

COUNTY BOARD OF ADJUSTMENT
Meeting No. 99
Tuesday, August 16, 1988, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Looney Walker	Tyndall Eller	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 Monday, August 15, 1988 at 9:10 a.m.

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

MINUTES

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to **APPROVE** the **Minutes** of July 19, 1988 (No. 98).

UNFINISHED BUSINESS

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.

Presentation:

The applicant, Kelly Lechluder, was not present.

Comments and Questions:

Mr. Jones informed that the applicant was represented at the previous Board meeting and requested two dwelling units on one lot of record. He stated that Mr. Lechluder was not aware that the property did not meet lot split requirements and is now filing for a proper lot split and will not need the relief requested. He has requested withdrawal of the application.

Case No. 827 (continued)

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Alberly, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to **WITHDRAW** Case No. 827, as requested by the applicant.

NEW APPLICATIONS

Case No. 836

Action Requested:

Special Exception - Section 420 - 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 5704 West 60th Street.

Presentation:

The applicant, Kathy Gash, PO Box 806, Oakhurst, Oklahoma, stated that she was not aware that a special exception was required before she placed a mobile home on her property. She asked the Board to allow the mobile to remain at its present location.

Comments and Questions:

Mr. Looney asked where the mobile home is located on the lot, and Ms. Gash informed that it is located to the rear of the house.

Mr. Looney asked if City water is available, and the applicant answered in the affirmative.

In response to Mr. Alberly's question as to the length of time the mobile has been at the present location, Ms. Gash replied that it was installed approximately a week ago. She informed that the house and the mobile home are on two separate lots, but the mobile will be removed after the house is completed.

Mr. Alberly asked if the mobile home will be used for rental purposes, and the applicant informed that it will not be rented, but will either be sold or used for ceramics.

Mr. Alberly asked if there are other mobiles in the area, and the applicant stated that there are mobiles located approximately three blocks behind her property. He asked the applicant if she owns three lots and if the mobile is located on the middle lot. Ms. Gash informed that the mobile is on the middle lot, or west of the existing house which faces 57th Street.

Protestants: None.

Case No. 836 (continued)

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to **APPROVE** a **Special Exception** (Section 420 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS zoned district; subject to Building Permit and Health Department approval; and subject to skirting being installed around the mobile home; finding that there are other mobile homes in the area; and finding that the property to the east of 57th West Avenue is zoned for industrial use, and that the granting of the special exception request will not be detrimental to the area; on the following described property:

Lots 4, 5, and 6, Block 15, New Taneha Addition, Tulsa County, Oklahoma.

Case No. 837

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 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow two dwellings (1 house, 1 mobile home) on one lot of record, located 36 South 65th West Avenue.

Presentation:

The applicant, John Watkins, 36 South 65th West Avenue, Tulsa, Oklahoma, asked permission to install a mobile home on a fenced portion of an oversized lot at the above stated location. He informed that the mobile is owned by his mother-in-law, who will also be the occupant. A plot plan (Exhibit AA-2) and photographs (Exhibit AA-1) were submitted.

Comments and Questions:

Mr. Looney inquired if the mobile will use a septic system for sewage disposal, and the applicant answered in the affirmative.

Mr. Looney asked if there are other mobiles in the area, and Mr. Watkins stated that there is one across the street, and others in the area.

Mr. Alberty asked the applicant if he is requesting that the mobile be permanently located on the lot, and he replied that he only needs the approval for as long as his mother-in-law needs a place to live.

Case No. 837 (continued)

Mr. Alberty asked Mr. Watkins if he would object to the occupancy of the mobile home being restricted to his mother-in-law only, if the Board should approve the application. The applicant replied that he would not object to that stipulation, since he does not intend to ever use the mobile for rental purposes.

Mr. Fields asked the applicant if he repairs automobiles on the subject property, and he replied that he does not operate a business. Mr. Watkins remarked that he has eight children and they often use his garage to work on their cars.

Mr. Fields stated that numerous vehicles are parked on the lot and property owners in the area have voiced a concern that a repair garage might be in operation.

Mr. Watkins pointed out that he and his wife each have a car, his mother-in-law has a van and his son has a car, all of which are parked on the lot on a permanent basis.

