

COUNTY BOARD OF ADJUSTMENT
Meeting No. 64
Tuesday, September 17, 1985, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Tyndall, Chairman Martin Walker	Wines	Gardner Jones Moore	R. 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, September 13, 1985 at 1:14 p.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 MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE the Minutes of August 20, 1985 (No. 63).

UNFINISHED BUSINESS

Case No. 572

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the 30' frontage to 0' to allow for a private street in an AG zoned district, located south of the SW/c of 121st Street and 129th East Avenue.

Presentation:

The applicant, Leonard Hendrickson, 12424 South 129th East Avenue, Tulsa, Oklahoma, informed that he is returning to the Board to again request a variance to allow him to sell a portion of his 16.85 acres to each of his 3 children. He asked that he be allowed to make a street on the property with each owner having 1/4 interest in the 60' wide strip.

Comments and Questions:

Mr. Martin asked Mr. Hendrickson if he has discussed the arrangement with Mr. McCormick who represented the protestant, Mr. Morris. He stated that he has discussed the road with the protestant and his

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attorney and that they see, and are in agreement with, his potential aim.

Mr. Gardner noted that at the last meeting a continuance was suggested to enable Mr. Hendrickson to meet with the County Engineer and agree upon some time in the future when the road would be brought up to county standards. Mr. Gardner pointed out that it now appears that Mr. Hendrickson is asking that the property owners own the street.

The applicant stated that he would prefer to deed the tracts of land to his children, each having 1/4 interest in the 60' strip which would give access to the property. Mr. Hendrickson explained that he has talked to the County Engineer and they are willing to consider a time period for construction and completion of the road, but he is concerned about signing a commitment for completion.

Mr. Martin pointed out that the Board would like to be cooperative, but feels that if they do as the applicant suggests, Tulsa County would not be considered in the matter.

Mr. Hendrickson stated that the County Engineer sent him a Letter of Intent and that office is willing to allow a time period of 3 years for completion of the street according to county standards. Mr. Hendrickson explained that he is not sure if he can complete the construction during the 3 year period.

Mr. Alberty stated that, in his opinion, an agreement with the County Engineer has not been brought before the Board as was requested at the last meeting.

Mr. Walker pointed out that the bulk of the negotiating has been by the Board and stated concern that the applicant would not commit himself to a 3 year completion period for construction of the road in question.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to DENY a Variance - Section 207 - Street Frontage Required - Use Unit 6 1206) to allow for a private street in an AG zoned district; finding that the applicant refused to sign a Letter of Intent stating that the street in question would be designated as a public street and that construction on the subject street would be completed at the end of a 3 year time period; on the following described property:

A tract of land in the SE/4 of the NE/4 of Section 5, T-17-N, R-14-E, Tulsa County, State of Oklahoma, Tract No. 1, Commencing at the NE/c of the SE/4 of the NE/4 of Section 5, T-17-N,

Case No. 572 (continued)

R-14-E, Tulsa County, State of Oklahoma. Thence N 89°24'33" W 459' to the point and place of beginning, thence N 89°24'33" W 860.54', thence S 0°00'37" W 661.34', thence S 89°27'01" E 1319.51', thence N 0°00'44" E 361.39', thence N 89°24'33" W 459', thence N 0°00'44" E 299' to the point and place of beginning. Containing 16.85 acres of land more or less.

Case No. 576

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Use Unit 1209 - Request a variance of the bulk and area requirements to permit a lot split in an AG zoned district.

Variance - Section 207 - Street Frontage Required - Request a variance of the 30' street frontage to 0', located east of the NE/c of 201st Street and Elwood.

Presentation:

The applicant, Vicki Mashburn, was not present.

Comments and Questions:

Ricky Jones explained that the applicant is attempting a lot split that is not allowed by the Health Department and which is required to be heard by TMAPC before it will come before this Board. He suggested that the Board strike Case No. 576 until further action is requested by the applicant.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to STRIKE Case No. 576.

NEW APPLICATIONS

Case No. 588

Action Requested:

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

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Request a variance to permit two dwellings (1-existing house, 1-proposed mobile home) per lot of record, located at 6727 West 27th Street.

Presentation:

The applicant, Brent Steele, was represented by his mother, Claudia Wilson, 6727 West 27th Street, Tulsa, Oklahoma, who asked the Board

Case No. 588 (continued)

to permit her to place a mobile home on the back portion of her sons property. A photograph (Exhibit A-1) was submitted.

