

COUNTY BOARD OF ADJUSTMENT
Meeting No. 83
Tuesday, April 21, 1987, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Eller Looney Tyndall Walker		Gardner Jones Moore	Ron Fields, Building Inspection

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, April 16, 1987 at 3:47 p.m.

Mr. Looney called the meeting to order at 1:40 p.m.

MINUTES:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** the Minutes of March 17, 1987 (No. 82).

Following approval of the March 19, 1987 minutes, the meeting was delayed to await the arrival of Chairman Alberty and Mr. Walker.

UNFINISHED BUSINESS

Case No. 721

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the land area from 2.2 acres to 1.0 acres, the lot area from 2 acres to .853 acres and the lot width from 200' to 127.825', all in order to permit a lot split, located north of NE/c of West 31st Street and 225th West Avenue.

Presentation:

The applicant, Clyde Sanford, was not present.

Comments and Questions:

Mr. Jones informed that the applicant was not present at the last meeting, and when contacted by phone, stated that he would appear at

this meeting. He pointed out that TMAPC has previously approved the lot split, subject to approval by this Board.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206) of the land area from 2.2 acres to 1.0 acres, the lot area from 2 acres to .853 acres and the lot width from 200' to 127.825', all in order to permit a lot split; finding a hardship demonstrated by the shape of the tract and the fact that there are numerous lots in the area that are similar in size to the lot in question; on the following described property:

The north 826.95' of the south 1,157.73' of the W/2, SW/4 of Section 15, T-19-N, R-10-E, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 728

Action Requested:

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

Variance - Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1209 - Request a variance of lot width from 200' to 60'; lot area from 2 acres to 6,900 sq. ft.; land area per dwelling unit from 2.2 acres to 8,400 sq. ft.; side yard requirements to 5' on each side and rear yard requirements from 40' to 20', located 1.5 miles north of State Highway 51 on Old Keystone Road.

Presentation:

The applicant, The Breisch Co, Inc., 16 South Main, Sand Springs, Oklahoma, was represented by Alan Ringle, who informed that he is speaking for Martin Investment Company, Inc., owner of the lots in this application, with the exception of one lot. He informed that the area in question was platted prior to County zoning. Mr. Ringle pointed out that there are two different additions in question, the first of which is a special exception for a mobile home on one lot in Keystone Manor, Suburban Acres I. He informed that numerous mobile homes were located in the area when the County Zoning Code was implemented. A plot plan (Exhibit B-1) was submitted.

William Martin, PO Box 247, Broken Arrow, Oklahoma, asked the Board to withdraw the variance request portion of the application. He informed that further planning is required for the property in question.

Protestants:

Mike Turpin, 502 West 6th Street, Tulsa, Oklahoma, attorney for the property owners protesting the application, asked the reason for withdrawal of the variance request.

Mr. Martin replied that a development loan is in process at this time for improvement of the area.

Mr. Turpin informed that he is confused with the withdrawal of the application and left the meeting room, along with the protestants, for a brief conference with Mr. Martin.

Following a brief period of discussion, Victor Byrd, 502 West 5th Street, Tulsa, Oklahoma, who, along with Mr. Turpin, represented the protestants, stated that the applicant must prove that he has complied with the conditions required for a special exception.

Mr. Jones explained that under Section 1680 of the Zoning Code, the Board of Adjustment may grant a special exception after finding that the request will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Mr. Gardner pointed out that the applicant has previously stated that prior to 1980 mobile homes were permitted in the area by right, and the proposed mobile home is not foreign to the area at this time, but is consistent with the land use in the area.

Applicant's Rebuttal:

Mr. Turpin informed that, during their brief meeting, the sewage system, poor roads and a deteriorating privacy fence were discussed. He stated that Mr. Martin has assured the protestants that the fence will be repaired in two weeks and the road repairs will begin immediately. Mr. Turpin informed that the landowners have been dealing with Mr. Allison and he has not kept his commitments, but Mr. Martin assures them that he will take care of the problems. He stated that the property owners are definitely opposed to the variance request, but understands that it has been withdrawn at this time.

