

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 32
Friday, April 15, 1983, 9:00 a.m.
Room 119, Administration Building
500 South Denver Avenue, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Martin Walker, Chairman	Tyndall Wines	Gardner Jones Martin	J. Edwards, Building Inspector Carpenter, Legal Department

The notice and agenda of said meeting were posted in the Office of the County Clerk on Wednesday, April 14, 1983, at 10:13 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Chairman Walker called the meeting to order at 9:06 a.m.

MINUTES:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve the Minutes of March 18, 1983 (No. 31).

MINOR VARIANCES AND EXCEPTIONS:

Case No. 339

Action Requested

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Request for a variance of the lot width from 200' to 158.11' and 188.11' and a request for a variance of the lot area from two acres to one-acre tracts in order to permit a lot split. The property is located at the west side of Peoria and South of 131st Street.

Presentation:

The applicant, Kenneth Hird, was not present.

The Staff advised that the lot split has been approved by the Planning Commission. The request is a minor variance.

Protestants: None.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts) of the lot width from 200' to 158.11' and 188.11' and a variance of the lot area from two acres to one-acre tracts in order to permit a lot split, on the following described property:

A tract of land in the NE/4 of the NE/4 of Section 12, Township 17 North, Range 12 East, Tulsa County, Oklahoma, and being more particularly described as follows:

Case No. 339 (continued)

Commencing at the NE corner of the NE/4 of said Section 12; thence South 0°-00'-01" East along the East Section Line of Said Section 12, a distance of 534.63 feet to the point of beginning; thence South 89°-45'-56" West a distance of 325.52 feet; thence South 0°-00'-01" East a distance of 158.11 feet; thence North 89°-45'-56" East a distance of 325.52 feet; thence North 0°-00'-01" West a distance of 158.11 feet to the point of beginning.

This described tract of land contains 1.00 acre, more or less.

A tract of land in the NE/4 of the NE/4 of Section 12, Township 17 North, Range 12 East, Tulsa County, Oklahoma, and being more particularly described as follows:

Commencing at the NE corner of the NE/4 of said Section 12; thence South 0°-00'-01" East, along the East Section Line of said Section 12, a distance of 692.74 feet to the point of beginning; thence South 89°-45'-56" West a distance of 527.99 feet; thence South 0°-00'-01" East a distance 188.11 feet; thence North 89°-45'-56" East a distance of 251.62 feet; thence North 0°-00'-01" West a distance of 158.11 feet; thence North 89°-45'-56" East a distance of 276.37 feet; thence North 0°-00'-01" West a distance of 30 feet to the point of beginning.

This described tract of land contains 1.00 acre, more or less.

Case No. 342

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Request for a variance of the frontage requirement from 200' to 100' and a variance of the minimum lot size of 2 acres and 1-3/4ths acres; and a

Variance - Section 207 - Street Frontage Required - Request for a variance of the 30' minimum of frontage on a public street requirements to 0' to permit a lot split. This property is located north of Highway #51, between 177th West Avenue and 193rd West Avenue.

Presentation:

Betty Harp, 6727 East Oklahoma Place, was present and requested the application be approved to permit a lot split and to allow a mobile home on the new lot. An easement for a roadway and a utility easement was provided for, but it was not written in the deed. Mrs. Harp advised that she has since signed an agreement to put the condition for a 15' utility and roadway easement into the deed.

Protestants: None.

Board Comments:

Chairman Walker advised the Planning Commission approved the lot split subject to approval by this Board, approval of the Health Department and subject to the access handle to the highway (minimum of 15') with utility easement.

Case No. 342 (continued)

Mr. Alberty asked if there would be a home on the north portion of the property and Mrs. Harp answered in the affirmative and advised that there will be three (3) dwellings on the property in question.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts) of the frontage requirement from 200' to 100' and a variance of the minimum lot size of 2 acres to 1-3/4th acre; and a Variance (Section 207 - Street Frontage Required) of the 30' minimum of frontage on a public street requirement to 15' instead of 0' to permit a lot split (L-15741), subject to Tulsa City-County Health Department approval, on the following described property:

A tract of ground situated in the E/2 of the SW/4 of Section 12, Township 19 North, Range 10 East, being more particularly described as: BEGINNING at a point on the Northerly property line of O.S.H. #51 said point being 696.57 feet West and 289.61 feet South of the Northeast Corner of the SE/4 of the SW/4 of Section 12; thence South 67°-38'-06" West along the Northerly right-of-way line of Highway #51 a distance of 100 feet to the Point of Beginning; thence South 67°-38'-06" West a distance of 170.33 feet to a point; thence North a distance of 460 feet to a point; thence East a distance of 110 feet to a point; thence South a distance of 170 feet to a point; thence Southeasterly on a straight line to the POINT OF BEGINNING; reserving to the grantors a 20-foot Roadway Easement along the Easterly boundary, Tulsa County, Oklahoma.