Mr. Martin asked Ms. Wilson if there are other mobile homes located in the area. Ms. Wilson replied that there is a mobile parked directly behind her sons home.

Mr. Walker stated that he is familiar with the neighborhood and that, in his opinion, a mobile home would be appropriate for the area.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "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; and to APPROVE a Variance (Section 208 - One Single-Family Dwelling per Lot of Record) to permit two dwellings (1 existing house, 1 proposed mobile home) per lot of record; subject to Health Department and Building Inspector approval; subject to Ms. Wilson only living in the mobile home for an unlimited time period; finding that there are numerous mobile homes in the neighborhood and the granting of the request would not be detrimental to the area; on the following described property:

The east 100' of south 200.6' and the east 100.5' of the north 103' of Lot 3, Block 3 and the west 8.5" of Lot 4, Block 3, Bridges Acres Addition, Tulsa County, Oklahoma.

Case No. 589

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture Districts - Use Unit 1209 - Request an exception to permit a mobile home in an AG-R zoned district, located north of the northwest corner of 61st Street and 161st West Avenue.

Presentation:

The applicant, Thomas Davis, P.O. Box 24, Mannford, Oklahoma, submitted a petition of approval (Exhibit B-1) and a sketch of mobiles in the area (Exhibit B-2). Mr. Davis asked the Board to allow him to park his 14' by 70' mobile home, which is now parked at Mannford, on a 2.4 acre tract that he is contracting to purchase. The applicant pointed out that he is a carpenter by trade and intends to build a home on the lot in the future.

Comments and Questions:

Mr. Martin asked Mr. Davis if he is aware of any existing mobile homes in the area. The applicant stated that there are mobile homes in the area and referred to the location map which was submitted.

Case No. 589 (continued)

Mr. Alberty asked the applicant when he anticipated completion of the home on the lot. Mr. Davis stated that he planned to have the house completed and ready for occupancy in about 3 years.

Mr. Martin suggested to Mr. Davis that he might consider leaving the mobile in the mobile home park until construction of the new home is completed.

Protestants:

Lynn Calson, 3070 South Yale, Tulsa, Oklahoma, submitted a petition with 95 signatures which are in opposition (Exhibit B-3) to the mobile home in the area. He stated that the signatures on the petition are those of residents of the Pleasant Oaks Subdivision which has Restrictive Covenants prohibiting mobile homes on the lot Mr. Davis plans to purchase. He pointed out that the homes in this addition range in price from \$70,000 to \$150,000.

Ralph Hight, 16415 West 58th Street, Tulsa, Oklahoma, stated that he was one of the 95 people that signed the petition opposing the mobile in the area. Mr. Hight pointed out that the homes are nice in the addition and feels that mobile homes would devalue the property.

Applicant's Rebuttal:

Mr. Davis informed that he was not aware of the Restrictive Covenants and agreed that the area is very nice. He pointed out that the property he plans to buy is not a part of Pleasant Oaks and that 3 mobile homes are located directly in front of the entrance to that addition.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to DENY a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Use Unit 1209) to permit a mobile home in an AG-R zoned district; finding that the granting of the special exception would be injurious to the neighborhood and would not be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The south 399.96' of the north 859.93' of the east 261.67' of E/2, SE/4, SE/4, Section 31, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 590

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture Districts - Use Unit 1205 - Request an exception to

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Case No. 590 (continued)

allow a church and related uses in an AG zoning district, under the provisions of Section 1680.

Variance - Section 1340.d - Design Standards for Off-Street Parking Areas - Use Unit 1210 - Request a variance to allow parking on a gravel lot and for gravel access to the property, under the provisions of Section 1670, located north of NE/c of 101st and Lynn Lane.

Comments and Questions:

Ricky Jones informed that he received a phone call from Mike Vandenburg, City Attorney for Broken Arrow, who stated that the BOA of Broken Arrow recommend denial of the application. Mr. Jones stated that Mr. Vandenburg explained that the Broken Arrow City Council considered annexation of the subject tract the previous evening and voted to continue the case for an indefinite period of time. He stated that their concern was in regards to annexing a church that is in the construction phase.

