

TULSA COUNTY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 49  
Friday, July 20, 1984, 9:00 a.m.  
Room 119, Administration Building  
500 South Denver Avenue, Plaza Level  
Tulsa Civic Center

MEMBERS PRESENT

Alberty, Chairman  
Martin (in at 9:12 a.m.)  
Tyndall  
Walker  
Wines (in at 9:06 a.m.)

STAFF PRESENT

Gardner  
Jones  
Wiles

OTHERS PRESENT

J. Edwards,  
Building Insp.

The notice and agenda of said meeting were posted in the Office of the County Clerk on Tuesday, July 17, 1984, at 11:45 a.m., as well as in the Reception Area of the INCOG offices.

Chairman Alberty called the meeting to order at 9:02 a.m.

MINUTES:

Discussion:

Mr. Gardner informed there is a question about the language of the motion for Case No. 459 heard at the June 15, 1984, meeting. One of the conditions of approval was to have the applicant zone the property RE in due time. "In due time" is not definite, and the applicant wants clarification of what is required. Mr. Gardner informed he felt the intent of the motion was to allow the applicant to get his building permit and then get the property rezoned. The question is when the applicant needs to have the property zoned.

Mr. Alberty informed his intent, when he voted in favor of the motion, was for the applicant to rezone the property as soon as possible.

Mr. Gardner suggested that the Building Inspector issue the applicant a Building Permit as soon as the applicant has filed for rezoning and paid his fees.

There was discussion about what the definition of due time is.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to interpret that the action for Case No. 459 in the June 15, 1984, minutes was that the applicant was to get the property rezoned and that a Building Permit will be issued upon the filing of the zoning application.

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent"; to approve the Minutes of June 15, 1984, (#48).

UNFINISHED BUSINESS:

Case No. 466

Action Requested:

Special Exception - Section 410 (a) - Principal Uses Permitted in a Residential District - Use Unit 1224 - Request for an exception to permit oil and gas extraction in an RE district under the provisions of Section 1680, located at the SE corner of 191st Street South and Garnett Road.

Comments:

Mr. Jones presented a letter from the Bixby Board of Adjustment who heard this item in referral, a letter from the surface owner (Exhibit "A-1"), and a letter from the mineral owner of the subject tract. Mr. Alberty read the letter from Bixby which recommended denial of this case. The letter from the surface owner explained what has gone on on the subject tract and requested that this case be denied. The letter from the mineral owner explained why they think this application should be approved.

Presentation:

The applicant, Frank E. Turner, 2761 East Skelly Drive, Suite 700, was represented by Mr. William K. Powers, attorney, 2805 East Skelly Drive. Mr. Powers described the subject tract and where it is located. The tract has no structures, improvements, or operations as a farm or agriculture unit. The only part of the property that is used is used for a cemetery. Mr. Powers informed that drilling could be started and finished within 2-1/2 to 6 days time. He stated that there has been no production in this area since back in about the 1930s, but the people who own the minerals would like to have it developed. Mr. Powers informed they have a lease signed in 1982 by Mr. Tower, the surface owner. He informed they would like to have blanket approval for the entire subject tract. He stated that they have an idea of where they would like to drill, and that location would be at least 990 feet from the cemetery.

Comments and Questions:

Mr. Walker asked the applicant if the lease signed by the surface owner had expired, and Mr. Powers informed him that the lease was signed on April 23, 1984, and is a three-year lease.

Mr. Powers informed there is a constitutional question involved in this case because when notification is given as to proposed zoning changes, the mineral owners of the property are not notified. He informed that the mineral owners were not notified when the property was rezoned.

Mr. Martin asked where previous wells were drilled on the subject tract, and the proposed operator, William D. Kenworthy, 7010 South Yale Avenue, Suite 211, told where three other wells were located on the property and when these wells were drilled. He informed there is now at least one producing gas well in this section. There is a gas pipeline in the area that collects the gas.

Mr. Jones told when the subject tract was zoned from AG to RE.

Case No. 466 (continued)

Mr. Alberty asked if this property has been platted for development, and Mr. Jones informed he is not aware of any platting or plats in the process. Mr. Jones informed that the Bixby city planner informed him that Bixby is very interested, in his opinion, in annexing the subject tract--at that point, they would handle the platting requirements.

