area is zoned residential. She stated that if the application were approved, it would set a precedent in the area. She expressed a concern about the noise involved and the increase in traffic.

Board Comments:

Mr. Wines asked if there would be any excessive noise or increase in traffic at the subject location and Mr. Brown assured the Board that none of his customers would be coming to the property in question, but that the business would be conducted over the telephone.

Case No. 230 (continued)

Mr. Gardner suggested that his advertising be limited to telephone number advertising only.

Mr. Martin also suggested that the operation be monitored by the neighborhood and if there were complaints that they be reported to the Building Inspector's office. Mr. Alberty advised the applicant of the home occupation regulations.

Board Action:

On MOTION of WINES and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) for a home occupation (Talent Agency) in an RMH District for a period of one(1) year, permitting advertisement of the telephone number only, and during which time the neighborhood can monitor the operation, on the following described property:

Lot 38, Block 3 Scottsdale Addition, Tulsa County, Oklahoma.

Case No. 231

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Request to allow a mobile home in an AG-R District. This property is located at 9016 East 120th Street North.

Presentation:

Ricky Jones submitted a letter from the Owasso Board of Adjustment recommending denial of the application (Exhibit "H-1").

The applicant, Howard Masingale, was not present.

Protestants:

Harold Charney, attorney represented residents in the subject area who oppose the application. He advised that the applicant has removed the mobile home from the subject location. Mr. Charney and one of the neighbors talked with the applicant, Howard Masingale, who stated that he did not intend to pursue the application. Since the Owasso Board of Adjustment denied the application and Mr. Masingale is not present, Mr. Charney suggested that the item be stricken or withdrawn.

There were several neighbors present in protest to the application.

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 strike this item from the agenda.

Case No. 232

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow two mobile homes in an RS District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for three single-family dwellings on one lot of record. This property is located at 1709 East 73rd Street North.

Case No. 232 (continued)

Presentation:

Sherrri Ashlock, Star Rt. A, Box 74D, Skiatook, Oklahoma, 74070, was present stating that one house is located on the subject property and is requesting that she be granted permission to place two additional mobile homes on the property. One of the mobile homes will be for her mother-in-law to reside in and the other one will be for rental purposes.

Protestants:

Floyd Lewallen, 1644 East 75th Street North, was present and submitted a protest petition signed by approximately 19 individuals (Exhibit "I-1"). He stated that he was opposed to permitting three residences on one lot of record. He felt that if it were approved, it would set a precedent in the area.

C. C. Tiner, 1702 East 72nd Street North, was present opposing the request stating that it will decrease property values in the immediate area.

Terry Lewallen, 1706 East 75th Street North, was present and presented pictures of the subject property. He advised that the subject property is presently in poor condition and was fearful that it would degrade the property value in the subject area.

Clarence Short, Rt. 2, Box 72, was present in protest stating that he was opposed to a mobile home park in the area.

Milo Dale, 1643 East 75th Street North, was present in protest to more than one dwelling on one lot of record.

Board Action:

On MOTION of TYNDALL and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow two mobile homes in an RS District; and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) for three single-family dwellings on one lot of record, on the following described property:

The West 70' of the East 140' of Lot 10, Block 4, Golden Hill Addition, Tulsa County, Oklahoma.

Case No. 233

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request for a variance of the bulk and area requirements in an AG District to permit two dwellings on a single tract of land; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to place a mobile home on a lot that already has a residence on it. This property is located at 7110 West 50th Street.

Presentation:

Sharon Basham, Rt. 9, Box 460-B, was present requesting that the mobile home be permitted on the subject property. She advised that she was previously before the Board and she was granted a two-year approval for the mobile home to be placed on the subject property for her elderly mother to reside in. She advised that there are other mobile homes in the surrounding area.

Case No. 233 (continued)

Protestants:

There was one gentleman present requesting that the mobile home be done away with when Ms. Basham's mother no longer resides there.

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 approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of the bulk and area requirements in an AG District to permit two dwellings on a single tract of land; and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to place a mobile home on a lot that already has a residence on it, subject to the applicant's mother residing in the mobile home only, on the following described property:

The N/2, E/2, SW/4, SW/4, SE/4 of Section 30, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 234

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow five houses on a single lot of record; and a Variance - Section 207 - Street Frontage Required - Request for a variance of the 30' minimum street frontage requirement; and a Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request for a variance of the bulk and area requirements in an Agriculture District. This property is located at 41st Street and Coyote Trail.