Presentation:

The applicant, Leon Dashner, was represented by Bill Lewis, who submitted a site plan (Exhibit C-1) and stated that the Broken Arrow BOA is in agreement with the location of the church, but is concerned with drainage problems in the area. Mr. Lewis stated that the last meeting reflected that possible annexation would be acted on at a future date. He informed that the church has purchased a building from the School Board and has moved the structure on the subject property. Mr. Lewis stated that, in order to get a Building Permit, a special exception would have to be granted by the Board and a plat acquired. He stated that a diversion dike would be placed on the south boundary to divert the water run-off in that direction. Mr. Lewis asked that the Board approve a gravel parking lot for the church.

Additional Comments:

Mr. Alberty asked Mr. Lewis if the building that has been moved in will be put on a permanent foundation. Mr. Lewis replied that the building will be completely remodeled and placed on a permanent foundation.

Mr. Alberty asked Mr. Lewis to address the parking lot request and he explained that eventually the church plans to pave the lot, but would like to use gravel for the present time. He pointed out that the location is remote and dust would not be a problem.

Protestants:

Greta Dugan, Route 2, Box 58, Broken Arrow, Oklahoma, stated that she owns the land to the south of the subject property and objects to the 40 year old barracks building which has been moved on the site without a Building Permit. Ms. Dugan pointed out that the subject tract is surrounded on 4 sides by Broken Arrow city limits.

Case No. 590 (continued)

She suggested that the church has a self imposed hardship and asked the Board to deny their request. Ms. Dugan further noted that there is a drainage problem in the area and flooding occurs at 101st and Lynn Lane.

Giles Cox, 10000 South Lynn Lane, Tulsa, Oklahoma, stated that he lives at the corner of 101st Street and Lynn Lane and also represents Dr. Freese who lives in the area. Mr. Cox pointed out that the structure that has been moved on the church property is not compatible with the area and is opposed to its location there.

In discussion the Board concluded that they are not opposed to the church, but are opposed to the type of building that has been moved on the church property and pointed out that it is not consistent with the area.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to CONTINUE Case No. 590 until October 15, 1985 to allow the applicant to confer with Broken Arrow BOA and ask for further clarification of their recommendation for denial of the application.

Case No. 591

Action Requested:

Variance - Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206 - Request a variance to permit 100' lot width and one tract with .64+ acre, and one tract with 1.48+ acre in an AG zoned district, in order to permit a lot split, under the provisions of Section 1670, located at 12505 South Elwood Avenue.

Presentation:

The applicant, David Kennedy, 1933 West 65th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) and explained that his father owns the subject tract, one lot containing 1 3/4 acres and the other 3/4 of an acre. Mr. Kennedy asked the Board to allow a lot split, which would enable his father to deed him the smaller lot for construction of a home. He pointed out that there are other lots in the area which are comparable in size. Mr. Kennedy informed that he has acquired a percolation test for the land.

Comments and Questions:

Mr. Tyndall read a letter from Jenks BOA (Exhibit D-2) recommending denial of the variance request and rezoning of the subject tract.

Mr. Alberty asked the applicant if waiting for the property to be rezoned would be a problem. Mr. Kennedy replied that he has his present home for sale and is not opposed to the rezoning.

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Case No. 591 (continued)

Mr. Jones informed that the rezoning process would take approximately 90 days and the property would be subject to a plat. He pointed out that the applicant would have to pay fees of approximately \$200 for the process.

Protestants: None.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) to permit 100' lot width and one tract with .64+ acre, and one tract with 1.48+ acre in an AG zoned district, in order to permit a lot split, under the provisions of Section 1670; finding that the lengthy process of rezoning the subject tract would produce the same end result; finding a hardship imposed on the applicant by the fact that there are other lots in the area which are similar in size to the subject tract; on the following described property:

A portion of the SW/4 of the NW/4 of Section 1, T-17-N, R-12-E, containing 2.504 acres described as follows: Beginning at the SW/c of said SW/4 of NW/4 of Section 1, then north along west line of said SW/4 of NW/4 for a distance of 330.0' to the point of beginning, then east 330.5 feet, then north 330.0', then west 330.5', then south 330.0' to point of beginning.

Proposed Lot A

A portion of the SW/4 of the NW/4 of Section 1, T-17-N, R-12-E, containing 1.745 acres described as follows:

Beginning at the SW/c of said SW/4 of NW/4 of Section 1, then north along west line of said SW/4 of NW/4 for a distance of 330.0' to the point of beginning, then east 330.5', then north 230.0', then west 330.5', then south 230.0' to point of beginning.

