

COUNTY BOARD OF ADJUSTMENT
Meeting No. 61
Tuesday, June 18, 1985, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Tyndall, Chairman Wines	Martin Walker	Gardner Jones Moore	Edwards, Building Inspector

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Friday, June 14, 1985 at 11:29 a.m.

After declaring a quorum present, Chairman Tyndall called the meeting to order at 1:30 p.m.

MINUTES:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 3-0-0 (Alberty, Tyndall, Wines, "aye"; no "nays": no "abstentions"; Martin, Walker "absent") to APPROVE the Minutes of May 21, 1985 (No. 60).

UNFINISHED BUSINESS

Case No. 521

Action Requested:

Special Exception - Use Conditions - Request a variance to waive the screening wall or fence between an abutting "R" district, located at 4339 W. 61st Street.

Presentation:

The applicant, Bill Ballard, stated that the screening ordinance requiring screening on the west and north would divide his property and asked the Board to waive the requirement since he owns the abutting land.

Comments and Questions:

Mr. Alberty asked Mr. Ballard if the people in the mobile home on the East are in agreement with the screening waiver. Mr. Ballard replied that he had agreed to put chain link fence from the front of the lot back to the building, which was approved by his neighbor.

Mr. Gardner noted that the lady that lives on the East of Mr. Ballards property had appeared before the Board at an earlier date and stated that she does not want a solid wood fence which would block air and light from her lot.

Case No. 558 (Continued)

Mr. Wines asked Mr. Wilson what length of time, in his opinion, should the mobile be permitted on the lot in question. Mr. Wilson replied that he believes the request should be renewed on a yearly basis.

Ms. Ronald Wilson, 14301 East 58th Street North, Tulsa, Oklahoma, stated that she is not against a second mobile on the tract if there is a hardship, but would like to be assured that there will be sufficient sewage disposal and that there will be a time limit stipulated in the Board action.

Interested Parties:

Mrs. Knox, 14229 East 59th Street North, Owasso, Oklahoma, mother of the applicant, submitted a petition (Exhibit Q-1) signed by neighbors who are supportive of the mobile in the area.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 3-0-0 (Alberty, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Martin, Walker, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1209) to permit a mobile home in an RS zoned district; and to APPROVE a Variance (Section 208 - One Single-family Dwelling Per Lot of Record) to permit two dwelling units (mobile homes) per lot of record; finding that there are other mobiles in the area and that the lot is large enough to accommodate two units; subject to the mobile being located on the east portion of the lot; subject to Health Department approval and a Building Permit; and subject to a time limitation of 2 years; on the following described property:

A tract of land in the Southeast Quarter (SE/4) of Section 4, Township 20 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beginning at a point 1,646 feet North and 992.49 feet West of the Southeast corner of said Section 4; thence West 330.83 feet; thence South 330 feet; thence East 330.83 feet; thence North 330 feet to the point of beginning, according to the U. S. Survey thereof, Tulsa County, Oklahoma.

Case No. 559

Action Requested:

Special Exception- Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1206/09 - Request an exception to allow a mobile home in an RS zoned district.

Variance - Section 208 - One Single-family Dwelling Unit Per lot of Record - Request a varinace to allow two dwelling units (1 house, 1 mobile home) per lot of record, located at 404 Valley Drive, Sand Springs, Oklahoma.

Case No. 559 (Continued)

Presentation:

The applicant, Jerry Sloan, 401 Valley Drive, Sand Springs, Oklahoma, stated that he purchased property with an existing older home and has given his daughter permission to live in the house until she accumulates enough money to construct a new one on the site. Mr. Sloan explained that another daughter has gotten a divorce and he would like to move a mobile home on the same lot for her to live in until construction of the new home begins, which may be as long as 10 years in the future. The applicant stated that he has contacted the neighbors in the area and has found no objections to the mobile home. Mr. Sloan submitted addresses of other mobiles in the area (Exhibit A-1).

Comments and Questions:

Mr. Wines asked if the existing house is on a sewer or septic system and Mr. Sloan replied that the property has a septic tank.