Presentation:

Don Shope, Rt. 3, Box 223-S, Sand Springs, Oklahoma, the owner of the subject property, was present stating that he has built four rent houses on the subject tract and his house is also located on the property. The two-bedroom rent houses have been approved by the Health Department for septic system. Mr. Shope advised that his neighbors have no objection to the proposed use.

Protestants: None.

Comments:

Jack Edwards, Building Inspector, advised that during the time that the applicant was constructing the houses in question the County began to enforce the zoning concerning one single-family dwelling per lot of record.

Mr. Gardner suggested that if the application is approved, that it be approved under one ownership and that it be subject to Health Department approval. He suggested that if Variance (Section 207) and Variance (Section 330) are approved, that they be subject to approval of a lot-split by the Planning Commission in the future.

The Board asked the applicant if he intends to sell the lots and Mr. Shope stated that he does not plan to sell them in the near future.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker,

Case No. 234 (continued)

"absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow five houses on a single lot or record with the understanding that the construction was begun prior to the County exercising the enforcement of the Zoning Code on the subject property and was considered a hardship situation; and to approve Variance (Section 207 - Street Frontage Required) of the 30' minimum street frontage requirements and a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of the bulk and area requirements in an Agriculture District), subject to the Planning Commission approval of a lot-split or a subdivision plat, prior to any sale of property, on the following described property:

A tract of land located in the E/2 of the NW/4 of Section 25, Township 19 North, Range 10 East, I.B. & M., Tulsa County, Oklahoma, and more particularly described as: Beginning at a point on the South line of the E/2, NW/4 of Section 25, said point being 639.23' West of the SE corner of the E/2, NW/4; thence North parallel to the East line of the E/2, NW/4 a distance of 1,604.88' to the center of a road known as Coyote Trail; thence North 67°-20" West a distance of 19.24'; thence North 79°-06' West a distance of 173.73'; thence South parallel to the East line of the E/2, NW/4 1,646.86' to the South line of the E/2, NW/4; thence East along said South line a distance of 187.64' to the point of beginning, containing 7.01 acres.

Case No. 235

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow a mobile home in an RS District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwellings on one lot of record. This property is located at 1364 East 63rd Street North.

Presentation:

J. M. Cantrell, 5503 North Utica Avenue, was present requesting permission to place two mobile homes on the subject property. One mobile home would be for his daughter on a permanent basis and the other mobile home would be placed on the subject property on a temporary basis. The son is in the process of building his house and would only need to reside in the mobile home for approximately two (2) years.

Protestants: None.

Board Comments:

Mr. Wines asked if they were on a sewer system and Mr. Cantrell answered yes and advised that each mobile home would be connected to a separate sewer system.

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

Mr. Alberty felt that the second mobile home for a temporary basis was not needed and therefore made a Motion to deny the application.

Mr. Gardner advised that the Staff would be willing to permit the two mobile homes on the subject tract because of the size of the tract and knowing that the second one is only temporary.

Case No. 235 (continued)

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 approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow a mobile home in an RS District; and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwellings on one lot of record, to approve the one mobile home on a permanent basis and to approve the second one on a temporary basis for a period of two (2) years, on the following described property:

Part of the East 20 acres of Lot 5, Section 6, Township 20 North, Range 13 East of the I.B. & M., Tulsa County, Oklahoma, according to the U. S. Government Survey, more particularly described as follows: Beginning in the Northwest corner of the East 20 acres of Lot 5; thence East 150'; thence South 163'; thence West 150'; thence North 163' to the point of beginning.

Case No. 236

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwelling units on one lot of record; and a Variance-Section 330 - Bulk and Area Requirements in the Agricultural District - Request for a variance of the minimum lot width from 200' to 165'. This property is located at 627 East 73rd Street North.

Presentation:

Leon Head, 627 East 73rd Street North, was present requesting permission to place two dwelling units on one lot of record. One of the mobile homes will be occupied by Mr. Head's elderly mother and Mr. Head will reside in the other mobile home. Mr. Head advised that the mobile home for his mother will only be temporary and will be removed from the subject property when his mother is deceased. All utilities have been installed for the mobile homes.

Protestants:

Clarence Osborne who lives across the street from the subject property was present in protest to the application. He expressed a concern about the proposed septic system on the subject property. He also felt that the two mobile homes on the property in question would decrease property values in the subject area.