Case No. 343

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Request for a Variance of the lot area from two acres to 1-1/2 acre to permit a lot split. This property is located North of 211th Street on Lewis Avenue.

Presentation:

The applicant, Darrell Williams, was not present.

Ricky Jones advised that the Planning Commission approved the lot split on April 6, 1983, subject to this Board's approval and the Health Department approval. The variance request is minor in nature.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts) of the lot area from two acres to 1-1/2 acre to permit a lot split (L-15742), subject to Tulsa City-County Health Department, on the following described property:

The NE/4 of the SE/4, less a 2-acre tract beginning at a point located at the SE corner of the NE/4 of the SE/4;

Case No. 343 (continued)

thence due North a distance of 417.4 feet; thence West a distance of 208.7 feet; thence South a distance of 417.4 feet; thence East a distance of 208.7 feet to the point of beginning in Section 18, Township 16 North, Range 13 East and containing 38 acres more or less, in Tulsa County, State of Oklahoma.

NEW APPLICATIONS:

Case No. 344

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a mobile home in an RS District. This property is located at 6420 North Quincy Avenue.

Presentation:

The applicant, Bob McClure, was not present. The Staff suggested that the application be continued to allow time to contact the applicant and request his presence at the next meeting. Mr. Edwards, Building Inspector, advised that the City Board of Adjustment granted a mobile home on the property previously and the County Board granted a mobile home next to the subject property at 6414 North Quincy Avenue.

Protestants: None.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to continue this item to the May 20, 1983 meeting.

Case No. 345

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Request for a variance of the lot area from two acres to one-half acre. This property is located at 10825 East 156th Street North.

Presentation:

Charles Brazeal, 10825 East 156th Street North, was present and requested permission to lot split the subject property. Mr. Brazeal proposes to construct a house on the property if the application is approved by this Board.

Protestants: None.

Board Comments:

Chairman Walker advised that the lot split was approved by the Planning Commission previously. Mr. Alberty inquired as to the access provided to the tracts when split and Mr. Brazeal advised that a roadway has been dedicated to the County on the west side of the property. If the application is approved three lots would be created and access to all three lots would be provided.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines,

Case No. 345 (continued)

"absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts) of the lot area from two acres to one-half acre lots, subject to Tulsa City-County Health Department approval and subject to the issuance of a Building Permit, on the following described property:

SE/4, SW/4, SE/4, less Beginning at the SW corner of SE/4, SW/4, SE/4; thence E. 420'; thence N. 210'; thence W. 420'; thence S. 210' to the point of beginning & less S. 16.5' for Road & less W. 18' of N. 450' of SE/4, SW/4, SE/4, Tulsa County, Oklahoma.

Case No. 346

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture Districts - Request to allow a mobile home in an AG-R District. This property is located at the NW corner of 137th East Avenue and 205th Street South.

Presentation:

Tom Rogers, 3620 South Indianapolis Avenue #A, was present and requested permission to place a mobile home on the lot while construction of his house is completed. Mr. Rogers was advised by his contractor that a mobile home could be placed on the property if building construction began within two years. There are other mobile homes in the surrounding area.

Protestants:

Chairman Walker read a letter from Jimmie Thomas, secretary of Bixby Ranch Estates, Inc., who objects to the approval (Exhibit "A-1"). Mr. Thomas stated in the letter that placing the mobile home on the lot violates a portion of the protective covenants which were also included in the letter.

Discussion:

Chairman Walker advised the applicant that the Board of Adjustment cannot consider the Restrictive Covenants when a request is being sought. If this Board approved the application it would not overrule the Restrictive Covenants. Mr. Alberty asked how much time would be needed to complete the house and Mr. Rogers stated two years maximum time would be needed. Mr. Martin advised that the Restrictive Covenant permits mobile homes in a portion of the area. Since there are no protestants present and approval is only requested on a temporary basis and mobile homes are permitted in some areas, the Board felt that a temporary approval would be in order.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts) to allow a mobile home in an AG-R District, for a one-year period, subject to a Building Permit and approval of Tulsa City County Health Department, on the following described property:

Lot 8, Block 2, Bixby Ranch Estates, Tulsa County, Oklahoma.