Mr. Martin asked the applicants what occurred at the Bixby meeting where this case was heard and denied by a 4-0 vote. Mr. Powers informed he was told that the protestants at that meeting were people who had relatives buried in the cemetery on the subject tract. Mr. Powers informed that the cemetery area would not be violated.

There was discussion about where the proposed location of the well site is in relation to the cemetery and where residences are located in the area.

Mr. Powers informed this is a unique piece of property. There are not a lot of 160-acre tracts in Tulsa County that do not have any structures on them.

Protestants:

James Kanady, Route 1, Box 282, Bixby, informed he owns 200 acres west of the subject tract. It is his understanding that the owners of the subject tract plan to develop the tract. People who might move out there would probably not want a gas well in the area. That seemed to be one of the concerns of the Bixby Board. He described the surrounding area--there is scattered development. He does not object to the drilling, but he does not think there should be drilling and residential development.

Richard Goff, Route 1, Box 288, Bixby, described where his property is located. He has several relatives buried in the cemetery, and he wants to be sure it will not be disturbed in any way.

William Owens, P. O. Box 505, Bixby, lives directly south of the subject property. He informed there is drilling all around this area, but he feels that the applicant should have the property rezoned if he wants to drill.

Applicant's Rebuttal:

Mr. Powers informed they plan to stay as far away from the cemetery on the property as possible.

Mr. Kerworthy told of the process they intend to use to drill the well. Mr. Powers informed the approximate depth of the well will be 2,200 feet.

Senator John Young, 2 North Main, Sapulpa, is one of the owners of the minerals of the subject tract. He informed they were not informed when the subject tract was rezoned. He informed that he sold the surface rights about 8 years ago and kept the mineral rights.

Comments and Questions:

Mr. Alberty informed if the Board is in a situation to recommend approval of this application, they need to consider some setback requirements from the cemetery.

Case No. 466 (continued)

Mr. Walker informed if production is allowed, he would like it limited to specific well sites rather than blanket approval for the entire tract. That would address the cemetery situation as well as some boundaries and setbacks. It might even allow part of the land to develop.

Mr. Powers informed they have already selected some well sites, and if all the drill sites are used or occupied, the closest that any one of them would come to the cemetery would be 990 feet.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 (a) - Principal Uses Permitted in a Residential District - under the provisions of Use Unit 1224) to permit oil and gas extraction in an RE district under the provisions of Section 1680, subject to no operations being conducted within 500 feet of the boundaries of the cemetery, on the following described property:

NW/4 of Section 8, Township 16 North, Range 14 East, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 464

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Use Unit 1206 - Request for a variance of the lot width from 200' to 125.5', of the lot area from 2 acres to 1-acre, and of the land area from 2.2 acres to 1.07 acre, all to permit a lot split in an AG district under the provisions of Section 1670, located west of the NW corner of West 51st Street and League Road.

Presentation:

The applicant, R. E. Buchanan, P. O. Box 632, Sand Springs, informed he would like to split off one-acre of this tract and sell it to his brother.

Protestants: None.

Comments and Questions:

Mr. Alberty informed there is a lot to the west that is smaller than what is proposed.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - under the provisions of Use Unit 1206) of the lot width from 200' to 125.5', of the lot area from 2 acres to 1-acre, and of the land area from 2.2 acres to 1.07 acre, all to permit a lot split (L-16182) in an AG district under the provisions of Section 1670, on the following described property:

A parcel of land known as Tract 15, which is described as follows:  
Beginning at a point of 25 feet North and 1339 feet West of the

Case No. 464 (continued)

SE corner of Section 30, Township 19 North, Range 11 East, Indian Base and Meridian, Tulsa County, Oklahoma; thence North 347.5 feet; thence East 336.5 feet; thence South 347.5 feet; thence West 336.5 feet to the point of beginning, containing 2.68 acres.

Case No. 470

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RE, RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the side yard from 15' to 5' to permit an attached garage in an RE district under the provisions of Section 1670, located west of Houston Avenue and West 97th Street.

Discussion:

A letter was sent from the City Planner of Jenks which stated that the Jenks Board of Adjustment voted 4-1 to recommend denial of this case. The letter explained why they denied the case, and it stated conditions they would like to have placed on this should approval be given by this Board.

Presentation:

The applicant, George C. Blair, Box 574, Catoosa, submitted some plans to show what he would like to do on the property (Exhibit "B-1") and explained them. He would like to build a garage from the edge of the existing house to the edge of the driveway. The driveway is 28 feet wide. He described what this garage will be used for. The garage that was on the property was enclosed by a previous owner of the house.