Mr. Looney asked Mr. Martin if he concurs with the statements made by Mr. Turpin, and he replied that his commitment spoken of by Mr. Turpin will be done. Mr. Martin stated that the sewers will be functioning properly and he will repair the roads when the temperature is right for such a project, and then the County will take jurisdiction.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **WITHDRAW** a **Variance** (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1209) a variance of lot width from

200' to 60'; lot area from 2 acres to 6,900 sq. ft.; land area per dwelling unit from 2.2 acres to 8,400 sq. ft.; side yard requirements to 5' on each side and rear yard requirements from 40' to 20'; and to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS zoned district; subject to the privacy fence being repaired; and subject to the sewage system being in proper working order; finding that there are numerous mobile homes in the neighborhood and that the granting of the special exception request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

All of Keystone Manor Suburban Acres II Addition, less Lots 1 - 7, Block 4, Lots 7, 9, 10, 11, 12, Block 5, Lots 1, 4, and 9, Block 6 and Lot 8, Block 2, Keystone Manor Suburban Acres, an Addition to Tulsa County, Oklahoma.

Case No. 729

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Use Unit 1206 - Request a variance of the lot width from 200' to 160'.

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the frontage requirement from 30' to 28', all in order to permit a lot split, located east of SE/c of Elwood Avenue and 201st Street South.

Comments and Questions:

Mr. Jones informed that the south 100' of the tract is located in the 100 year floodplain. A copy of the Flood Hazard Review (Exhibit C-1) was submitted. He stated that the lot was split in 1984 or 1985 and filed of record, but it has been determined that there was not a proper lot split at that time. He informed that the application has been approved by TMAPC, subject to Board of Adjustment approval.

Presentation:

The applicant, Bob Christian, 16929 South 85th East Avenue, Bixby, Oklahoma, explained to the Board that his parents gave him the tract of land at the above stated location, and he is proposing to obtain a lot split and give a portion of the property to his sons.

Additional Comments:

Mr. Alberty inquired if the land is vacant at this time, and the applicant informed that he has a mobile home on the lot.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk and Area Requirements In the Agriculture Districts - Use Unit 1206) of the lot width from 200' to 160'; and to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the frontage requirement from 30' to 28', all in order to permit a lot split; finding a hardship imposed on the applicant by the large size of the tract; and finding that there are other lots in the area which are similar in size than the lot in question; on the following described property:

Part of the SE/4, SW/4; Beginning 500' east of NW/c of the W/2 of the SE/4, SW/4, thence south 910', east 160', north 580', west 132', north 330', west 28' to the POB, less the north 30' thereof, Section 12, T-16-N, R-12-E, Tulsa County, Oklahoma.

Case No. 730

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home, located 304 Industrial (113 West Avenue).

Comments and Questions:

Mr. Jones informed that the City of Sand Springs has heard the case and a letter (Exhibit D-1) recommending denial of the request was presented to the Board.

Presentation:

The applicant, Dale Polk, 210 West 5th Street, Sand Springs, Oklahoma, explained that he had originally intended to place a mobile home at the above stated location, but has now found a modular home instead.

Additional Comments:

Mr. Jones stated that a modular home is not classified as a mobile home and does not require Board of Adjustment approval in an RS District.

Protestants:

C. R. Lancaster, Box 491, Sand Springs, Oklahoma, stated that he is opposed to a mobile home being located on the subject tract.

Board Action:

On **MOTION** of **ELLER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **WITHDRAW** Case No. 730; finding that the applicant is no longer in need of the relief requested.

Case No. 731

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217 - Request a special exception for a home occupation for automobile repair, located 4347 South 49th West Avenue.

Presentation:

The applicant, Gregorio Gaytan, 4347 South 49th West Avenue, Tulsa, Oklahoma, asked the Board to allow him to repair cars on his property. He informed that there are two other body shops in the area and other properties that have outside storage of junk cars and trucks. Mr. Gaytan asked the Board to allow him to continue to operate his auto repair business as a home occupation.

Comments and Questions:

Mr. Alberty asked if there is a garage on the property, and Mr. Gaytan replied that there is a 775 square foot garage on his lot. He pointed out that he has kept the property in much better repair than the previous owner.

Mr. Alberty informed that the requested use is extending the interpretation of the Home Occupation Guidelines beyond that which was intended. He explained that the Code defines a home occupation as one that takes place in the applicant's dwelling or customary accessory buildings. Mr. Alberty further explained that there is to be no evidence that a business is being operated on the premises. He asked the applicant how many cars he intends to have on the lot, and Mr. Gaytan replied that he presently has 13 cars behind the building, but some of them do not belong to him and will be removed. He informed that he plans to have a maximum of four cars.