Protestants: None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "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; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow two dwellings (1 house, 1 mobile home) on one lot of record; subject to the mobile home being located on the west portion of the lot; subject to the mobile home remaining on the property only during the life span of Mr. Watkins' mother-in-law and being occupied by her only; subject to the mobile home being tied down and skirted; and subject to Building Permit and Health Department approval; finding that there are other mobile homes in the neighborhood and the granting of the requests will not be detrimental to the area, but will be in harmony with the spirit and intent of the Code; on the following described property:

The south 54' of Lot 4, Block 1, Twin Cities Addition, Tulsa County, Oklahoma.

Case No. 838

Action Requested:

Special Exception - Section 310 - Principal Uses in Agriculture Districts - Use Unit 1224 - Request a special exception to allow for a Use Unit 24 (excavation and dirt work) in an AG zoned district, located north of NW/c 141st Street and 193rd East Avenue.

Case No. 838 (continued)

Comments and Questions:

Mr. Jones informed that a letter (Exhibit A-1) was received from the Broken Arrow Board of Adjustment, who heard the case on August 8, 1988 and recommended approval of the application, subject to all County and State requirements pertaining to excavation and mining.

Presentation:

The applicant, Ron Holman, Route 2, Box 31, Broken Arrow, Oklahoma, explained that the property in question has been used for an excavation site for approximately 15 years, and he took over operation of the abandoned site approximately two years ago. The applicant stated that he has a contract with the property owner which states that the excavation will be at an elevation no less than 6" above that of the centerline of County Line Road.

Additional Comments:

Mr. Alberty asked the applicant if he is extracting sand from the site, and he replied that he is removing sandy loam soil from the property.

Mr. Looney asked if there are residences near the area of excavation and the applicant stated that there are no homes nearby.

In response to Mr. Looney's inquiry as to the hours of operation, Mr. Holman stated that the business operates from 8:00 a.m. to approximately 5:00 p.m., five days each week.

Mr. Gardner asked the applicant how long the excavation will continue on the property, and he replied that he is not sure, but the terrain is hilly and the owners plan to develop the property after the land is leveled. Mr. Gardner pointed out that it appears that only two or three hundred feet of the 10 acres under application remain to be leveled, and Mr. Holman stated that he will finish the land under application and come to the Board for approval to move further west.

Mr. Fields informed that a Zoning Clearance Permit will be required if the Board approves this application.

Protestants: None.

Board Action:

On MOTION of ALBERTY the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to APPROVE a Special Exception (Section 310 - Principal Uses In Agriculture Districts - Use Unit 1224) to allow for a Use Unit 24 (excavation of top soil) in an AG zoned district; subject to excavation being no lower than 6" above the centerline elevation of the County Line Road; subject to State and County excavating and mining requirements; and subject to hours of operation being from 8:00 a.m. to 5:00 p.m.; finding that excavating has been in progress on the property for a long period of time and that there are no residences in the immediate area; on the following described property:

08.16.88:99(5)

Case No. 838 (continued)

A part of the SE/4, Section 12, T-17-N, R-14-E, Tulsa County, Oklahoma, beginning at the SE/c of said Section 7, thence north 660' to the POB, thence west 660', north 660', east 660', south 660' to the POB.

Case No. 839

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 10836 West 51st Street.

Presentation:

The applicant, Myrtle Chambers, 10836 West 51st Street, Sand Springs, Oklahoma, was not present.

Comments and Questions:

Mr. Jones stated that the applicant has contacted Staff and requested that Case No. 839 be continued to September 20, 1988.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to **CONTINUE** Case No. 839 to September 20, 1988, as requested by the applicant.

Case No. 840

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 two dwellings (1 house, 1 mobile home) on one lot of record, located south of SW/c 161st West Avenue and Highway 51.

Comments and Questions:

Mr. Jones remarked that the special exception portion of the request is not required and only the variance request will be considered.

Presentation:

The applicant, Lavern Wood, Route 4, Box 739-A, Sand Springs, Oklahoma, stated that she has purchased an older home for her residence and moved a mobile home on the property for her son. Ms. Wood explained that she was not aware that the two dwelling units were not permitted on the lot, and asked the Board to approve the application. Photographs (Exhibit B-1) and a petition of support (Exhibit B-4) were submitted.

Case No. 840 (continued)

Additional Comments:

Mr. Looney asked the applicant if someone is living in the mobile home at this time, and she replied that it is vacant, but her son and his family will occupy the mobile if the application is approved.