Comments and Questions:

Mr. Edwards informed if this garage was detached one-foot from the house, he would be allowed to build within three feet of the lot line.

Mr. Blair informed that the neighbor to the west of the subject tract does not object to this proposal.

There was discussion about what restrictive covenants are involved in this case and what they could mean to the applicant.

Mr. Gardner informed that what the applicant could do by right (build within three feet if this was detached) could be the basis for granting a variance.

Mr. Alberty informed that the footing is already poured.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RE, RS, RD, and RM Districts - under the provisions of Section 1670) of the side yard from 15' to 5' to permit an attached garage in an RE district under the provisions of Section 1670, subject to the building plan submitted, on the following described property:

Lot 4, Block 4, Gregory Circle Acres, an addition to Tulsa County, Oklahoma.

Case No. 471

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1209 - Request for a variance to allow two dwelling units (1 house, 1 mobile home) per lot of record in an AG district under the provisions of Section 1670, located at the northwest corner of 193rd East Avenue and 101st Street.

Discussion:

Mr. Alberty read a letter from the Broken Arrow Board of Adjustment which recommended approval of this application, subject to the mobile home being removed after three years or the variance proposal being reviewed again by the Board of Adjustment after a period of three years (Exhibit "C-1").

Presentation:

The applicant, Floyd Arnold, Route 2, Box 114-A, Broken Arrow, was represented by Jim Arnold, Route 2, Box 114-A. Mr. Arnold informed they were told that it would be no problem to put a mobile home on the subject tract. He told of what they have done and the problems they ran into trying to get permits for the mobile home. Mr. Arnold informed they would like this permission to be granted for more than just three years--they would like it approved for 6 to 8 years.

Comments and Questions:

Mr. Alberty informed he feels that three years is a reasonable period of time to grant this for.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1209) to allow two dwelling units (1 house, 1 mobile home) per lot of record in an AG district under the provisions of Section 1670, for a period of three years, on the following described property:

A tract of land located in the SE/4 of the SE/4, Section 24, Township 18 North, Range 14 East, in Tulsa County, State of Oklahoma, and more specifically described as follows: Beginning at the Southeast corner of the SE/4 of the SE/4 of said Section 24; thence West 208.75 feet; thence North 523.86 feet; thence East 208.75 feet; thence South to the Point of Beginning and containing 2.51 acres, more or less, and less the road right-of-way of the South and the East.

Case No. 472

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Use Unit 1206 - Request for a variance of the lot width from 200' to 165' in an AG District, under the provisions of Section 1670, located north of the NW corner of 41st Street and 176th West Ave.

Presentation:

Warren R. Plank, 728 Oak Ridge Drive, Sand Springs, informed they are moving a house on the five acres and have found they need 200 feet of

Case No. 472 (continued)

frontage. He and a friend went together and bought the property, and they split it. They have an access easement and the warranty deed is filed of record.

Discussion:

Mr. Jones submitted a letter from the Sand Springs Board of Adjustment which recommended approval of this application (Exhibit "D-1"). There are no special conditions mentioned in the letter.

Mr. Gardner asked if the access easement has been recorded. The Board needs to be assured that he does have proper access.

Mr. Martin asked if the easement is a written document that has been recorded, and the applicant informed he does not know. The Board can make that a condition.

Mrs. Plank informed they do have an access easement.

There was discussion about the lots in the area.

Mr. Wines informed he does not see a problem with this as it is on a section line.

Mr. Alberty asked if the Staff had any problem with the variance. Mr. Gardner stated the Staff does not have a problem with isolated tracts, but if the area is being subdivided, there is a problem.

The applicant said the house has been moved to the land and is ready to be moved over the footings.

Mr. Martin suggested that the Board consider a continuance until someone has an opportunity to check the easement.

Mr. Gardner informed both lots have access on the major street.

Mr. Gardner informed the Board recently made another individual rezone his property. The applicant wants 165 feet when the ordinance requires 200 feet. The Board is aiding in the rezoning of this property.

Mr. Alberty informed he does not see a hardship in this case.

Mr. Martin stated he would favor approval of the variance subject to getting the property zoned properly.

Mr. Edwards informed the Health Department has approved two septic tanks on this tract.

Mr. Alberty wanted to know about the legalities of this transaction. They need something to show that the property has access to a dedicated roadway.