Mr. Jones submitted a letter from Sand Springs (Exhibit A-2) which recommended approval of Case No. 559.

Interested Parties:

Hazel Everett was represented by Attorney Erwin Phillips, 2nd and Main, Sand Springs, Oklahoma. Mr. Phillips stated that Mrs. Everett owns the property directly east of the lot in question and although she is not protesting the locating of the mobile on the lot, would like for a time limit to be placed in the Board action. Ms. Phillips noted that the Sand Springs approval was not subject to a time limitation.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 3-0-0 (Alberty, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Martin, Walker "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1206/09) to allow a mobile home in an RS zoned district; subject to a time limit of 3 years; and to APPROVE a Variance (Section 208 - One Single-family Dwelling Unit Per Lot of Record) to allow two dwelling units (1 house, 1 mobile home) per lot of record; finding that there are other mobiles in the area; restricting occupancy of the mobile to applicant and family members only; subject to Health Department approval of the septic system; on the following described property;

A part of Lot (16), in Block Nineteen (19), in Chas. Page Home Acres number Two (2), an addition in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, more particularly described as follows, to-wit; Beginning at the Northeast (NE) corner of said Lot Sixteen (16), thence West on the North line of said Lot (16) thence South on the West line of said Lot (16), a distance of ONE HUNDRED THIRTY-SIX AND NINETEEN HUNDREDTHS feet (136.19') thence East on a line

Case No. 559 (Continued)

parallel to the North line of said Lot Sixteen (16) a distance of ONE HUNDRED EIGHTY-TWO AND NINETY EIGHT Feet (182.98) to a point on the East line of said Lot Sixteen (16), thence North on the East line of said Lot Sixteen (16), a distance of ONE HUNDRED FORTY-FIVE Feet (145) to a point of beginning SIXTY-FOUR HUNDREDTHS (0.64) of an acre more or less, Tulsa County, Oklahoma.

Case No. 560

Action Requested:

Special Exception - Section 310 - Principal Use Permitted in the Agriculture Districts - Use Unit 1205 - Request an exception to allow a church and related uses in an AG zoned district.

Variance - Section 1340 (d) - Design Standards for Off-Street Parking Areas - Request a variance of the all weather material for parking surface to permit gravel, located on the SW/c of 96th Street North and 75 Highway.

Presentation:

The applicant, Grace Baptist Church, was represented by Harlan Chuti, 115 North Atoka, Sperry, Oklahoma, who submitted a plot plan (Exhibit X-1) and asked the Board to allow the construction of a church building at the corner of 96th Street and Highway 75. Mr. Chuti explained that the church is in the process of purchasing 15 acres and has clear title to the north 3 acres where the building will be located. Mr. Chuti stated that the church be allowed to use gravel for the parking area to cut down on expenses at this time. He pointed out that access to the back 10 acres of the property has been changed from the west to the east because of the power lines.

Comments and Questions:

Mr. Wines stated that his family owns property to the South of the proposed site, but that he has no preconceived opinion of the proposal and therefore, there is no conflict of interest.

Mr. Tyndall asked the applicant if the structure will be on a septic system and Mr. Chuti replied that he did not know what the Health Department would recommend, but that the church would comply with whatever is required.

Mr. Wines stated that there will be a 20' embankment on the state owned property where the ingress and egress is planned on 96th Street. He suggested that Mr. Chuti check with the State Highway Department about a permanent crossing of state property.

Mr. Alberty asked why the church is asking for a variance of the dust free surface and Mr. Chuti stated that the cost of the hard surface drive would be a hardship on the church at this time.

Case No. 560 (Continued)

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 3-0-0 (Alberty, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Martin, Walker, "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Use Unit 1205) for church use in concept; subject to plat; subject to applicant stipulating ingress and egress to the property; subject to applicant returning to the Board with a plot plan showing the location of the proposed building, septic system and parking area; and to APPROVE a Variance (Section 1340 (d) - Design Standards for Off-Street Parking Areas) of the all weather material for a parking surface to permit gravel; for a time limit of one year; on the following described property:

North 405' of E/2, NW/4, NE/4, Section 21, Township 21 N Range 13 E, Tulsa County, Oklahoma.