Mr. Alberty asked the applicant if the Building Inspector has issued a cease and desist order to him, and he replied that he was not visited by the Building Inspector.

Ron Fields informed that Mr. Gaytan was notified by mail on February 25, 1987 that the business was in violation of the Code and operation was to cease. Photographs taken by the field inspector were viewed by the Board.

Protestants:

Mary Connor, 4349 South 49th West Avenue, Tulsa, Oklahoma, stated that she lives next door to the automobile repair business in question and asked the Board to deny the request. She pointed out that the nearby garage was supposed to have only one or two cars on

the premises at one time, but it has evolved into a junk yard. Ms. Connor stated that she is concerned with all of the junk businesses in the area and pointed out that their presence in the neighborhood devaluates her property. She pointed out that Mr. Gaytan has cleaned up the lot, but that she is opposed to the car repair business in the residential area.

Applicant's Rebuttal:

Peggy Gaytan, wife of the applicant, stated that she understands Ms. Connor's concern that her property will be devaluated by the automobile repair business, but also feels that her husband has a right to provide for his family. She informed that the salvage cars will be removed from the lot and all work will be completed inside the garage.

Additional Comments:

Mr. Alberty and Mr. Looney both agreed that this business is stretching the intent of a home occupation use to a substantial degree. Mr. Alberty pointed out that a violation obviously exists and is concerned that the applicant did not clear the lot before coming before the Board for a Home Occupation request.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217) for a home occupation for automobile repair; finding that the business is not compatible with the neighborhood, and the special exception request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 14, Block 1, Bridges III Addition, Tulsa County, Oklahoma.

Case No. 732

Action Requested:

Variance - Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1206 - Request a variance to allow for 3 dwelling units on one lot of record, located east of NE/c 76th Street North and 129th East Avenue.

Presentation:

The applicant, Clyde Biggs, 1410 North Birch, Owasso, Oklahoma, informed that his father owns 10 acres of land at the above stated location, and asked permission to move a mobile home on 1 acre of the tract. He informed that the dwellings will be serviced by a rural water supplier, and will have a septic sewage system.

Comments and Questions:

Mr. Alberty asked the applicant if there are two dwelling units on the property at this time, and Mr. Biggs answered in the affirmative.

Mr. Alberty inquired as to the owners of the dwellings, and Mr. Biggs replied that his father owns both of them, but his brother lives in one.

Mr. Alberty pointed out that, due to the size of the tract, it could be split into three separate lots.

Mr. Jones informed that the subject tract is inside the Owasso fence line, but that City declined to hear the case, with no comments.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1206) to allow for 3 dwelling units on one lot of record; subject to Building Permit and Health Department approval; finding a hardship demonstrated by the large size of the lot; and finding that the tract actually has sufficient footage for four separate lots that would meet Code requirements; on the following described property:

The NE/4, NW/4, NW/4 of Section 33, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 733

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of lot width from 150' to 72.5', a variance of the lot area from 22,500 sq. ft. to 9,570 sq. ft. and a variance of the land area from 26,250 sq. ft. to 11,382 sq. ft., and a variance of side yard setback from 15' to 10.7', all in order to permit a lot split, located 11150 East 99th Street North.

Presentation:

The applicant, William Lewis, 6420 South 221st East Avenue, Broken Arrow, Oklahoma, submitted a map (Exhibit E-1) and explained that he is an engineer representing the owner of the subject property, Buford Williams. He stated that Mr. Williams is the developer of the property to the south, El Rio Vista II. Mr. Lewis pointed out that the owner is proposing to split the subject property into four lots, keeping the house on one lot. He stated that there are other lots in the area that are comparable in size.

Comments and Questions:

Mr. Jones informed that the lot split was approved by TMAPC on April 15, 1987.

Protestants: None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of lot width from 150' to 72.5', a variance of the lot area from 22,500 sq. ft. to 9,570 sq. ft. and a variance of the land area from 26,250 sq. ft. to 11,382 sq. ft., and a variance of side yard setback from 15' to 10.7', all in order to permit a lot split; finding that the southern boundary of the property in question abutts Owasso city limits which has smaller lot sizes; and finding that there are other lots in the area that are similar in size to the lots in question; on the following described property:

Beginning at a point 330' west of the SE/c of NE/4, SE/4, thence west 325', north 132', east 325', thence south 132' to the POB, Section 18, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 734

Action Requested:

Special Exception - Section 440 - Special Exception Uses in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home.

