

COUNTY BOARD OF ADJUSTMENT
Meeting No. 98
Tuesday, July 19, 1988, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Eller Tyndall Walker	Looney	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, June 15, 1988 at 1:08 p.m.

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

MINUTES

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of June 21, 1988 (No. 97).

UNFINISHED BUSINESS

Case No. 810

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an AG-R District.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for two units on one lot of record, located 13204 North 95th East Avenue.

Presentation:

The applicant, **Irene Hally, 13204 North 95th East Avenue, Collinsville, Oklahoma**, stated that she and her husband are planning to reside in a mobile home on a piece of property owned by her son. She informed that there is a mobile home next door that is occupied by her grandson, and there are others in the area.

Case No. 810 (continued)

Comments and Questions:

Mr. Albery inquired if utilities are available, and she replied that there is a water line along the street. Mr. Hally, 13204 North 95th East Avenue, Tulsa, Oklahoma, stated that all utilities are in place, and a septic system will be used for sewage disposal.

In response to Mr. Albery's question concerning neighborhood approval, Mr. Hally replied that he has discussed the location of the mobile with surrounding residents and has encountered no opposition to the application.

Mr. Albery asked if the mobile home will remain on the property on a permanent basis, and Mr. Hally answered in the affirmative.

Mr. Eller inquired if the mobile will be tied down and skirted, and the applicant replied that the skirting is not in place at this time, but will be installed.

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Albery, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209) to allow for a mobile home in an AG-R District; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow for two units on one lot of record; subject to Building Permit and Health Department approval; finding that there are numerous mobile homes in the area and the granting of the requests will not have a detrimental affect on the area; on the following described property:

The west 616.94' of the east 1334.48' of the south 197.80' of the north 2334.60' of the NE/4, of Section 36, T-22-N, R-13-E, Tulsa County, Oklahoma.

Case No. 827

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an AG zoned district.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for two dwellings (one house, one mobile home) on one lot of record, located 1/2 mile south of the SW/c 145th East Avenue and 151st Street North.

Case No. 827 (continued)

Presentation:

The applicant, Kelly Lechlinder, was represented by his sister, Pat Huvendhal, 16929 South 87th East Avenue, Bixby, Oklahoma, who asked the Board to allow a mobile home to remain on the property at the above stated location. She pointed out that the tract is surrounded by agricultural uses and the area is sparsely populated. Ms. Huvendhal stated that one of her brother's employees does not have an automobile and is living in the mobile home to be near work. She informed that there is a house on the front portion of the property that is used for rental purposes.

Comments and Questions:

Mr. Walker inquired as to the reason for the one acre tract, with all surrounding properties being large acreages. Ms. Huvendhal replied that her brother purchased the house and one acre from his father-in-law, who wanted to retain the remainder of the 20 acre tract.

Mr. Alberty advised that a hardship is required for a variance to allow two dwellings on one lot of record. He pointed out that the lot in question is substandard and the owner does not live on the property.

Ms. Huvendhal asked how much land would be required for the two units, and Mr. Jones informed that Staff has not been able to find any evidence of a lot split and the lot may have been created without proper approvals.

Mr. Jones informed that the applicant may need a variance of bulk and area requirements, and suggested that the case be continued for 30 days to allow sufficient time for research on the lot split issue and make request for variance of bulk and area requirements, or allow the applicant to acquire a sufficient amount of land to satisfy the Code requirements.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to CONTINUE Case No. 827 to August 16, 1988, to allow sufficient time for additional research on the validity of the lot split and a review of bulk and area requirements.

NEW APPLICATIONS

Case No. 828

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, located northwest of 136th Street North and US Highway 169.

Case No. 828 (continued)

Presentation:

The applicant, **Chester Monroe, Route 3, Box 4, Collinsville, Oklahoma**, stated that he is planning to demolish a house on his property and install a mobile home. He informed that he will install a new septic system, which was required by the Health Department.