Case No. 561

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1206 - Request a variance to permit two dwelling units per lot of record in an AG zoned district, located 1/2 mile south of 201st Street and Highway 75.

Presentation:

The applicant, Catherine Ruthledge, was represented by Rex Bowers, Route 1, Box 402, Mounds, Oklahoma. Mr. Bowers stated that the property in question consists of 120 acres and that his brother-in-law has a business on the north corner. He informed that he and his brother-in-law both have houses on the property and his mother-in-law plans to build an additional house on the acreage. Mr. Bowers asked that the requirements of dedicating the driveway on the property as a public road be waived since the three homes belonging to the family will be the only houses on the property. He stated that the driveway is from Highway 75 at 206th Street and will only be used as a private road.

Comments and Questions:

Mr. Wines asked Mr. Bowers how long the road had been in use and he answered it had been there about 3 years. He said his father-in-law had started construction of a home on the property, but had a heart attack before completion of the project. Mr. Bowers stated that the house is again under construction and that the three houses will be the only homes on the land.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 3-0-0 (Tyndall, Alberty, Wines, "aye"; no "nays"; no "abstentions"; Martin, Walker, "absent") to APPROVE a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1206) to permit three dwelling units per lot of record in an AG zoned district; subject to a mutual access easement being filed of record in the

Case No. 561 (Continued)

Clerk's office for all dwellings on the property; on the following described property:

A tract located 1/2 mile south of SW/c of 201st Street and 75 Highway, with the legal description being:

The N/2 of the SE/4 of Section 15, T-16-N, R-12-E, Tulsa County, Oklahoma. Less and except the following: NE/4, NE/4, SE/4 and beginning 100.85' West of SE/c, N/2, SE/4; thence West 392.67', North 354.73', East 392.42', South 354.74' to P.O.B.

Case No. 562

Action Requested:

Special Exception - Section 320 - Accessory Uses in Agriculture Districts - Use Unit 1206 - Request an exception to allow a home occupation to sell automobiles in an AG zoned district.

Variance - Section 440.6 - Special Exception Uses in Residential Districts - Request a variance to allow a sign, an employee other than a family member, and to conduct the business outside of the principal building.

Variance - Section 1340 - Design Standards for Off-Street Parking Area - Request a variance to allow gravel in lieu of an all-weather parking surface, located 3/8 mile east of NE/c of Lewis and 151st Street.

Presentation:

The applicant, Kevin Simmons, Route 2, Box 76, Bixby, Oklahoma, submitted photographs (Exhibit B-1) of the area. He explained that the property has been in the family since the 1930's and that he would like to have permission to use approximately 150 by 150 sq. ft. of the property to display and sell automobiles. The applicant stated that he needs the approval of the Board in order to get a State license. Mr. Simmons stated that he has discussed the business with his neighbors and has found no opposition to the car lot. He noted that there is an equestrian center and a flower shop in the area, and that Bixby city limit is approximately 100 yards from his property. The applicant submitted a Flood Hazard Review (Exhibit B-2).

Comments and Questions:

Mr. Alberty informed that he is not in favor of commercial stripping and feels that the granting of the Mr. Simmons request would lead to the developing of these types of commercial operations on Highway 151.

Mr. Wines asked if there would be a garage for repairing automobiles and Mr. Simmons replied that there would be only detailing and sales on the property.

Case No. 562 (Continued)

Board Action:

On MOTION of WINES and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 562 until July 16, 1985.

Case No. 563

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1224 - Request an exception to permit quarrying (removal of soil) in an AG zoned district, located 1/2 mile east of SE/c of 129th East Avenue and 121st Street.