Variance - Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1209 - Request to allow for 2 dwelling units on one lot of record, located south of Keystone Expressway, West of Highway 97.

Presentation:

The applicant, Carol Parker, 835 Long Street, Sand Springs, Oklahoma, stated that she is planning to place an 80' by 16' mobile home on a permanent foundation. She informed that the existing house on the property is in bad repair and will be remodeled and used for rental purposes.

Comments and Questions:

Mr. Jones informed that Staff received a letter (Exhibit F-1) from the City of Sand Springs which recommended approval of the request.

Mr. Alberty inquired if there are other lots in the immediate area that have more than one dwelling on the lot, and Ms. Parker informed that there are other lots that have more than one dwelling unit.

Mr. Looney asked the applicant if a septic system is in place on the subject property, and she replied that there is one 1,000 gallon tank, which will adequately service the house and mobile home.

Mr. Walker stated that he is familiar with the neighborhood and that mobile home use is appropriate for the area.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 440 - Special Exception Uses in Residential Districts - Use Unit 1209) to allow for a mobile home; and to **APPROVE** a **Variance** (Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1209) to allow for 2 dwelling units on one lot of record; subject to Building Permit and Health Department approval of the septic system; finding that there are numerous mobile homes in the area and the granting of the requests will not be injurious to the area and will be in harmony with the spirit and intent of the Code; and finding that there are other lots with more than one dwelling unit; on the following described property:

Lot 10, Block 2, Hall's Garden Addition, Tulsa County, Oklahoma.

Case No. 735

Action Requested:

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

Presentation:

The applicant, Roy Page, Box 426, Oakhurst, Oklahoma, submitted a plot plan (Exhibit G-1), and explained that the two 25' lots in question are vacant and front on South 58th West Avenue. He stated that he plans to locate two mobile homes on the lots, with a 35' yard space between the units. Mr. Page stated that there are other mobile homes in the area.

Comments and Questions:

Mr. Alberty inquired if there are mobile homes located in the same block as the proposed units, and Mr. Page replied that there are none.

Mr. Alberty asked the applicant if he is the owner of the property in question, and Mr. Page replied that he is planning to purchase the lots for rental use.

Protestants:

Dick Ostrander, Route 13, Box 20, Tulsa, Oklahoma, stated that he is concerned with protecting the residential area. He informed that there are no mobile homes in the block, and stated that he would not object to the construction of a home on the lot. Mr. Ostrander asked the Board to view photographs of other rental units that have yards filled with trash and debris. He asked the Board to preserve the character of the neighborhood and deny the mobile home request.

Ron Fields, from the Building Inspector's department, informed that according to the dimensions given by the applicant, only one mobile home can be placed on the lot and meet the lot area requirements.

Mr. Jones pointed out that if the Board is inclined to approve more than one mobile home for the lots, the applicant could readvertise for a variance of the bulk and area requirements.

Lawrence McGrew, 5821 South 58th West Avenue, Tulsa, Oklahoma, stated that he lives to the south of the subject property. He pointed out that the lots have been graded off to bedrock, which would prevent the use of a septic system, and the closest sewer and water line is on Southwest Boulevard. Mr. McGrew asked the Board to deny the special exception request.

Applicant's Rebuttal:

Mr. Page stated that there is an 8" sewer line running within 75' of the property, with a water line running between 57th Street and 58th Street.

Mr. Alberty asked the applicant if he plans to connect to the sewer and water lines, and he answered in the affirmative.

Mr. Gardner pointed out that the construction of a house would be permitted on each lot, but when a special exception for mobile home use is applied for, the nonconforming status of the lots does not apply, and RS bulk and area requirements must be met.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow one mobile home in an RS zoned district; subject to the mobile home being skirted and tied down; subject to no dead automobiles being stored on the property; and subject to Building Permit and Health Department approval; finding that there are numerous mobile homes in the surrounding area; on the following described property:

Lots 21 - 23, Block 16, New Taneha Addition, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:10 p.m.

Date Approved

May 2, 1987

Wayne Alberty
Chairman