Comments and Questions:

Mr. Alberty asked if the mobile home will be tied down and skirted, and Mr. Monroe answered in the affirmative.

In response to Mr. Alberty's inquiry as to other mobile homes in the neighborhood, the applicant stated that there are other mobiles in the area around his property.

Mr. Monroe stated that it will be necessary to remove the old house before the septic system can be installed.

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") 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 a Building Permit and Health Department approval; finding that there are numerous mobile homes in the area and 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; on the following described property:

The S/2 of Lots 1 and 2, Block 29, Highland Park Addition, Tulsa County, Oklahoma.

Case No. 830

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 RM-2 zoned district.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for two units on one lot of record, located 7912 West 16th Street.

Case No. 830 (continued)

Presentation:

The applicant, **James Meeks, PO Box 27194, Tulsa, Oklahoma**, requested permission to install a mobile home on his property. Mr. Meeks explained that his daughter and family are presently living in the existing house and he would like to install the mobile home for his residence. The applicant stated that he has owned the subject property approximately 10 years and, due to early retirement and reduced earning power, finds it would be to his advantage to move closer to Tulsa. He stated that City water is available and an additional septic system will be installed for the mobile home if this is required by the Health Department. Mr. Meeks informed that there are numerous mobile homes in the area.

Comments and Questions:

Mr. Alberty asked the applicant if the mobile home will be a permanent residence, and he replied that he is not sure, but requested permission to install it for an indefinite period.

It was noted by Mr. Alberty that Staff has received a letter (Exhibit A-1) from the Sand Springs Board of Adjustment recommending approval of the application.

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RM-2 zoned district; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow for two units on one lot of record; subject to Building Permit and Health Department approval; finding that there are numerous mobile homes in the area and that the large lot can easily accommodate two dwelling units; on the following described property:

Tract 16, Lot 7, Billington's Acre Tract Addition, Tulsa County, Oklahoma.

Case No. 831

Action Requested:

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

Variance - Section 1340 - Design Standards for Off-Street Parking - Use Unit 1205 - Request a variance to allow for a gravel parking lot, located east of NE/c of 131st Street South and South Elgin Avenue.

Case No. 831 (continued)

Presentation:

The applicant, **Bob DeBolt, 10625 South 33rd West Avenue, Sapulpa, Oklahoma**, requested permission to use 2500 sq. ft. of an existing 5000 sq. ft. building as a meeting place for the Southside Baptist Church. He stated that the building was formerly occupied by a landscaping company and is owned by the Catholic Diocese. Mr. DeBolt asked the Board to allow the church to use the existing gravel parking lot for the duration of their lease. He informed that water is available and the septic system has been approved by the Health Department.

Comments and Questions:

Mr. Albery asked the applicant if there will be another use in the building, and Mr. DeBolt replied that only church use will be in the building, but a portion of the sanctuary will be partitioned off to cut down on utility expenses.

In response to Mr. Albery's inquiry concerning the gravel parking request, Mr. DeBolt explained that the church is leasing the property and does not want to bear the expense of surfacing the lot. He stated that the church will agree to spray the gravel area with calcium chloride to prevent dust. The applicant pointed out that the Baptist Association has purchased land to the west of the subject property for a future building site, and there is a possibility that they could purchase the property in question at a later date. He stated that, in the event that occurs, the parking lot will be covered with a hard surface material.

Mr. Walker asked if there are neighbors living nearby that will be affected by dust from the lot, and Mr. DeBolt replied that there is only one residence within 300' and the owner is in support of the application.

Mr. Jones suggested that, if the Board is inclined to approve the variance, the approval be made subject to church use only, since a gravel parking lot may not be appropriate for other uses.

Mr. Albery informed that Staff has received a letter (Exhibit B-1) from the Jenks Board of Adjustment recommending approval of the application, subject to necessary right-of-way dedication and utility easements being satisfied and calcium chloride treatment of the parking lot.

