

**COUNTY BOARD OF ADJUSTMENT**  
Meeting No. 108  
Tuesday, May 16, 1989, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Eller Tyndall Walker	Alberty Looney	Moore Taylor	Ron Fields, Building Inspection Steve Andrew, 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, May 12, 1989 at 1:22 p.m.

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

**MINUTES**

On **MOTION** of ELLER, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** the **Minutes** of April 18, 1989 (No. 107).

**NEW APPLICATIONS**

**Case No. 886**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for an existing mobile home in an RS zoned district, located 702 East 61st Street North.

**Presentation:**

The applicant, **A. J. Dobbs**, was not present.

**Comments and Questions:**

Mr. Taylor informed that the applicant was given a one-year approval for mobile home use at the above stated location. He explained that the application was approved, subject to the removal of the existing burned-out house and the inoperable automobiles.

There was discussion concerning the condition of the lot, and whether or not the imposed conditions have been met. Mr. Fields, Building Inspector, suggested that the Board grant a continuance of the application to allow sufficient time for a review of the site.

Case No. 886 (continued)

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **CONTINUE** Case No. 886 to June 20, 1989, to allow Staff to contact the applicant, and the Building Inspection Department sufficient time to view the site.

Case No. 887

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 to locate in an RE zoned district, located 720 East 77th Place North.

Presentation:

The applicant, **Maxine Swanson**, 707 East 77th Place North, Tulsa, Oklahoma, requested permission to install a mobile home on two acres of land at the above stated location. Ms. Swanson stated that members of her family will occupy the mobile.

Comments and Questions:

In response to Mr. Tyndall, the applicant stated that use of the mobile will be needed for approximately 15 years for her in-laws, and noted there are numerous mobile units on the large two-acre lots in the area.

At Mr. Eller's request, the applicant submitted a plot plan (Exhibit A-1) which depicted the location of the mobile home on the lot.

Mr. Walker asked if there will be only one dwelling unit on the property, and **Mr. Ralph Swanson**, 707 East 77th Place North, Tulsa, Oklahoma, answered in the affirmative.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home to locate in an RE zoned district; per plot plan; subject to a Building Permit and Health Department approval; finding that there are numerous mobile homes on the large tracts in the immediate area, and the granting of the special exception request will not violate the spirit and intent of the Code; on the following described property:

Lot 2, Block 2, Cedar Hill 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 888

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217 - Request a use variance to allow for a mechanic shop in an RS zoned district.

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of an accessory building from 750 sq ft to 1200 sq ft, located 11521 East 136th Street North.

Comments and Questions:

Mr. Tyndall read a letter of referral (Exhibit B-1) from the Collinsville Board of Adjustment, which recommended approval of the application, with no conditions imposed.

Presentation:

The applicant, **Donald Enloe**, 11521 East 136th Street North, Collinsville, Oklahoma, requested permission to operate an automobile repair business on the subject property. He informed that the metal building housing the business will be 30' by 40'.

Comments and Questions:

Mr. Tyndall asked what type of mechanic work will be performed at this location, and the applicant replied that he will complete small engine repairs on automobiles only.

Mr. Walker asked if trucks will be repaired, and Mr. Enloe replied that he will not do truck repair, due to the limited amount of space on the lot.

In response to Mr. Walker's question concerning outside work, the applicant informed that he is constructing the building in order to move all work inside. He stated that there will be a maximum of eight cars on the property and no body work will be done.

Mr. Tyndall asked if there are other businesses in the neighborhood, and he replied that there are three business locations in the near vicinity. Mr. Tyndall asked if there are other large buildings in the area, and the applicant replied that there is a large hay barn nearby.

Mr. Walker inquired as to days and hours of operation, and Mr. Enloe stated that the business will open at 8:00 a.m. and close at 6:00 p.m.

Mr. Eller asked if the building will be served by a city sewer, and the applicant replied that the house on the lot has a septic tank for sewage disposal, but the building will not have restrooms.

Case No. 888 (continued)

Mr. Walker asked the applicant to address the hardship for this case, and he replied that this property was to be developed in the early 1900's, but the streets were not built and the addition was not completed.

Ron Fields pointed out to the Board that Mr. Enloe's building is only partially constructed. The applicant informed that he did not have a building permit because the contractors left before completing the job, and he was under the impression that they had applied for a permit. He asked the Board to approve the mechanic shop and allow him to complete the structure as planned.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217) to allow for a mechanic shop in an RS zoned district; and to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the size of an accessory building from 750 sq ft to 1200 sq ft; subject to a Building Permit and Health Department approval; finding that there are other businesses and large buildings in the area, and that the subject lot is included in an addition that was planned in the early 1900's, but was not completed; on the following described property:

Lots 1 - 6, Block 15, South Park Addition, Tulsa County, Oklahoma.