Mr. Edwards informed he has released three permits in this area. He is having a problem with high water on the back of them. They are making them sign letters that release the county from keeping the road up.

Case No. 472 (continued)

Mr. Gardner informed that any interior lots that do not have access will have to come to the Board.

Mr. Gardner informed that anything with five or more lots is a subdivision.

Mr. Edwards informed that the Planning Commission has always taken the policy that anything on a section line over 2-1/2 acres is legal.

Mr. Martin asked what the attitude of the Planning Commission is toward this type of development without a plat. Mr. Gardner informed if it is subdividing land into several lots without a proper plat, it is illegal.

Mr. Edwards informed there was an opinion of the County Attorney to tell what the law says about a subdivision. He thinks they need to get a policy from the Planning Commission to tell what it says.

Mr. Edwards has a problem with Century 21 splitting up the acreages. Mike Synar is the developer. They should notify the developers what the Board intends to do.

Mr. Martin informed the problem is that the Board has very little control over this situation. This should be rezoned RE.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-1-0 (Alberty, Tyndall, Martin, Walker, "aye"; Wines, "nay"; no "abstentions"; none "absent") to approve a variance (Section 330 - Bulk and Area Requirements in the Agriculture District - under the provisions of Use Unit 1206) of lot width from 200' to 165' in an AG District, under the provisions of Section 1670, subject to the rezoning of the property to RE, on the following described property:

The North-half, North-half, South-half, Southwest Quarter, Northwest Quarter of Section 19, Township 19 North, Range 11 East, Tulsa County, State of Oklahoma.

Case No. 473

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209 - Request for an exception to locate a mobile home in an RS District under the provisions of Section 1680, located West of the SW corner of 28th Street and 49th West Avenue.

Presentation:

Patricia Harper was represented by Jerry Harper, 4918-1/2 West 28th St., Berryhill, who informed they would like a mobile home on the lot. This would be on a septic tank. He has talked with the Health Department.

Discussion:

Mr. Alberty asked how the applicant gets access. Mr. Harper informed there is a separate lot, and he has a driveway to it. He has access to 28th Street.



Case No. 473 (continued)

Mr. Harper informed there is a lot split--they bought the property at different times.

Mr. Gardner asked how long have they owned the lot, and Mr. Harper informed they have owned it about seven years.

Mr. Alberty said it looks like one lot does not have access to a dedicated street.

Mr. Martin asked Mr. Edwards if he had any problems with this application and Mr. Edwards informed the problem he sees is how to get to the lot.

Mr. Martin informed they need to determine if the lot has been split from the remainder of the property. That could be a problem.

Mr. Martin informed he does not see anything wrong with this. The Board could approve it, subject to Health Department approval and subject to a lot split.

Mr. Gardner informed there is no problem with the mobile home. They can approve that subject to Health Department approval. The application should be continued to find out about the frontage and the lot split. The Board can approve the use and continue the balance of the application. He may have to advertise for frontage relief.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - under the provisions of Use Unit 1209) to locate a mobile home in an RS District under the provisions of Section 1680, subject to Health Department approval, and to continue the balance for one month to see if he needs greater relief, on the following described property:

Begin 200' South of the NW/c of the NW/4 of the NE/4 of the SE/4 of the SE/4; thence East 100'; South 130'; West 100'; North 100' to the point of beginning, in Section 17, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 474

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209 - Request for an exception to permit a mobile home in an RS District under the provisions of Section 1680, located south of the SE corner of 58th Place and 62nd West Avenue.

Presentation:

The applicant, Phyllis Nichols, 5903 South 62nd West Avenue, Oakhurst, informed there are several mobile homes in this area. She would like it approved for about seven or eight years. Her parents own the property, and she will live there until she graduates. This is on a public sanitation sewer.

Case No. 474 (continued)

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - under the provisions of Use Unit 1209) to permit a mobile home in an RS District under the provisions of Section 1680, on the following described property:

Lot 19, Block 3, New Tanaha Addition to Tulsa County, Oklahoma.

Case No. 475

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit mobile homes in an RE District under the provisions of Section 1680.

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1209 - Request for a variance of the lot width from 150' to sizes on site plan, located west of the NW corner of 145th East Avenue and 66th Street North.

Comments and Questions:

A letter was read from Commissioner Harris requesting that this not be approved (Exhibit "E-1") at higher densities. There are no sewers in the area, and there is a thick layer of limestone just beneath the surface. Sewage disposal is a very serious problem in the area. A letter was read from the City of Owasso which recommended approval (Exhibit "E-2").