Proposed Lot B

A portion of the SW/4 of the NW/4 of Section 1, T-17-N, R-12-E containing 0.759 acres described as follows:

Beginning at the SW/c of said SW/4 of NW/4 of Section 1, then north along west line of said SW/4 of NW/4 for a distance of 560.0' to the point of beginning, then east 330.5', then north 100.0', then west 330.5', then south 100.0' to point of beginning, Tulsa County, Oklahoma.

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Case No. 592

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District Use Unit 1209 - Request an exception to allow a mobile home in an AG-R zoned district, under the provisions of Section 1680.

Variance - Section 208 - One Single Family Dwelling Per Lot of Record - Use Unit 1209 - Request a variance to allow 2 dwelling units (2 mobile homes) on 1 lot of record under the provisions of Section 1670, located on the SE/c of 209th West Avenue and Coyote Trail.

Presentation:

The applicant, Gene Wadley, 208 W. Avenue, Tulsa, Oklahoma, asked the Board for permission to locate a second mobile home on the southeast acre of his property.

Comments and Questions:

Mr. Tyndall asked the applicant to state the purpose for moving a mobile home on the property and Mr. Wadley informed that his intent is to live in the mobile.

Mr. Tyndall asked Mr. Wadley who would live in the other trailer located on the tract. The applicant answered that his son would reside in the other mobile home.

Mr. Gardner asked if both mobile homes would have access to the street and Mr. Wadley answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District Use Unit 1209) to allow a mobile home in an AG-R zoned district, under the provisions of Section 1680; and to APPROVE a Variance (Section 208 - One Single Family Dwelling Per Lot of Record - Use Unit 1209) to allow 2 dwelling units (2 mobile homes) on 1 lot of record under the provisions of Section 1670, located on the SE/c of 209th West Avenue and Coyote Trail; finding that the property is large enough to have a lot-split and that the granting of the special exception would not be injurious to the area; subject to the 2nd mobile home being used for family members only and no commercial use; subject to Health Department approval and Building Permit; on the following described property:

Begin 699.39' north of the south line of the NW/4, Section 26, Township 19 N, Range 10 E; thence 635' east of the west line of

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Case No. 592 (continued)

said Section 26; thence E parallel to the south line of said NW/4 a distance of 300'; thence N parallel to the west line of said Section 26 a distance of 148.61' to a point on a curve on the south right-of-way line of a county road known as Coyote Trail; thence northwesterly along said curve which has a radius of 396.78' a distance of 176.41'; thence northwesterly a distance of 281.94' along said right-of-way; thence south and parallel to the west line of said Section 26 a distance of 483.63' to point of beginning with the west 30' reserved for easement containing 2.5 acres more or less, located in Tulsa County, Oklahoma.

Case No. 593

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request an exception to allow a mobile home in an RS zoned district, under the provisions of Section 1680, located on the NW/c of 4th Street and Ridge.

Presentation:

The applicant, Ms. Robert Prichett, 4308 Sunburst East, Sand Springs, Oklahoma, stated that she would like to be allowed to move a mobile home on her property for a permanent residence. Ms. Prichett explained that she intends to skirt the mobile home and has already acquired a percolation test.

Comments and Questions:

Mr. Alberty asked Ms. Prichett if there are other mobile homes located in the area and she informed that there are numerous trailers in the neighborhood.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS zoned district, under the provisions of Section 1680; subject to Health Department approval and Building Permit; on the following described property:

The north 77.35' of the south 200.30' of Lot 8, Block 20, Charles Page Home Acres #2, Tulsa County, Oklahoma.

Case No. 594

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 150', under the provisions of Section 1670, located at 9229 East 86th Street North.

Case No. 594 (continued)

Presentation:

The applicant, Clyde Williams, 9227 East 86th Street North, Tulsa, Oklahoma, explained that at the time he deeded land to his daughter he could not get a Building Permit unless the tract consisted of 2 1/2 acres, which he gave to her at that time. Mr. Williams asked the Board to allow the lot width reduced to 150'.

Comments and Questions:

Mr. Martin asked Mr. Gardner if a lot split is required and he answered in the affirmative.

Mr. Alberty stated that it appears the lots across the street to the southwest are less than 200'.

