

COUNTY BOARD OF ADJUSTMENT

Meeting No. 68

Tuesday, January 21, 1986, 1:30 p.m.

County Commission Room

Room 119

County Administration Building

(Adjourned and Reconvened In Room 631)

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Tyndall Walker	Looney Wines	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, January 17, 1986 at 1:10 p.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:35 p.m.

Resolution In Recognition of William Martin

Mr. Alberty thanked Mr. Martin for his 5 years of service on the County Board of Adjustment and presented a Resolution of Appreciation.

Mr. Martin stated that his life had been enriched by the friendship and association with the members of the Board.

MINUTES:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, Wines, "absent") to **APPROVE** the Minutes of December 17, 1985 (No. 66).

Due to conflicting schedules, the meeting adjourned at 1:45 p.m. and reconvened in Room 631 at 1:50 p.m.

UNFINISHED BUSINESS

Case No. 621

Action Requested:

Variance - Section 207 - Street Frontage Required - Request a variance of the required 30' frontage on a public or dedicated street, located on the NE/c of West 41st Street and 177th West Avenue.

1.21.86:68(1)

Case No. 621 (continued)

Presentation:

The applicant, Robert Nichols, 111 West 5th Street, Tulsa, Oklahoma, submitted a letter from the City of Sand Springs (Exhibit A-1) and stated that he appeared before the Board at the November meeting. He informed that his clients, the Eastern Oklahoma Land and Cattle Company, own the subject property and began a process of subdividing the tract approximately 4 years ago. About 1 year ago, the City of Sand Springs Planner suggested that the owners plat the property and a preliminary plat was submitted and approved by that City Board. He pointed out that it was ready for final filing, but Tulsa County would not accept the dedication of 177th East Avenue, because it had not been built to County standards. Mr. Nichols stated that in October of 1985 the Board interpreted Section 230 of the Zoning Code to mean that any dedicated right-of-way must be accepted after being dedicated, and that since the last meeting he has met with County Engineer, Ray Jordan and Commissioner Selph concerning the problem. He informed that an agreement has been reached with the county and they will accept the dedication of 177th East Avenue and 31st Street if an additional covenant is placed in the plat, stating that the property owners will be responsible for the entire maintenance of the roads. It would also give the County the right to take over the maintenance of the roads if they are brought up to County standards in the future. Mr. Nichols stated that some of the internal lots would be on private streets.

Comments and Questions:

Mr. Walker remarked that the applicant has met with the County Engineer as was suggested by the Board at the last meeting.

Mr. Tyndall commented that the streets have been dedicated, but not accepted by the County for maintenance and that, in his opinion, the status of the case has not changed since the last meeting.

Mr. Albery asked if the land has been set aside if the county decides to utilize it at a later date. Mr. Nichols stated that this will be worked out with the County Engineer before the plat is filed.

Mr. Edwards asked what will be done with the balance of the property that is outside the plat. Stanley Synar, 7426 East 69th, Tulsa, Oklahoma, owner of the subject tract, stated that there are no plans for the property at this time.

Mr. Albery asked if any of the platted lots will be in the floodplain and Mr. Nichols informed that portions of some of the 29 lots are located in the floodplain.

Mr. Tyndall remarked that he is not sure what makes this case unique or different from one that might be presented by any other person wanting to build a subdivision in Tulsa County without dedicated and accepted streets.

Case No. 621 (continued)

Mr. Alberty suggested that it is unique from the standpoint that this subdivision has been developing without the legal remedies offered by law in terms of platting, and the Sand Springs Planning Commission is actually negotiating a settlement to legally present this property.

Mr. Edwards asked Mr. Nichols if he will he go to the Building Inspector and ask for more lots off of the street if the Board grants this variance request. Mr. Nichols replied that he will not, unless they are platted.

Mr. Jones stated that the applicant may be using this case to line the other lots up for approval, since he would already have the lots approved to the north, with streets in place. He informed that Board action would be required if lots outside the plat are sold.

There was discussion as to the borders of the Sand Springs fenceline.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, Wines, "absent") to APPROVE a Variance (Section 207 - Street Frontage Required) of the required 30' frontage on a public or dedicated street; subject to the plat being filed of record; subject to a covenant, requiring the property owners to maintain the roads and streets of the subdivision, being signed by the County Engineer and Commissioner Selph and this signed document being brought before this Board for review; finding that this approval does not include property or lots that could become attached to said roads or streets; on the following described property:

NW/4 of the NW/4, the W/2 of the NE/4 of the NW/4, the SW/4 of the NW/4, the NW/4 of the SW/4, the NE/4 of the SW/4, the SW/4 of the SW/4, the W/2 of the W/2 of the SE/4 of the SW/4, and the SW/4 of the NW/4 of the SE/4, all in Section 19, T-19-N, R-11-E, of the I.B.M., Tulsa County, Oklahoma.

Case No. 623

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in R Districts - Use Unit 5 - Request a special exception to allow for a church and related uses in an R district.

Variance - Section 1205.3(a) - Use Conditions - Use Unit 1205 - Request a variance of the lot area from 1 acre to .4 acre, located at 5948 South 59th West Avenue.

Case No. 623 (continued)

Presentation:

The applicant, B.G. Guthrie, was not present.