Mr. Jones informed that Staff has received a letter (Exhibit B-3) from the Sand Springs Board of Adjustment, which recommended approval of the application. A copy of the minutes (Exhibit B-2) from that Board meeting were submitted. Mr. Jones pointed out that the applicant has received a copy of the Flood Hazard Review, which designates the area in question as being in an A-3 Zone, and states that the floor of the mobile home must be elevated to the required height.

Mr. Looney asked if City water is available, and Ms. Wood answered in the affirmative.

In response to Mr. Looney's question as to the location of other mobiles in the area, the applicant replied that there are other mobile homes and two trailer parks in the area. Ms. Wood informed that her son and daughter-in-law plan to live on the property for two or three years, or until they are financially able to purchase property to build a home. The applicant stated that she has invested approximately \$1000 in the installation of the mobile home and asked the Board to allow it to remain on the property permanently.

Mr. Alberty stated that, due to the absence of a hardship, he would not be inclined to approve the installation of the mobile home on a permanent basis, but would be in agreement with a temporary use by the applicant's son.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eiler, Tyndall, 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 zoned district; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow two dwellings (1 house, 1 mobile home) on one lot of record; subject to Health Department approval and a Building Permit; subject to mobile being tied down and skirted; and subject to the mobile home being occupied by the applicants son and family only; on the following described property:

A part of the SE/4, SE/4, Section 7, T-19-N, R-11-E, Tulsa County, State of Oklahoma, beginning at the SE/c of said Section 7, thence north 531' to the POB, thence northwesterly, parallel with the south line of State Highway 51, a distance of 208.75' to a point, thence south 100.48' to a point, thence southeasterly a distance of 208.75', thence north 100.48' to the POB, Tulsa County, Oklahoma.

Case No. 841

Action Requested:

Special Exception - Section 420 - Permitted Accessory Uses - Use Unit 1215 - Request a special exception to allow a home occupation for a dog academy and horse boarding business in an RE zoned district, located south of the SE/c 91st Street and 169th East Avenue.

Comments and Questions:

Mr. Jones informed that Staff has received a letter (Exhibit C-1) from the City of Broken Arrow, which recommended approval of the application, per conditions. He stated that a portion of the property in question is located in a flood hazard area and any construction on that portion of the property will be required to meet certain specifications.

Presentation:

The applicant, Douglas Hopper, 826 South Birch Place, Broken Arrow, Oklahoma, requested permission to operate a home occupation on the property in question. Mr. Hopper explained that he will lease existing horse stalls and operate a dog academy on the tract.

Additional Comments:

Mr. Alberty asked the applicant if he will be utilizing only the existing buildings, and he replied that he will use only the existing structures for the business. He pointed out that the property is in bad repair and the City of Broken Arrow and the surrounding property owners want the property cleaned up.

Mr. Looney asked if there will be seven horses kept on the tract, and the applicant replied that he will care for seven horses, and will have seven stables and a 100' run for the horses.

Mr. Looney inquired as to the amount of dogs that will be trained in the academy, and Mr. Hopper replied that he is not sure. He stated that he does not intend to operate a kennel, but the dogs will only be brought to the property for training. He stated that he does breed dogs occasionally, and owns five dogs.

Mr. Looney asked the applicant if he will reside on the property, and he answered in the affirmative.

In response to Mr. Alberty's question as to the type of training offered, Mr. Hopper stated that he does some obedience training and some protection training. He informed that a fenced field will be used for training the dogs.

Mr. Alberty asked the applicant if he plans to have employees, and Mr. Hopper replied that he and his wife will operate the business, with no employees.

Case No. 841 (continued)

Mr. Fields asked if there will be outside dog runs, and the applicant replied that the breeding dogs will be the only dogs kept on the premises and they will be inside. He informed that there will be no outside dog runs on the property.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Alberty, Looney, Walker, "aye"; no "nays"; no "abstentions"; Eller, Tyndall, "absent") to **APPROVE** a **Special Exception** (Section 420 - Permitted Accessory Uses - Use Unit 1215) to allow a home occupation for a dog academy and horse boarding business in an RE zoned district; subject to a maximum of seven horses, which will occupy the existing buildings; subject to the applicant and his wife being the only workers in the business; finding that the dogs are not boarded on the property, but are brought to the academy for training and leave after their lesson is completed; finding that the home occupation, as presented, will not be detrimental to the area; on the following described property:

Lot 11, S/2, N/2, S/2, NW/4, NE/4, less the west 63',
Section 23, T-18-N, R-14-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:10 p.m.

Date Approved 9/20/88


Chairman