Interested Parties:

Ruth McCarty, Route 1, Box 1303, Owasso, Oklahoma, informed that there is a dispute as to the boundary between Mr. Williams property and her adjoining 80 acres. She stated that she thinks Mr. Williams has constructed his house too close to the boundary.

Mr. Alberty explained to Ms. McCarty that any decision made by the Board will not affect her property.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Wines, Walker, "absent") to APPROVE a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) of the lot width from 200' to 150', under the provisions of Section 1670; subject to TMAPC approval of the lot split; subject to Building Inspector approval; on the following described property:

The south 561' of the east 200' of the west 1/2 of the east 2/3 of the SE/4 of the SW/4 of Section 24, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 595

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request an exception to allow a mobile home in an RS zoned district, under the provisions of Section 1680.

Variance - Section 208 - One Single Family Dwelling Per Lot of Record - Use Unit 1209 - Request a variance to allow 2 dwelling units on 1 lot of record, under the provisions of Section 1670, located at 5907 West 33rd Street.

Comments and Questions:

Reece Edwards informed the Board that the property in question is located in a Regulatory Floodway and building is prohibited on all of the tract except the east 35'.

Case No. 595 (continued)

Mr. Alberty pointed out to Ms. Inez that if the Board were to approve the application, the Building Inspector would not issue a permit for the mobile home in the floodway.

Presentation:

The applicant, Loretta June Inez, stated that she was not aware that the property is located in the flood area and asked why other mobile homes in the area are allowed there.

Mr. Edwards pointed out that the mobiles were probably pre-existing before the adoption of the floodway maps.

Interested Parties:

Henry Moore, 3177 South 61st West Avenue, Tulsa, Oklahoma, asked the Board to define pre-existing.

Mr. Martin explained that a pre-existing dwelling would be one that was located on the property prior to the time that a zoning ordinance came into effect.

Mr. Edwards informed that Regulatory Floodway Maps have been in existence for approximately 8 or 9 years.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Wines, Walker, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS zoned district, under the provisions of Section 1680; and to DENY a Variance (Section 208 - One Single Family Dwelling Per Lot of Record - Use Unit 1209) to allow 2 dwelling units on 1 lot of record, under the provisions of Section 1670; finding that a dwelling is not permitted on the subject tract, except for the east 35', due to location in a regulatory floodway; on the following described property:

Lot 18, Block A, Berryhill Gardens Addition, Tulsa County, Oklahoma.

Case No. 596

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in an Agriculture District - Use Unit 1209 - Request an exception to allow a mobile home in an AG-R zoned district, under the provisions of Section 1680.

Variance - Section 208 - One Single Family per Lot of Record - Use Unit 1209 - Request a variance to allow more than 1 dwelling unit on

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Case No. 596 (continued)

1 lot of record, under the provisions of Section 1670, located on the SW/c of 128th Street north and 95th East Avenue.

Presentation:

The applicant, Carol Turner, 1732 South Comumbia Place, Tulsa, Oklahoma, informed that she would like to rent spaces for 2 or 4 mobile homes on the subject property. Ms. Turner stated that there were no regulations at the time she purchased the property, but she explained that after she started the project it was discovered that only double-wide mobiles could be placed on the land. The applicant stated that she needs the income from the rental property and asked the Board to allow ordinary mobiles to be parked on the tract.

Comments and Questions:

Reece Edwards informed the Board that the south (back half) portion of the lot in question is in a regulatory floodway and dwellings would not be permitted in this area.

Mr. Martin asked Ms. Turner if she is familiar with the regulatory floodway and she replied that she had not heard of it until today.

Mr. Jones explained that the west half of the property is in the floodway and that anything west would be subject to flooding and a permit for a habitable structure would not be issued on that portion of land.

Mr. Reece Edwards informed that bulk and area requirements might be met for 2 mobiles on the north portion of the property.

Protestants:

Hazel Slavens, 9339 East 128th Street North, Tulsa, Oklahoma, informed that the area floods during the spring and fall rains. She pointed out that the land will not perk and that the applicant has 2 lagoons on her property. Ms. Slavens stated that she is opposed to the placing of the mobiles on the tract.

Mr. Martin asked Ms. Slavens if she is opposed to the use of the land for a mobile home location. She replied that she is opposed to a commercial use in the agricultural area and is opposed to the lagoons. She pointed out that one of the lagoon walls is against the creek and she is concerned that it will wash out when the rainy season begins.