Mrs. Clarence Osborne was present stating that she had talked to the Health Department who said they had no record of approval on the subject property.

Remarks:

Discussion ensued concerning the septic system on the subject property. Mr. Head's brother advised that the utilities and the perk test were put in Ralph Tran's name who is the owner of the subject property.

Mr. Gardner advised that if the application is approved, it needs to be subject to approval by the Tulsa City-County Health Department.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwelling units on one lot of record; and a Variance (Section 330 - Bulk and Area Requirements in the Agriculture

Case No. 236 (continued)

District) of the minimum lot width from 200' to 165', to approve the one mobile home for a period of two (2) years with Mr. Head's mother being the only individual to reside there, subject to Tulsa City-County Health Department approval prior to the issuance of a building permit, on the following described property:

The W/2 of the E/2 of the SE/4 of the NE/4 of the NW/4 of Section 36, Township 21 North, Range 12 East, Tulsa County, Oklahoma, containing 2.5 acres, more or less, in Tulsa County, Oklahoma.

Case No. 237

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwelling units on one lot or record. This property is located at 11702 South 140th East Avenue.

Presentation:

Perry Weatherman, was present on behalf of Cora Allee, 104 East Knoxville, Broken Arrow, Oklahoma, 74012, and requested that the variance be granted.

Protestants: None.

Board Comments:

Mr. Alberty read a letter from the Broken Arrow City Planner (Exhibit "J-1") stating that the Board of Adjustment in Broken Arrow recommended denial of the application because they feel that the proper approach to allow two dwelling units on one lot of record is through a lot-split.

Discussion ensued as to approving the application, subject to a favorable action by the Broken Arrow Board of Adjustment. The Staff suggested that this Board has the final jurisdiction concerning the case. Mr. Alberty advised that a lot-split would be necessary if a separate ownership is proposed for the subject property.

Board Action:

On MOTION of WINES and SECOND by ALBERTY, the Board voted 3-0-1 (Alberty, Tyndall, Wines, "aye"; no "nays"; Martin, "abstaining"; Walker, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwelling units on one lot of record, on the following described property:

Part of the E/2 of the SW/4 of the NE/4 of Section 33, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, described as follows, to wit: Beginning at a point 825' East of the Southwest corner of the NE/4 of said Section 33; thence East 237.5'; thence North 460'; thence West 237.5'; thence South 460' to the point of beginning.

Case No. 239

Action Requested:

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Request for a variance of the 20% or 750 square-foot requirement for a detached accessory building in an RS District. This building is proposed to be a 1,800 square-foot pole barn. This property is located at 1,005 Wekiwa Road.

Presentation:

Bob Vantrease, 1001 Maple Street, Sand Springs, Oklahoma, 74063, was present requesting permission to build a 1,800 square-foot accessory building to be used for storage of the applicant's own boats, trucks, and cars.

Protestants: None.

Board Comments:

Mr. Alberty read a letter from the Sand Springs Board of Adjustment recommending approval of the request (Exhibit "K-1"). The approval was granted, subject to the old barn on the subject property being torn down prior to the new building being constructed.

Mr. Martin advised the applicant that the accessory building was only to be used for his own personal use and could not be used commercially. The applicant had no objections to that condition.

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 approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions) of the 20% or 750 square-foot requirement for a detached accessory building in an RS District. (The building is proposed to be a 1,800 square-foot pole barn), subject to the old barn being torn down prior to the new building being constructed, and that the new pole barn be used for personal use and not commercially, on the following described property:

Lot 9. Block 21, Charles Page Home Acres No. 2, Tulsa County, Okla.

Case No. 240

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Agriculture District - Request to allow a mobile home in an AG-R District. This property is located at 14901 North Trenton Avenue.

Presentation:

Stephen Krumm, 14901 North Trenton Avenue, Skiatook, Oklahoma, 74070, was present requesting permission to place a mobile home on the subject property. Mr. Krumm's father-in-law owns the subject property. Mr. Krumm stated that the septic tank system has already been installed because he was unaware that he had to appear before this Board prior to the issuance of a building permit.

Protestants: None.