Mr. Jones informed that this issue is being worked out at this time and the necessary easements and right-of-ways will be granted before the plat waiver will be released.

Protestants: None.

Case No. 831 (continued)

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow for church uses in an AG zoned district; and to **APPROVE** a **Variance** (Section 1340 - Design Standards for Off-Street Parking - Use Unit 1205) to allow for a gravel parking lot for the duration of the lease for church purposes only; subject to the parking lot being made dust free by calcium chloride treatment; and subject to the property being for church use only; finding that the use is compatible with the area and the granting of the requests will be in harmony with the spirit and intent of the Code; and finding that there is only one residence within a 300' radius of the gravel parking lot, which is to be treated to prevent dusting; on the following described property:

A part of the SW/4, SE/4, of Section 1, T-17-N, R-12-E of the Indian Base and Meridian, Tulsa, County, Oklahoma, more particularly described as follows: Beginning at the SE/c of said SW/4, SE/4 of said Section 1, thence S 89°45'27" W a distance of 330.18' thence N 0°0'29" W a distance of 1323.56' thence N 39°44'51" E a distance of 330.24' thence S 0°0'29" E, a distance of 1324.61' to the point of beginning, Tulsa County, Oklahoma.

Case No. 832

Action Requested:

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for two units (two mobile homes) on one lot of record in an AG zoned district, located 1/2 mile north of NW/c 201st Street and South Yale Avenue.

Presentation:

The applicant, **John Earnest, 4880 East 199th Street, Mounds, Oklahoma**, stated that he has three septic systems on his property and asked the Board to allow him to install a third mobile home for his elderly mother. He informed that he and his family live in one dwelling and his wife's parents live in the one next door. Mr. Earnest informed that the acreage has been split (Lot Split No. 16737) and a double wide mobile home is on the south half of the property, with his mobile being on the back portion of the north half. He asked the Board to allow the installation of the third mobile home between his mobile and Yale Avenue. It was noted by the applicant that three mobile homes have been on the property since 1970.

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** (Section 208 - One Single-Family

Case No. 832 (continued)

Dwelling per Lot of Record - Use Unit 1209) to allow for two units (two mobile homes) on one lot of record in an AG zoned district; subject to Building Permit and Health Department approval; finding that the tract is large enough to accommodate two dwelling units; and finding that there is a mobile home next door to the subject property and numerous mobile homes in the area; on the following described property:

The N/2, N/2, NE/4, SE/4, SE/4, Section 9, T-16-N, R-13-E, Tulsa County, Oklahoma.

Case No. 833

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, located 2209 South 59th West Avenue.

Presentation:

The applicant, **Gene Casey, 2209 South 59th West Avenue, Tulsa, Oklahoma**, requested permission to install a mobile home on his property for a six to eight month period. He informed that he bought an existing dwelling to remodel and would like to live in the mobile until the work is complete.

Comments and Questions:

Mr. Alberty asked the applicant if he will live in the mobile home only until the house remodeling is completed, and he answered in the affirmative.

In response to Mr. Alberty's inquiry as to utility hookups, Mr. Casey stated that he will use the same utilities that are serving the existing house.

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") 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 for a period of eight months only; finding that the lot is large and can easily accommodate the mobile home during the refurbishing of the existing dwelling; on the following described property;

Lot 9, Block 2, 2nd West Tulsa View Acres Addition, Tulsa County, Oklahoma.

Case No. 834

Action Requested:

Variance - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1215 - Request a variance to expand an upholstery business which was previously approved by County Board of Adjustment (No. 454), in an AG, RS zoned district, located SW/c 56th Street and Highway 97.