Deborah Berry, 12917 North 93rd East Avenue, Tulsa, Oklahoma, stated that she lives in a mobile home in the area. She informed that during the rainy season there is much flooding in the area and that the Conservation Engineer told her that the low portion of the land drains about 1 1/2 miles of land. Ms. Berry pointed out that she is opposed to the lagoons.

Case No. 596 (continued)

Applicant's Rebuttal:

Ms. Turner informed that she is not in favor of the lagoons, but the Health Department required that she construct them in order to get city water. She pointed out that the lagoons have been inspected and approved and the water has been piped to the property.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in an Agriculture District - Use Unit 1209) to allow a mobile home in an AG-R zoned district, under the provisions of Section 1680; and to **DENY** a **Variance** (Section 208 - One Single Family per Lot of Record - Use Unit 1209) to allow more than 1 dwelling unit on 1 lot of record, under the provisions of Section 1670; subject to 1 mobile home per lot of record; subject to Health Department approval; finding that the floodplain covers a large portion of the north and south lots, therefore making the tract inappropriate for more than 1 dwelling unit per lot of record; on the following described property:

Lot 1 and the N/2 of Lot 2, Block 3, North-Dale Acres Addition, Tulsa County, Oklahoma.

Case No. 597

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request an exception to allow a mobile home in an RS zoned district, under the provisions of Section 1680, located west of the NW/c of 97th West Avenue and 61st Street.

Presentation:

Cheryl Coleman, 739 Willow, Sand Springs, Oklahoma, informed that she would like to purchase 2 acres and place a mobile home on the tract. She explained that she already owns a mobile home and plans to buy the land if the Board allows her to park it in the RS zoned district.

Comments and Questions:

Mr. Tyndall asked the applicant if there are other mobiles in the area. Ms. Coleman replied that there are several in the area and one directly behind her property.

Mr. Alberty asked Ms. Coleman if she had acquired a percolation test. The applicant informed that the owner of the property has had the test made.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209)

Case No. 597 (continued)

to allow a mobile home in an RS zoned district, under the provisions of Section 1680; subject to Health Department approval and Building Permit; on the following described property:

The west 199' of the east 423' of the S/2 of the SW/4, SE/4, Section 35, T-19-N, R-11-E, Tulsa County, State of Oklahoma.

Case No. 598

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request an exception to allow a mobile home in an RS zoned district.

Variance - Section 708 - One Single Family Dwelling Per Lot of Record - Use Unit 1209 - Request a variance to allow 1 house and 1 mobile home per lot of record, under the provisions of Section 1670, located at 6059 North Trenton.

Presentation:

Grace Reed, 6059 North Trenton, Tulsa, Oklahoma, stated that she had her mobile home parked in a mobile home park when her husband died in 1979. Ms. Reed explained that, when the rent in the park was raised, she bought property and moved her mobile to its present location. She informed that she got permission from Jack Edwards in August and moved the trailer on the lot, then was asked to appear before the Board to get permission to be there. The applicant pointed out that there is a house on the front of the property where her son will live. Ms. Reed pointed out that there are other mobiles in the area and asked the Board to allow her mobile home to remain on the lot.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS zoned district; and to APPROVE a Variance (Section 708 - One Single Family Dwelling Per Lot of Record - Use Unit 1209) to allow 1 house and 1 mobile home per lot of record, under the provisions of Section 1670; subject to Health Department approval and Building permit; and subject to dwellings being occupied by the applicant and her son only and not being used for rental purposes; finding that there are other mobiles in the area and that the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lot 6, Block 4, Phillips Farms Addition, Tulsa County, Tulsa, Oklahoma.

Case No. 599

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of lot area from 2 acres to 1.19 acres and a variance of land area from 2.2 acres to .99 acres in order to permit a lot split, under the provisions of Section 1670, located on the NW/c of 4th Street and 96th Street North.

Presentation:

The applicant, Dennis Mossler, was not present.

Comments and Questions:

Mr. Jones explained that the applicant is amending his application and has requested that Case No. 599 be continued until October 15, 1985.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to CONTINUE Case No. 599 until October 15, 1985.

Case No. 600

Action Requested:

Special Exception - Section 440 - Special Exception Uses in Residential Districts - Use Unit 1213 - Request an exception to allow a flower shop as a home occupation in an AG zoned district, under the provisions of Section 1680, located south of the SW/c of 161st Street and Peoria.