**Case No. 889**

**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 to locate in an RE zoned district, located north and east of NE/c 41st Street and 177th West Avenue.

**Comments and Questions:**

Mr. Tyndall informed that the Sand Springs Board of Adjustment heard this case on May 9, 1989 (Exhibit C-2), and recommend approval of the application, subject to the density of lots containing mobile homes being no greater than one unit per two acres.

**Presentation:**

The applicant, **Stanley Synar**, 1156 East 61st Street, Tulsa, Oklahoma, stated that a plot plan was filed in 1985 for Western Hills Ranchettes, which were 10-acre tracts for mobile homes. He informed that several tracts were sold to individuals that were unable to make the payments, and these parcels were reclaimed. Mr. Synar pointed out that two of the returned tracts had been zoned RE, and asked the Board to again allow mobile homes on the properties.

Case No. 889 (continued)

It was noted by the applicant that there is a percolation problem in the area and, due to this problem, approximately five acres of land is required for one dwelling unit. Mr. Synar informed that the map on the agenda is not correct, due to his error, and the total amount of property to be considered in this application is approximately 55 acres. A plat of survey (Exhibit C-1) was submitted.

**Additional Comments:**

Mr. Taylor asked that, if readvertising of the application is not required, the applicant supply a new legal description for the property under consideration.

Mr. Synar submitted a correct legal description for the property in question.

**Protestants:** None.

**Board Action:**

On **MOTION** of ELLER, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home to locate in an RE zoned district; subject to plat of survey submitted; subject to no more than one dwelling unit per five acres; and subject to Health Department approval; finding that there are numerous mobile homes located in the immediate area, and the granting of the request will not be detrimental to the neighborhood, or violate the spirit, purposes or intent of the Code; on the following described property:

Lot 12, Western Hill Ranchettes Addition to Tulsa County, State of Oklahoma and the E/2, SE/4, SW/2 and the E/2, W/2, SE/4, SW/4 and the W/2, W/2, SW/4, SE/4 and the E/2, W/2, SW/4, SE/4 less a 1.4 acre tract described as commencing 74.89' east of the SE/c of the W/2, W/2, SE/4, SE/4, thence north 230.4', east 210', south 230.4', west 210' to the Point of Beginning, all in Section 19, T-19-N, R-11-E, Tulsa, County, Oklahoma.

Case No. 890

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request a variance to allow for two dwellings (two mobile homes) on one lot of record, located 913 East 98th Street North.

Presentation:

The applicant, **Nell Brown**, PO Box 848, Sperry, Oklahoma, stated that she and her husband live in a mobile home, which is located on a four-acre tract. She explained that her husband is disabled and requested permission to install a second mobile for their son, who can assist them if he lives nearby. A plot plan (Exhibit D-1) was submitted.

Comments and Questions:

Mr. Tyndall asked if there are other mobile homes in the area, and Ms. Brown replied that there are numerous mobiles on all of the surrounding tracts.

Mr. Walker asked if the mobile home in question is located on the property at this time, and the applicant replied that it is on the property, but is not hooked up. In response to Mr. Walker's question concerning the length of time the mobile will remain, the applicant stated that her son will probably want to buy his own home in the future, but she needs his assistance at this time.

Mr. Eller asked if the septic tank and lateral lines have been installed, and the applicant replied that she is proposing to utilize the existing septic system for both mobile homes.

Protestants: None.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209) to allow for two dwellings (two mobile homes) on one lot of record; per plot plan; subject to a Building Permit and Health Department approval; finding that the lot is large enough to accommodate two mobile units, and that there are other mobile homes in the immediate area; and finding that the granting of the request will not be injurious to the neighborhood, and will be in harmony with the spirit and intent of the Code; on the following described property;

**TRACT I:** The west 60' of Lot 10, Block 1, McNeil Addition, Tulsa County, Oklahoma, according to the recorded plat thereof.

**TRACT II:** The east 165' of Lot 10, Block 1 and the East 165' of Lot 12, Block 2, McNeil Addition, Tulsa County, Oklahoma, according to the recorded plat thereof, and the east 43.72' of the west 1198.72' of the S/2, NW/4, SE/4 of Section 13, T-21-N, R-12-E, Tulsa County, Oklahoma.

Case No. 891

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow for a home for abused teenage girls to locate in an AG zoned district, located 17004 East 171st Street South.

Presentation:

The applicant, **Nelson Pendergrass**, was not present.

Protestants:

**Phillip R. Campbell**, 1924 South Utica, Tulsa, Oklahoma, stated that he is counsel for Mr. and Mrs. Oyler, owners of property that abuts the subject tract.