Board Comments:

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

Case No. 240 (continued)

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 approve a Special Exception (Section 410 - Principal Uses Permitted in the Agriculture District) to allow a mobile home in an AG-R District, on the following described property:

A tract of land in the NE/4 of the SW/4 of Section 19, Township 22 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to wit: Beginning at a point on the East line of the W/2 of Section 19, a distance of 330' Northerly of the Southeast corner of the NE/4 of the SW/4 of said Section 19; thence Westerly and parallel to the South line of the NE/4 of the SW/4 of said Section 19, a distance of 634.5' to a point; thence Northwesterly a distance of 202.15' to a point, said point being 531.74' Northerly and 647.34' Westerly of the Southeast corner of the NE/4 of the SW/4 of said Section 19; thence Northwesterly a distance of 138.25' to a point; said point being 660' Northerly and 696.95' Westerly of the Southeast corner of the NE/4 of the SW/4 of said Section 19; thence Easterly and parallel to the South line of the NE/4 of the SW/4 of said Section 19, a distance of 696.95' to a point on the East line of the W/2 of said Section 19, said point being 660' Northerly of the Southeast corner of the NE/4 of the SW/4 of said Section 19; thence Southerly along the East line of W/2 of said Section 19, a distance of 330' to the point of beginning, containing 4.95 acres, more or less.

Case No. 241

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts- Request for a home occupation (welding shop) in an AG District. This property is located north and east of the NE corner of Mingo Road and 156th Street North.

The City of Collinsville requests that Case No. 241 be continued until they can hear the case.

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker "absent") to continue consideration of Case No. 241 until September 17, 1982, at 9:00 a.m. in Room 119 of the Administration Building, County Court House.

Case No. 242

Action Requested:

Special Exception - Section 1225.3 - Use Conditions - Request to remove the screening requirements from an abutting RS Zoned District. This property is located at 4508 West 59th Street South.

The applicant, Mr. Stan Symanski, has written a letter to the Board indicating that, due to unforeseen circumstances, he will be out of the State and requested the case be continued (Exhibit "L-1"). An interested party was present and asked about the application. Mr. Gardner explained the

Case No. 242 (continued)

requested variance and suggested the neighborhood monitor the situation during the continuance period to see if the applicant opens the southern road.

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to continue consideration of Case No. 242 to September 17, 1982, at 9:00 a.m. in Room 119, Administration Building of the Tulsa County Court House.

Case No. 243

Action Requested:

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Request to allow a 30' x 50' garage in an RS Zoned District (1,500 sq. ft.). This property is located at 7140 North Peoria Avenue.

Presentation:

Dale Cooley, 7140 North Peoria Avenue, was present and submitted a plot plan (Exhibit "M-1") and a petition in support of the application signed by five (5) property owners in the subject area (Exhibit "M-2"). Mr. Cooley advised that he intends to build the proposed garage to store antique cars, boats, and his personal cars. He advised that he has talked to his neighbors and they have no objection to the request. The old garage will be torn down and a new structure erected.

Protestants: None.

Board Comments:

Mr. Martin asked if the new structure would be used for his own personal use only and Mr. Cooley answered in the affirmative.

Board Action:

On MOTION of WINES and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions) to allow a 30' x 50' garage in an RS Zoned District (1,500 sq. ft.), per plot plan, subject to a building permit being issued, to be used for personal use only, rather than commercial use, on the following described property:

The North 148.5' of the SE/4, SE/4, NE/4, lying East of the railroad, Section 36, Township 21 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 246

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request for a variance of the minimum lot size from 2 acres to 1.29 acre and a variance of the land area from 2.2 acres to 1.4 acre to permit a lot-split. This property is located two (2) blocks west of 193rd Street and Old Wekiwa Road.

Presentation:

Juanita Miller was present and advised the Board that she intends to split the subject tract. The prospective buyer intends to purchase the house on

Case No. 246 (continued)

the subject property, but does not want the full 2-1/2 acre tract.

Protestants: None.

Board Comments:

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

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of the minimum lot size from 2 acres to 1.20 acre and a variance of the land area from 2.2 acres to 1.4 acre to permit a lot-split, on the following described property:

The East 36.42' of the NW/4, of the NE/4 of Section 11, Township 19 North, Range 10 East, LESS and EXCEPT the North 777' thereof, and the West 172.13' of the NE/4 of the NE/4 of Section 11, Township 19 North, Range 10 East, LESS and EXCEPT the North 777' thereof, Tulsa County, Oklahoma.

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

Date Approved

Sept. 17, 1982

Chairman