Mr. Alberty asked Mr. Gardner what the Commissioner is saying in his letter. The problem has to do with density. He thinks the Commissioner is saying not to increase the density.

Mr. Wines asked if this is part of the floodplain and was informed that it is not.

Presentation:

Mr. Lynn B. Calton, 11044 East 44th Place, submitted a copy of a plat (Exhibit "E-3"). This is approximately a 30-acre tract, and they would like to have 26 one-acre lots. They may have to cut that back to 25. It will be a platted subdivision with restrictive covenants. It does conform to RE zoning. They do not want the tracts laid out in squares--they want them to be more like city plats. They also need permission to allow a mobile home on each lot. They do not intend to increase the density in the area. The land is outside a flood prone area. They would like to allow people with mobile homes who are presently living in other parks to move into the area. He presented an aerial photograph.

Discussion and Questions:

Mr. Alberty asked how sewage disposal will be handled and the applicant informed it will be handled through septic tanks. They have

Case No. 475 (continued)

approved percolation tests. This is a rural water district.

Mr. Martin asked if the letter from Commissioner Harris was made available to the Owasso Board of Adjustment meeting and Mr. Calton informed he does not know.

Mr. Martin asked if this application involves heavier density and he was informed it actually involved less. He could have half-acre lots.

Mr. Wines asked how deep the limestone is in the area. He was informed the quarry is 1/4 mile to the east. The limestone is approximately 30 inches under the surface.

Interested Parties:

The interested parties were represented by Bud Biram, Attorney, 1595 South Utica Avenue, who asked what the intent of the RE zoning is. A portion of the minutes of the zoning meeting held September 12, 1983, was read for the record. There are problems because of the limestone formations and the quarry. The Staff Recommendation at that time was to deny RMH zoning. They would like this to be denied and not to allow mobile homes.

Comments and Questions:

Mr. Alberty summarized the application for the Board members.

Mr. Gardner commented there are two issues in this case. If they deny mobile homes, the variance would still be in order because of the lot frontages.

Mr. Wines stated he is concerned about sewage disposal.

One of the protestants told of the drainage problems they have in the area because of the clay soil.

Mr. Martin questioned as to why Owasso Planning Commission approved this. The protestants stated they had no notice of the Owasso meeting.

Mr. Martin mentioned the letter of approval from Owasso which was read earlier and reread the memo. The list of parties notified was read.

Mr. Alberty said the issue is the appropriateness of the mobile homes.

Mr. Martin stated he has problems with the application because of the effect of the mobile homes on the quality of the surroundings of an area like this. He has concern about a precedent this could set. The density that the applicant is proposing is not as great as what is allowed. He wondered what the City of Owasso would have recommended if they had heard from the protestants. He suggested that this be continued to go back to the Owasso Planning Commission.

Protestants:

Jerry Cole, 6325 North 137th East Avenue, lives in the area approximately 3/4ths of a mile west of the development. He told of problems they have had in the area. To the west there is a 40-acre tract which will be a rental mobile home park. They have been in opposition to

Case No. 475 (continued)

this mobile home park due to the many problems it would cause. The development is primarily site built housing. They have nice houses. If this is allowed, they are concerned about the precedent it would set. The people will have a problem with the quarry blasting and dust problems.

Comments and Questions:

Mr. Alberty asked if Mr. Cole is aware that the AG district permits mobile homes by right and he informed that he is. Mr. Alberty informed the Board is looking at density. Mr. Cole told of houses in the area. They want a total comprehensive plan for this development.

Additional Protestant:

John Oxley, R.R. #2, Box 56, Owasso, owns property to the south of the subject tract. He is opposed to this application.

Rebuttal:

Mr. Calton informed lagoons are not intended for this development. They will go through platting. The problem is that RMH is for mobile homes. The Staff is working on changing this from mobile home park to a mobile home subdivision. He thinks mobile homes would be less susceptible to cracks from blasting than regular housing. They could have more lots with manufactured housing. There will be low density. It will not be a "junky looking" area.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 475 to the August 17, 1984, meeting in order that the interested parties would have an opportunity to have a hearing before the Owasso Board of Adjustment.

Case No. 476

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit 3 mobile homes in an RS District under the provisions of Section 1680.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request for a variance to permit 3 dwellings (3 mobile homes) per lot of record.