Presentation:

The applicant, Bill Edmondson, 7202 S. 232nd East Avenue, Broken Arrow, Oklahoma, stated that he has been contracted to move approximately 14' to 19' of dirt from the property at the above stated location. Mr. Edmondson noted that the long range plans for the land is a residential development.

Comments and Questions:

Mr. Jones submitted a letter of approval (Exhibit C-1) from the City of Broken Arrow,

Mr. Alberty asked if the project has been approved by the State of Oklahoma Department of Mines. Mr. Edmondson replied that he has a verbal approval from that department.

Mr. Alberty asked Mr. Edmondson if he has a grading plan. The applicant submitted a grading plan (Exhibit C-2), and explained that the slope, which starts at 0 and is 19 on the hill, drains toward a creek running through the property.

Mr. Gardner asked if the 100 year flood plain would be increased by removing the soil. Mr. Edmondson stated that the flood plain would not be increased.

Melvin Swafford, 3308 South Florence, Tulsa, Oklahoma, informed the Board that he is the owner of the property in question. Mr. Swafford stated that the long range plan for this land is to restore it to elevations which will permit natural drainage.

Mr. Wines asked if there are houses near the excavation project and Mr. Swafford replied that the nearest house is 1/4 mile away.

Mr. Alberty pointed out that he would need to see a grading plan with existing contours and the amount of soil being removed before he could approve the quarrying request. Mr. Swafford stated that the contours would interface with the adjoining property and explained the grading plan.

Case No. 563 (Continued)

Mr. Edwards asked if there are offices with a receptionist on the property and Mr. Swafford informed that there is a temporary building, approximately 10' by 20', with a telephone and electric hook up.

Mr. Tyndall asked how long the excavation project would last and the applicant stated that his company had a two year contract.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 3-0-0 (Alberty, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1224) to permit quarrying (removal of soil) in an AG zoned district; per plans submitted (maximum 19' cut from existing grade); subject to approval of the Health Department, Department of Mines, County Engineer and the Building Inspector; subject to only a septic system being used (no lagoon), if a system is required; for a period of two years; on the following described property:

E/2, E/2, NW/4 of Section 4, T-17-N, R-14-E, Tulsa County, Oklahoma.

Case No. 564

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts -Use Unit 1209 - Request an exception to allow a mobile home in an RS zoned district, located east of the NE/c of 67th Street North and Peoria.

Presentation:

The applicant, Wayne DuBois, 6223 North Gillette, Tulsa, Oklahoma, submitted a site plan (Exhibit D-1) and photographs (Exhibit D-2). Mr. DuBois stated that he has purchased two lots at the above mentioned location and would like permission to live in a mobile on the west lot during the construction of a home on the same property.

Comments and Questions:

Mr. Alberty asked Mr. DuBois if the lots are vacant at the present time and Mr. DuBois answered in the affirmative.

Mr. Alberty inquired as to when the construction on the house would begin. The applicant stated that it would probably be a 1 year before he could start the work and approximately 2 years before its completion.

Protestants:

Jeff Henderson, 1352 East 67th Street North, Tulsa, Oklahoma, said he lives across the street from Mr. DuBois's property and is against a mobile home being in the area.

Case No. 564 (Continued)

David Coonce, 1515 East 67th Street North, Tulsa, Oklahoma, stated that he is concerned with the general effect the mobile will have on the property value in the neighborhood.

Applicant's Rebuttal:

Mr. DuBois stated that he bought the land in April and would like to build a nice home if given a chance. He said he would try to complete the construction in 1 year.

Mr. Tyndall pointed out that there would be a lot of expense to move the trailer from the present location and set it up on the new lot for only 1 year.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 3-0-0 (Alberty, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209) to allow a mobile home in an RS zoned district; finding that the special exception request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

N/2 of the S/2 of the SW/4, of the NW/4 of Section 8, T-17-N, R-13-E, County of Tulsa, Oklahoma.

Case No. 565

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the 30' street frontage to permit a private street and a lot split in an AG zoned district.

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Request a variance of the 200' lot width to 165', located south of SE/c of 131st and Lewis.