Presentation:

The applicant, **Darrell Westfall, 325 West 33rd Street, Tulsa, Oklahoma**, who submitted a plot plan (Exhibit C-1), stated that he acquired a variance in 1984 to begin an upholstery business on the subject property, and is now planning a 4500 sq. ft. expansion. He informed that he has already made extensive improvements to the property, which was littered with trash and old cars at the time of purchase. Mr. Westfall informed that a 15' by 35' room will be constructed for classrooms and a 45' by 85' room will be used for a show room for arts and crafts. He stated that a lighted billboard sign will be erected for advertising. The applicant remarked that he is proposing to make application for rezoning of the property in the future, but due to the time factor is seeking a variance at this time. Mr. Westfall stated that he is making an attempt to complete construction before the Christmas season.

Comments and Questions:

Mr. Alberty asked the applicant if he will be the operator of the business, and he replied that the business belongs to his wife and she will be the operator.

Mr. Alberty asked the applicant how he will access the property, and he replied that the present access is limited to 56th Street, but that he is going to attempt to get an access on State Highway 97. He advised that the 300' by 105' parking lot will accommodate 43 vehicles.

Ron Fields suggested that the applicant review the plot plan with the County Engineer concerning access to the property. He also pointed out that the State Department of Transportation has very stringent regulations for signage along state highways.

Mr. Westfall informed that 4' by 8' and 4' by 6' lighted signs are proposed for the business.

A letter (Exhibit C-1) recommending approval of the application was received from the Sand Springs Board of Adjustment.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1215) to expand an upholstery

Case No. 834 (continued)

business which was previously approved by County Board of Adjustment (No. 454), in an AG, RS zoned district; per plot plan submitted; finding that the business has been at the present location for several years and has proved to be compatible with the area; on the following described property:

Part of the SE/4 of Section 34, T-19-N, R-11-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the US Government Survey thereof, more particularly described as follows, to-wit: Beginning 260' west of the NE/c, SE/4 of Section 34, thence south 300'; thence west 105'; thence north 300'; thence east 105' to the Point of Beginning, Tulsa County, Oklahoma.

Case No. 835

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an AG-R zoned district.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for two units on one lot of record, located north of NE/c of 126th Street North and 95th East Avenue.

Presentation:

The applicant, **Mary Marie Porter, Route 3, Box 428, Collinsville, Oklahoma**, asked the Board to approve the installation of a mobile home on her property. She stated that her granddaughter and her husband will occupy the mobile. Ms. Porter informed that there are two septic systems in place, which have been approved by the Health Department.

Comments and Questions:

Mr. Alberty remarked that there are numerous mobile homes in the area, and Ms. Porter stated that there is a mobile home next door to her property.

Board Action:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209) to allow for a mobile home in an AG-R zoned district; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow for two units on one lot of record; subject to a Building Permit and Health Department approval; finding that there are numerous mobile homes in the immediate area; and that the granting of the requests will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code; on the following described property:

Case No. 835 (continued)

Lot 8, Block 2, Northdale Acres Addition, Tulsa County,
Oklahoma.

OTHER BUSINESS

Adoption of Rules of Procedure and Code of Ethics - County Board of Adjustment

Mr. Jones stated that the presented Rules of Procedure and Code of Ethics is similar to the one adopted by the City Board of Adjustment. He pointed out that, due to the fact that several cases have been appealed to District Court, all exhibits presented to the Board will be stamped and kept in the file for future reference.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **ADOPT** the Rules of Procedure and Code of Ethics for the County Board of Adjustment, as presented.

Election of Secretary - County Board of Adjustment

Mr. Jones informed that the Secretary will be responsible for stamping all exhibits presented to the Board by either the applicant or protestants.

Acting Chairman Alberty requested that nominations be made for County Board of Adjustment Secretary. Mr. Walker and Mr. Tyndall were nominated for the office.

The Board voted 3-0-1 (Alberty, Eller, Tyndall, "aye"; no "nays"; Walker, "abstaining"; Looney, "absent") in a majority decision to **ELECT** Mr. Walker as County Board of Adjustment Secretary.

There being no further business, the meeting was adjourned at 3:45 p.m.

Date Approved

8-16-88


Chairman