Presentation:

The applicant, Bonnie Sisemore, 16250 South Peoria, Bixby, Oklahoma, asked the Board to allow her to have a flower shop in her home at the above stated address. The applicant informed that she has contacted her neighbors and they are not opposed to the business. Ms. Sisemore explained that the 975 sq. ft. flower shop is located about 75' south of her home.

Comments and Questions:

Mr. Jones noted that there is a similar flower shop east of Peoria on 151st.

Mr. Tyndall asked the applicant if she has been given a copy of the Home Occupation Guidelines. Ms. Sisemore replied that she has not been given one and was presented a copy by Mr. Jones.

Mr. Gardner if most of her business will be by phone order and Ms. Sisemore replied that she does not intend to have a large amount of

Case No. 600 (continued)

customers come to her home and that most of her business would be conducted by phone.

The applicant asked if she could have a small sign.

Mr. Alberty asked the applicant if she has applied for a Building Permit.

Jack Sisemore, 16250 South Peoria, Bixby, Oklahoma, stated that he did not have a Building Permit and construction was stopped on the building; therefore, that is why he is before the Board at this time.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to APPROVE a Special Exception (Section 440 - Special Exception Uses in Residential Districts - Use Unit 1213) to allow a flower shop as a home occupation in an AG zoned district, under the provisions of Section 1680 and to allow an accessory building to be constructed on the property; subject to the Home Occupation Guidelines, with the exception of a 1' by 2' name plate which is to be attached to the accessory building (no other freestanding signs permitted); subject to a Building Permit for said accessory building; on the following described property:

N/2, SE/4, NE/4, NE/4, Section 25, T-17-N, R-12-E, Tulsa County, State of Oklahoma.

Case No. 601

Action Requested:

Variance - Section 208 - One Single Family Dwelling Per Lot of Record - Use Unit 1209 - Request a variance to allow 2 dwelling units (2 mobile homes) on one lot of record, under the provisions of Section 1670, located east of the NE/c of 106th Street North and Sheridan Avenue.

Presentation:

The applicant, Mildred Woods, 7019 East 106th Street North, Tulsa, Oklahoma, stated that she lives in a mobile home on 2.78 acres. She asked the Board to allow a second mobile to be placed on the property so her widowed mother can live near her.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to APPROVE a Variance (Section 208 - One Single Family Dwelling Per Lot of Record - Use Unit 1209) to allow 2 dwelling units (2 mobile homes) on one lot of record, under the

Case No. 601 (continued)

provisions of Section 1670; subject to Health Department approval and a Building Permit; subject to the second mobile home being occupied by only a family member; on the following described property:

A tract of ground situated in the west half of the SE/4 of the SW/4 of Section 11, Township 21 N, Range 13 E of the Indian Base and Meridian, Tulsa County, Oklahoma, and being more particularly described as follows, to-wit: Beginning at the SE/c of the W/2 of the SE/4 of the SW/4 thence west along the south line of Section 11 a distance of 230.0', thence north along a line parallel with the east line of the W/2 of the SE/4 of the SW/4 a distance of 526.77', thence east along a line parallel with the south line of Section 11 a distance of 230.0' to a point on the east line of the W/2 of the SE/4 of the SW/4, thence south along said east line a distance of 526.77' to the point of beginning, containing 2.78 acres.

OTHER BUSINESS

Interpretation of the Terms "Public Street" and "Dedication of Right-of-Way"

Presentation:

Ricky Jones stated that he received a letter from the County Inspector asking that the Board interpret the above stated terms.

Mr. Gardner informed that the interpretation of one local attorney is that a dedicated right-of-way is when the dedication was made, regardless if the County accepts the street for maintenance. Mr. Gardner pointed out that a public street or a dedicated right-of-way is a street or dedicated right-of-way that has been accepted by the County for maintenance and for use by the public. Otherwise, the one dedicating the street can later vacate the street and the County would have no control in the matter.


Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to INTERPRET the terms "Public Street" and "Dedication of Right-of-Way" in Section 207 - Street Frontage Required - Tulsa County Zoning Ordinance, to mean that Tulsa County has accepted that right-of-way for public use and maintenance.

There being no further business, the meeting adjourned at 4:40 p.m.

Date Signed

10-15-85


Chairman
09.17.85:64(18)