Comments and Questions:

Mr. Jones stated that he received a call from the applicant today and he asked that the Case No. 623 be continued until February 18, 1986, to allow time for the preparation of building plans.

Interested Parties:

Richard Ostrander, Route 13, Box 20, Tulsa, Oklahoma, stated that there are many other interested parties that were present for the first meeting, but were unable to leave their jobs in order to attend today. He pointed out that he owns property near the subject tract and this is the 4th time he has come down to hear the case presented.

Mr. Alberty requested Staff to inform the applicant that it is the Board's suggestion that he present his plans to the neighbors for review before the February 18 County Board of Adjustment Meeting and be prepared to present his case at that time.

Mr. Walker requested that this meeting with the protestants and interested parties be scheduled in the evening or on weekends, which would allow those that work to attend.

Mr. Edwards informed that the County Inspector was passing the subject property and noticed some activity on the lot. When he questioned the workers, they informed him that they are going to build a church. Mr. Edwards stated that there seemed to be quite a lot of confusion with the many people working on the project.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, Wines, "absent") to CONTINUE Case No. 623 until February 18, 1986, on which date the case will be heard whether plans are complete or applicant is present. Mr. Walker instructed staff to inform the applicant that, prior to the next scheduled meeting on February 18, he is to meet with the area residents and present his plans to them for review. This meeting is to be planned in the evening or on a weekend in order that the neighbors that work can attend.

NEW APPLICATIONS

Case No. 629

Action Requested:

Special Exception - Section 410- Principal Uses Permitted In the Residential Districts - Use Unit 1209 - Request a special exception to permit a mobile home in an RS zoned district, located west of South 49th West Avenue and West 27th Street South.

Presentation:

The applicant, Robert Converse, 5010 West 27th Street South, Tulsa, Oklahoma, stated that he has a lot next door and would like to place a mobile home on it for his mother and step-father. Mr. Converse pointed out that there are numerous mobiles in the area and asked that the home to be located on the lot permanently in order that he could provide a home for his mother.

Board Action:

On MOTION of TYNDALL and SECOND by WALKER, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, Wines, "absent") to APPROVE a Special Exception (Section 410- Principal Uses Permitted In the Residential Districts - Use Unit 1209) to permit a mobile home in an RS zoned district; subject to acquiring a Building Permit and Health Department approval; on the following described property:

Beginning 130' west and 10' south of the NE/c; thence south 205', thence west 130'; thence north 45'; thence west 24'; thence north 150'; thence east 144' to the P.O.B. All in Elliott's Subdivision, Tulsa county, Oklahoma.

Case No. 630

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the street frontage required from 30' to 10' in order to permit a lot split, located at 7413 North 119th East Avenue.

Presentation:

The applicant, Charles Asbill, was not present.

Case No. 630 (continued)

Comments and Questions:

Mr. Jones informed that the applicant supplied the wrong legal description when making application and requested that this case be continued to allow sufficient time to readvertise.

Board Action:

On MOTION of TYNDALL and SECOND by WALKER, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, Wines, "absent") to CONTINUE Case No. 630 to February 18, 1986.

Case No. 631

Action Requested:

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206/1209 - Request a variance to allow 2 single-family dwellings (1 residence and 1 mobile home) per lot of record in an AG zoned district, located west of the SW/c of 181st Street South and South Yale Avenue.

Presentation:

The applicant, Tim Dunn, 4020 East 181st Street, Tulsa, Oklahoma, stated that he purchased the subject tract in November of 1985 and asked the Board to allow him to place a mobile home on the property. Mr. Dunn explained that a friend was going to move next to him in a mobile, but he discovered that a lagoon is required by the County Health Department for the 2 dwellings. A lot split was attempted, but there is not sufficient land to install the lagoon and maintain the 100' space required on either side of it.

Comments and Questions:

Mr. Alberty asked the applicant if he would retain ownership of the entire piece of property and Mr. Dunn answered in the affirmative.

Mr. Alberty inquired of Mr. Dunn if he intends to have the mobile located permanently on the acreage. Mr. Dunn informed that he wants to help his friend out now and may want to move his parents to this location in the future. He pointed out that there are numerous mobile homes in the area.

Protestants: None.

Case No. 631 (continued)

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 3-0-0 (Alberly, Tyndall, Walker, aye"; no "nays"; no "abstentions"; Looney, Wines, "absent") to APPROVE a Variance (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206/1209) a variance to allow 2 single-family dwellings (1 residence and 1 mobile home) per lot of record in an AG zoned district; subject to a Building Permit and Health Department approval; on the following described property:

The west 270' of Lot 2, which is part of the NW/4 of the NE/4 of Section 4, T-16-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma.

Case No. 632

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request a variance of setback from abutting residential district from 75' to 30' to allow for a building, located at 4905 West 51st Street.

Presentation:

The applicant, Calvin Cozort, was not present.

Comments and Questions:

Mr. Jones informed that the applicant has not contacted his office, but explained that, upon examination of the application, it was discovered that the property would be subject to a plat and the area does not have access to water and sewer facilities.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 3-0-0 (Alberly, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, Wines, "absent") to CONTINUE Case No. 632 until February 18, 1986.

There being no further business, the meeting was adjourned at 2:28 p.m.

Date Approved

Feb. 18, 1986

Wayne Alberly
Chairman