Comments and Questions:

Mr. Tyndall asked Mr. Campbell if he objects to a continuance of the case until the June 20th meeting, and he agreed to the continuance.

Mr. Taylor informed that the Bixby Board of Adjustment has heard the case and recommended approval.

Mr. Walker asked Mr. Campbell if he attended the Bixby Board of Adjustment Meeting, and he replied that he did not, as he had not been retained as counsel at that time.

Mr. Walker pointed out to Mr. Campbell that, as a general rule, the Board upholds the recommendation of the city that contains the property within its fence line. He suggested that the application be continued to the next scheduled meeting in order that both the applicant and protestant can be present for a full representation of the case.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **CONTINUE** Case No. 891 to June 20, 1980.

Case No. 892

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow for continued church uses in an existing structure in an AG zoned district, located west of NW/c of 129th East Avenue and 101st Street South.

Presentation:

The applicant, **Warren Meyer**, was represented by **Bob Selby**, 1501 North Poplar, Broken Arrow, Oklahoma, who stated that church use on the subject property was previously approved, and asked the Board to allow the continued use.

Case No. 892 (continued)

**Comments and Questions:**

Mr. Taylor informed that church use was previously approved by the Board in 1984, with plans for a new facility being approved in 1987. He noted that the Board allowed the use of an existing house for church purposes for a period of one year.

Mr. Eller asked when the permanent plans for the new building will be available, and Mr. Selby informed that there have been some changes in Staff, and he is not sure when the plans will be finalized. Mr. Selby stated that the plans should be completed some time during the next three years.

Mr. Walker asked if regular church services are conducted at this location, and Mr. Selby replied that services are currently being held in the existing house only on Sundays. He informed that a building permit was issued and recent remodeling has been completed on the house.

**Protestants:** None.

**Board Action:**

On **MOTION** of ELLER, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow for continued church use in an existing structure in an AG zoned district, for a period of two years from this date; subject to building plans for the new construction being presented to the Board no later than one year from this date; finding that the temporary use, as presented, will not be detrimental to the area; on the following described property:

A part of the E/2 of the SE/4, Section 20, T-18-N, R-14-E, being described as: Begin at the SW/c of said E/2, thence north 660', east 345', south 660', west 345' to the Point of Beginning, Tulsa County, Oklahoma.

**Case No. 893**

**Action Requested:**

Use Variance/Special Exception - Section 310/710 - Principal Uses Permitted in Agriculture/Commercial Districts - Use Unit 1217 - Request a use variance/special exception to allow for an automobile sales business in an AG/CS District, located 17626 West Highway 51.

**Comments and Questions:**

Mr. Tyndall informed that the Board has received a letter (Exhibit E-2) from the Sand Springs Board of Adjustment, recommending approval of the application.



Case No. 893 (continued)

Mr. Taylor informed that platting will be required in order to acquire an occupancy permit or building permit.

**Presentation:**

The applicant, **Patricia Osburn**, PO Box 1358, Sand Springs, Oklahoma, was represented by **D. M. Osburn**, who submitted a plat of survey (Exhibit E-1), and asked the Board to allow automobile sales on the subject tract.

**Additional Comments:**

Mr. Tyndall asked if a sign will be installed, and the applicant replied that there will be no more than 32 sq ft of signage.

Mr. Fields advised that a sign would be allowed on the CS zoned portion of the property.

Mr. Walker inquired as to the days and hours of operation, and Mr. Osburn replied that the used car sales business will operate between the hours of 8:00 a.m. and 9:00 p.m., Monday through Saturday.

Mr. Fields asked the applicant if the existing structure will be modified, and he replied that the car wash will have overhead garage doors installed, but no additions to the building are planned.

In response to Mr. Walker's inquiry, the applicant stated that there will be approximately 40 cars on the lot.

Mr. Tyndall asked if the parking area is covered with a hard surface material, and Mr. Osburn answered in the affirmative.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a Use Variance/Special Exception (Section 310/710 - Principal Uses Permitted in Agriculture/Commercial Districts - Use Unit 1217) to allow for an automobile sales business in an AG/CS district; subject to no new construction; finding a hardship imposed on the applicant by two zoning classifications on the tract; and finding that the granting of the request will not be detrimental to the area; on the following described property:

A tract of land in the SW/4 of Section 7, T-19-N, R-11-E, of the Indian Base and Meridian, Tulsa, Oklahoma, being described as follows:

Beginning at a point on the west line of said Section 7 on the southerly right-of-way line of US Highway 51; thence south along the west line of said Section 7 a distance of 250.00'; thence east 250.00'; thence north 250.00' to a point on the southerly right-of-way line of said Highway 51; thence west along said R/W line a distance of 250.00' to the Point of Beginning, Tulsa County, Oklahoma.