Presentation:

The applicant, Henrietta Bruce, 13411 South Lewis Ave., Bixby, Oklahoma, was not present.

Comments and Questions:

Mr. Jones informed the Board that the City of Jenks has recommended denial of the variances.

Board Action:

On MOTION of Alberty and SECOND by Wines, the Board voted 3-0-0 (Alberty, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 565 until July 16 to allow the Planning Commission to hear the case.

Case No. 566

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1224 - Request an exception to permit quarrying (removal of soil) in an AG zoned district, located 1/2 mile east of SE/c of 129th East Avenue and 121st Street.

Presentation:

The applicant, Jerry Carter, was represented by Attorney John White, 1611 South Harvard, Tulsa, Oklahoma. Mr. White noted that the long range planning for the property is a residential development. He stated that the hill is being cut down and that Mr. Carter will comply with whatever guidelines the Board requires.

Comments and Questions:

Jerry Carter, 5319 South Tower Road, Sand Springs, Oklahoma, stated that their electric service is supplied by Broken Arrow and the phone is in a travel trailer on the property.

Mr. Jones submitted a letter (Exhibit F-1) from the City of Broken Arrow recommending approval of the special exception.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 3-0-0 (Alberty, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1224) to permit quarrying (removal of soil) in an AG zoned district; per plans submitted (19' maximum cut from existing grade); subject to approval of the Health Department, Department of Mines, County Engineer and the Building Inspector; subject to a septic system (no lagoon), if required; for a period of two years; on the following described property:

W/2, W/2, NE/4 of Section 4, T-17-N, R-14-E, Tulsa County, Oklahoma.

Case No. 567

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the lot width from 200' to 143', of the lot area from 2 acres to 1 acre; and of the land area from 2.2 acres to 1.08 acres, to permit a lot split in an AG zoned district, located on the SW/c of 122nd Street North and 125th East Avenue.

Presentation:

The applicant, Raymond Wilson, Route 1, Sperry, Oklahoma, stated that he is the owner of 5 acres at the above stated location. Mr. Wilson informed the Board that he was giving each of his children 1 acre of land. He said that there is an existing dwelling and 1 mobile home on the property at this time.

Case No. 567 (Continued)

Comments and Questions:

Mr. Jones stated that the Staff recommendation is for approval at the next Planning Commission meeting.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 3-0-0 (Alberty, Tyndall Wines, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) of the lot width from 200' to 143', of the lot area from 2 acres to 1 acre; and of the land area from 2.2 acres to 1.08 acres, to permit a lot split in an AG zoned district; subject to TMAPC approval; subject to Health Department approval and a Building Permit; on the following described property:

N/2, SE/4, SW/4, NE/4, Section 5, T-21-N, R-14-E less North 25' thereof for R/W, County of Tulsa, State of Oklahoma.

Case No. 568

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request an exception to permit a mobile home in an RS zoned district, located north of NE/c of 4th Road and Ridge Drive.

Presentation:

The applicant, Sharon Moore, Route 3, Box 582, Sand Springs, Oklahoma, asked the Board to allow her to place a mobile home on a lot 100' by 250' at the above stated location. The applicant stated that there are numerous mobile homes in the area.

Board Action:

On MOTION of WINES and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to permit a mobile home in an RS zoned district; subject to a septic tank only being installed; subject to Building Permit; on the following described property:

W/2 Lot 13, Block 19, Charles Page Home Acres No. 2, Tulsa County, Oklahoma.

Case No. 569

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request an existing mobile home for two years during the construction of a house in an RS zoned district, located at 6462 North Wheeling.

Case No. 569 (Continued)

Presentation:

The applicant asked that Case No. 569 be continued to allow proper notification of adjoining property owners.

Board Action:

On MOTION of TYNDALL and SECOND by WINES, the Board voted 3-0-0 (Alberty, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 569 until July 16, 1985, to allow the applicant additional time to supply names of adjoining property owners.

There being no further business, the meeting adjourned at 3:42 p.m.

Date Approved

7-16-85


Chairman