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Use Unit 1209 - Request for a variance of the 750 sq. ft. for a detached accessory building to 1,936 sq. ft., located north of the NW corner of Willow and Spring Streets.

Presentation:

Jimmy Lee Betchan, 1008 Willow, Sand Springs, informed he bought the property about seven years ago. It was all rental property at that time. It had two mobile homes and two frame houses on it. He moved two mobile homes in. He would now like to tear one house down and put a double-wide mobile home on the lot. The four dwellings were occupied when he bought the property.

Case No. 476 (continued)

Comments and Questions:

Mr. Alberty read a letter from the Sand Springs Board of Adjustment with the recommendation not to approve this request for special exception and two variances (Exhibit "F-1").

Mr. Gardner replied that whether or not the use was nonconforming would depend on whether it was under TMAPC jurisdiction prior to 1980. It is either illegal or nonconforming. If it is nonconforming they cannot do this without approval of the Board. The only variance would be the second mobile home. He could put a double-wide on the property without a permit if it was vacant.

Mr. Gardner asked questions about the size of the facility and what the building would be used for. Mr. Betchan informed he wanted a place to take care of his cars and do woodwork and a little welding. He also needs a place to store his equipment.

Mr. Edwards informed he would have a problem with the use of the accessory building.

Protestants:

David Phillips, 200 Roosevelt, Sand Springs, represented the landowner whose land is adjacent to this tract. This is a developing area outside of Sand Springs. He described the lots in the area. The applicant will have a service building, and he was concerned because there will be five buildings on this tract of land. They do not want this to set a precedent in the area. This was outside of TMAPC and Sand Springs jurisdiction before. The neighborhood does have mobile homes in it. They feel allowing this many would clutter the neighborhood. The property has good drainage. The area to the north and east are being developed single-family residence with about 1/2 acre lots.

Applicant's Rebuttal:

Mr. Betchan informed that the people in the neighborhood do not object to this application.

Comments and Questions:

Mr. Wines said he is concerned about a precedent this could set.

Mr. Walker is familiar with this area, and it is mixed. He is concerned about the number of dwellings that would be on the lot.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-1-0 (Alberty, Martin, Tyndall, Walker, "aye"; Wines, "nay"; no "abstentions"; none, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts under the provisions of Use Unit 1209) to permit three mobile homes in an RS District under the provisions of Section 1680, a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record under the provisions of Use Unit 1209) to permit 3 dwellings (3 mobile homes) per lot of record and a Variance (Section 240.2 (e) - Permitted Yard Obstructions under the provisions of Use Unit 1209) of the 750 sq. ft. for a detached accessory building to 1,936 sq. ft., on the following described property:

Lot 10, Block 22, Charles Page Home Acres, Sub. No. 3 to Tulsa County, Oklahoma.

Case No. 477

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture Districts - Use Unit 1209 - Request for an exception to allow a mobile home in an AG-R District under the provisions of Section 1680, located north of the NE corner of 128th Street North and 93rd East Avenue.

Presentation:

Deborah A. Berry, 19724 East Pine Street, Lot 131, Catoosa, informed the property had been given to her, and she would like to put her mobile home on it. She described where other mobile homes are located in the area.

Comments and Questions:

Mr. Alberty asked if she wants the use indefinitely and she informed she would eventually like to build a home there. She has no definite plans now.

They are having a percolation test run today.

It was pointed out that Collinsville did not want to hear this case.

Protestants: None.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - under the provisions of Use Unit 1209) to allow a mobile home in an AG-R district under the provisions of Section 1680, subject to approval of the Health Department, on the following described property:

North-half of Lots 6 and 7, Block 1, North Dale Acres, a Subdivision of Tulsa County, Oklahoma.

Case No. 478

Action Requested:

Variance - Section 320 - Accessory Uses in Agriculture Districts - Use Unit 1225 - Request for a variance of the home occupation to permit hiring outside help and to permit an outdoor business sign in an AG District under the provisions of Section 1670, located NE of Highway #64 and Mayo Road.

Presentation:

Gerald Wright, 400 North Main, Broken Arrow, represented Tommy Chancy. He has a business located about 3-1/2 miles east of Bixby. He got a variance for a welding shop as a Home Occupation. He would now like to have outside help and have a sign by the highway. He submitted seven pictures of the area (Exhibit "G-1") and five affidavits (Exhibit "G-2") to show there were no protests. He was working with his son, and his son has a back injury so is not able to help. He supports his family with this business. They have no problem with limiting the size of the sign to approximately 4 x 8 feet. They would like to place this sign down by Highway #64. They would like to have about five employees.