Case No. 894

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of an accessory building from 750 sq ft to 2400 sq ft (60' x 40'), located 2930 East 61st Street North.

Presentation:

The applicant, **Christopher Eagan**, was represented by his son **Jeff Eagan**, 6059 1/2 North Evanston, Tulsa, Oklahoma, who submitted a plot plan (Exhibit F-1) for a 40' by 60' storage building. He explained that his father is nearing retirement age and, since he restores antique cars for a hobby, would like to construct a larger building for storage of the vehicles.

Comments and Questions:

Mr. Tyndall asked if there is currently a building on the tract, and Mr. Eagan informed that there is a home and some accessory buildings, but no garage. He informed that there is a large commercial building in the neighborhood that is similar in size to the proposed structure.

Mr. Taylor pointed out that, since a building of this size has a potential for housing a commercial use, the Board might want to limit the use of the structure.

Mr. Walker asked Mr. Eagan if the building will be used solely for storage of his father's personal possessions and not a business, and he answered in the affirmative. He stated that his father is a heavy equipment operator, but intends to use the building only for his personal use after he retires.

Mr. Tyndall asked Mr. Eagan if his father will repair heavy equipment at this location, and he replied that he will repair only his personal vehicles.

Protestants: None.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the size of an accessory building from 750 sq ft to 2400 sq ft (60' x 40'); per plot plan submitted; subject to the building being used for storage only, with no commercial use; finding that there are other buildings in the area that are larger than the proposed structure; and the granting of the request will not be detrimental to the area, or impair the spirit, purposes and intent of the Code; on the following described property:

Beginning at a point 785' east of the NW/c, N/2, SE/4, thence east 157.5', south 420', west 157.5', north 420' to the Point of Beginning, Section 5, T-20-N, R-14-E, Tulsa County, Oklahoma.

Case No. 895

Action Requested:

Special Exception - Section 410 - Principal Uses in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home to locate in an RS zoned district, 4305 South 43rd West Avenue.

Presentation:

The applicant, **Mark Waits**, 3706 West 44th Street, Tulsa, Oklahoma, requested permission to install a mobile home on a vacant lot at the above stated location. He stated that his brother owns the lot, and that he and his future wife are planning to use the mobile for a temporary residence.

Comments and Questions:

Mr. Tyndall asked if there are other mobile homes in the area, and the applicant replied that there are two mobile homes within a block of the proposed location, and three in the general area.

Mr. Walker inquired as to the type of sewage disposal in the area, and Mr. Waits replied that the mobile will be hooked up to an existing septic system. He stated that a mobile has previously been located on the lot, and the unit will be installed at the prior location.

Interested Parties:

**Earnest A. Hocker**, 4232 South 43rd West Avenue, Tulsa, Oklahoma, stated that he bought his home in the area approximately two years ago, and the nearest mobile home was about two blocks from his property. Mr. Hocker stated that the mobile will be near his home and, although he is not opposed to a temporary location, does not want the mobile to be a permanent residence.

Mr. Walker asked Mr. Hocker if he would be in agreement with a two year limitation, and he answered in the affirmative.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses in Residential Districts - Use Unit 1209) to allow for a mobile home to locate temporarily in an RS zoned district for a period of two years only; subject to the applicant acquiring a Building Permit and Health Department approval; finding that temporary mobile home use at this location will not be detrimental to the area; on the following described property:

Lots 9 and 10, Bridges Park Second Addition, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 862

Action Requested:

Consider rehearing of County Board of Adjustment Case No. 862.

Presentation:

**Bencile Williams**, 1710 South Boston, Tulsa, Oklahoma, requested a continuance of Case No. 862. He explained that there is a petition for rehearing pending in District Court, which is to be heard on June 2, 1989.

Comments and Questions:

Mr. Taylor stated that the applicant has a right to appeal if he does not agree with the Board's decision. He informed that Staff is of the opinion that a rehearing of the case would be useless.

**Denise Graham**, Assistant District Attorney, stated that the case is on appeal in District Court, but has not been heard at this time. She stated that, due to the fact that this case is pending, she questions the right of the applicant to request another hearing before the Board of Adjustment.

Mr. Walker remarked that the avenue of appeal is through the District Court and, since the appeal is now in process, he is inclined to deny the request for a rehearing.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **DENY** a request to rehear Case No. 862; finding that the case in question has previously been denied by the Board of Adjustment, and has been appealed to District Court.

There being no further business, the meeting was adjourned at 2:40 p.m.

Date Approved

6-20-89

  
Chairman