Case No. 347

Action Requested:

Special Exception - Section 320 - Accessory Uses in Agriculture Districts- Request to allow an auto repair shop (home occupation) in an AG District. This property is located west of the NW corner of 146th Street North and Peoria Avenue.

Presentation:

Thomas Stumph, Route 1, Box 145, Skiatook, Oklahoma, 74070, requested permission to construct an accessory building on the subject property for a home occupation to allow the applicant and his sons to rebuild antique and classic automobiles. The proposed structure will be located in the middle of the 15-acre subject tract.

Protestants: None.

Comments and Questions:

The Staff contacted the Skiatook City Planner who advised that he had no recommendation concerning this matter, but stated that the subject property is located in the floodplain of Bird Creek. Mr. Stumph stated that he was aware that the subject property is located in a floodplain, but has had no flooding problems since 1974.

Mr. Alberty asked the applicant if he would be opposed to limiting the work to restoration of one car at a time, all work to be conducted inside the structure and that there be a limited number of automobiles stored on the subject property and Mr. Stumph stated that he did not object to those conditions.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Special Exception (Section 320 - Accessory Uses in Agriculture Districts) to allow an auto repair shop (home occupation) in an AG District to permit the restoration of classic and antique automobiles and to allow the construction of a new building with outside storage of vehicles not to exceed at any one time twelve (12), subject to the principal repair and restoration being conducted within the building, that the use is not a commercial business, but rather a home occupation, subject to the issuance of a Building Permit, on the following described property:

The SW/4, SW/4, SE/4 and W/2, SE/4, SW/4, SE/4, less the East 20 feet, Section 24, Township 22 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 348

Action Requested:

Variance - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to allow a mobile home in a CS District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot or Record - Request to locate two dwellings on one lot of record. This property is located at the SW corner of West 60th Street South and South 63rd West Avenue.

Case No. 348 (continued)

Presentation:

Bill Gay, Box 308, Oakhurst, Oklahoma, 74050, advised that there is an existing accessory building located on the subject property. The applicant intends to save the east-half of the building and use it for storage purposes. A mobile home will also be located on the subject property to be used for rental purposes. Mr. Gay advised the Board that there are other mobile homes in the surrounding area.

Protestants: None.

Board Questions:

Mr. Alberty inquired as to the septic system or sanitary sewer on the property and Mr. Gay advised that the mobile home would be connected into the sanitary sewer. Mr. Gay also stated that the mobile home will be skirted and fenced.

Mr. Martin asked if the mobile home would be a temporary or permanent use and the applicant stated that he would like to have approval of the mobile home for at least three (3) years.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 710 - Principal Uses Permitted in the Commercial Districts) to allow a mobile home in a CS District for a three (3) year period, subject to obtaining a Building Permit and approval of the Tulsa City-County Health Department, to allow one dwelling unit and an existing accessory building, on the following described property:

Lots 1 and 2, Block 9, New Taneha Addition, Tulsa County, Oklahoma.

Case No. 349

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a mobile home in an RS District. This property is located at 73rd Street North and Peoria Avenue.

Presentation:

Gene Hasting, 1218 East 73rd Street North, advised that he owns three lots across from his house where he proposes to place a mobile home. Mr. Hasting's sister-in-law will reside in the mobile home.

Protestants: None.

Board Comments:

Chairman Walker asked if there are other mobile homes in the area and Mr. Hasting answered in the affirmative. The Chairman also inquired as to the proposed septic system and the applicant advised that the mobile home would be connected to the septic tank. Mr. Martin suggested that approval should be granted on a temporary basis.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall,

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Case No. 349 (continued)

Wines, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow a mobile home in an RS District for a three year time period, subject to Tulsa City-County Health Department approval and subject to the issuance of a Building Permit, on the following described property:

Lot 6, Block 4, Delaware Gardens, Tulsa County, Oklahoma.

Case No. 350

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a mobile home in an RE District. This property is located at 8311 North Florence Avenue.