Case No. 478 (continued)

Comments and Questions:

Mr. Alberty informed they are asking for outdoor advertising and that is not under the Board's jurisdiction.

Mr. Gardner asked what the size of the building was when the Board approved the Home Occupation, and he was informed that it was 40' x 50'. Now they would like to have a business. The normal procedure would be to seek zoning, but this is not feasible. The Staff has problems with taking a Home Occupation and turning it into a business which is what this would be.

Mr. Wright informed the area is not developed or platted. There is a house to the east. He told where the people live that signed the affidavits. He informed he gets to his property from Highway #64. The lot is mostly gravel. It is a county road that goes to his property and stops.

Mr. Gardner informed the sign cannot be placed on the government's property.

Mr. Alberty said the Board does not have jurisdiction to put a sign on the road.

Mr. Walker said he is opposed to changing this from a Home Occupation.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to DENY a Variance (Section 320 - Accessory Uses in Agriculture Districts - under the provisions of Use Unit 1225) of the home occupation to permit hiring outside help and to permit an outdoor business sign in an AG District under the provisions of Section 1670, on the following described property:

The East 400 feet of the N/2, NW/4, SE/4, SW/4 of Section 28, Township 17 North, Range 14 East, Tulsa County, Oklahoma.

Case No. 479

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209 - Request for an exception to allow a mobile home for each lot in an RE District under the provisions of Section 1680, located south of Coyote Trail and 203rd West Avenue.

Presentation:

Lynn B. Calton, 11004 East 44th Street, Tulsa, informed this is a plat-  
ted addition. It is a developed mobile home subdivision. This excep-  
tion is for the last two lots in this addition. They are 2-3/4ths acre  
lots, and they are asking to put one mobile home on each one. He sub-  
mitted a copy of the plat (Exhibit "H-1").

Protestants:

Ron McCrader, P. O. Box 747, Langley Air Force Base, Virginia, informed his permanent home address is 7221 West 78th Street. He owns the 10.64

Case No. 479 (continued)

acres to the east of the subject tract. He had not known about this replatting and is concerned about the mobile homes in the area. He does not think the proper procedure has been followed. He had several questions. He is opposed to high density mobile homes in the area.

Discussion:

Mr. Alberty informed the property was rezoned. The density was what did not allow RMH.

Mr. Gardner stated when zoning came in, the question was strictly density. He could have filed one application for all the mobile homes. They are averaging two-acre lots.

Mr. Walker informed he would be more concerned about the salvage across the street than this development. Mr. McCrader informed he knew this was a rural area. He is opposed to mobile homes.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - under the provisions of Use Unit 1209) to allow a mobile home for each lot in an RE District under the provisions of Section 1680, on the following described property:

Lots 2 and 3, Block 1, C Bar C Ranch Second Addition to Tulsa County, Oklahoma.

Case No. 480

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1205 - Request for an Exception to allow a day care center in an RS District under the provisions of Section 1680, located at the SE corner of 31st Street and 63rd West Avenue.

Presentation:

Jack D. Lollis, 6115 West 32nd Street, would like to put this day care center in an existing house on the subject tract. There are two schools in the area. There will be no one living on the lot. He submitted a plot plan (Exhibit "I-1").

Protestants: None.

Comments and Questions:

Mr. Alberty asked what the hours of operation will be and was informed they will be from 6:30 a.m. to 5:30 p.m. There will be no nighttime activities.

Mr. Alberty asked how many children they would h-ve and was informed they will be allowed a maximum of 25. Mr. Gardner said approval of this could be tied to the State Health Department.

Mr. Lollis informed he has discussed this with the neighbors and there are no objections.



Case No. 480 (continued)

Mr. Gardner stated these kinds of uses are permitted by exception because there is a need, and this is a good location. It is on the edge of the neighborhood.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 5-0-0 (Alberly, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District under the provisions of Use Unit 1205) to allow a Day Care Center in an RS District under the provisions of Section 1680, on the following described property:

The North 121.5 feet of Lots 1 and 2, Block 4, Berryhill Acres, an addition to Tulsa County, Oklahoma.

There being no further business, the Chair declared the meeting adjourned at 12:31 p.m.

Date Approved

August 29, 1984

B. Wayne Alberly  
Chairman