Presentation:

Tonja Goodson, 6401 North Madison, requested permission to place a mobile home on the subject property for a three year time period to allow the applicant sufficient time to construct a house. Mrs. Goodson and her husband recently purchased the subject property which previously contained many junk vehicles. Presently there are only four vehicles on the property and the Goodsons have asked that the automobiles be removed in ninety (90) days at which time a mobile home will be located on the property.

Protestants: None.

Interested Party:

Billy Smith, Route 1, Box 455, Sperry, Oklahoma, 74073, was present and stated that he has no objection to placing the mobile home on the subject property permanently. Mr. Smith advised that he owns the vehicles on the subject property and has been unable to remove the remaining vehicles because of the amount of rain which causes the wreckers to submerge in the mud.

Board Questions:

Mr. Martin asked if there are other mobile homes in the area and the applicant answered in the affirmative.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow a mobile home in an RE District for a period of three years, subject to Tulsa City-County Health Department and subject to the issuance of a Building Permit, on the following 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' of Section 29, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 351

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to locate two dwelling units (2 mobile homes) per lot of record. This property is located south of the SE corner of 76th Street North and Pittsburg Avenue.

Presentation:

Kathie Whitaker, 704 North Birch, Owasso, Okla., was present and requested permission to locate a second mobile home on the subject property. Mrs. Whitaker's mother presently resides in a mobile home on the property and will need someone close by to care for her as she is extremely ill. The two mobile homes have been approved for two separate septic systems by the Health Department.

Protestants: None.

Comments and Questions:

Mr. Martin advised that the subject property is zoned agriculture which would allow mobile homes in that area. Mr. Alberty inquired as to the size of the lot and Mrs. Whitaker advised that the subject lot is approximately 2.6 acres in size.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to locate two dwelling units (2 mobile homes) per lot or record, subject to Tulsa City-County Health Department approval and subject to the issuance of a Building Permit, on the following described property:

The North 152 feet of the South 304 feet of the East 764.7 feet of the West 789.7 feet of the North-Half of the Southwest Quarter of the Northeast Quarter of Section 33, Township 21 North, Range 13 East, Tulsa County, Oklahoma, containing 2.668 acres.

Case No. 354

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a mobile home in an RS District. This property is located west of the NW corner of 51st Street and 65th West Avenue.

Presentation:

Mrs. B. D. Hamby, 6547 West 35th Street, requested permission to place a mobile home on the subject property. There is presently one mobile home existing on the subject tract in which Mrs. Hamby's son resides and the applicant is requesting permission to locate a second mobile home on the property for her daughter and son-in-law. Mrs. Hamby's son-in-law has a terminal illness which requires constant attention for which the Hamby's son could help provide.

The subject property consists of one-acre plus a 100' x 100' lot. The Health Department completed percolation tests on the property and the tract was approved. Mrs. Hamby advised the Board of many other

Case No. 354 (continued)

mobile homes located in the surrounding area. The applicant has received verbal agreement to purchase an additional half-acre tract located behind the subject property.

Protestants:

D. A. Parker, 5020 South 65th West Avenue, advised that he lives north of the subject property and has no objection to the placement of one mobile home on the property, but would oppose locating two mobile homes on one lot of record. Mr. Parker and his wife stated they sought approval to place a mobile home on their property and the application was denied. The placement of two mobile homes on one tract would violate the Zoning Code and would most probably fail Health Department approval.

Comments and Questions:

Mr. Alberty questioned if both mobile homes could be approved since the advertisement was only for the placement of one mobile home and Mr. Edwards advised that the Board previously approved the first mobile home for another individual. The Staff advised that the property is zoned RS which would allow the land to be lot split and would permit the placement of the two mobile homes on separate lots. The Board could act on the request, subject to the applicant receiving lot split approval. Mr. Edwards advised that the second mobile home is on it's own septic tank and would require a Building Permit.

Mr. Martin suggested that the approval be granted on a temporary basis because of the nature of the hardship and if additional time is needed, the applicant could then reapply for a longer period.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow a mobile home in an RS District, for a two year period, subject to the applicant receiving lot split approval on the property, on the following described property:

The North 214.24 feet of the South 238.99 feet of the West 250 feet of the East 642 feet of the S/2 of the SE/4 of the SE/4 of the SE/4 of Section 30, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

There being no further business, the meeting was adjourned at 10:27 a.m.

Date Approved _____

5/26/83


Chairman