

COUNTY BOARD OF ADJUSTMENT
Meeting No. 119
Tuesday, April 17, 1990, 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	Jones Moore	Fields, Building Inspection Dent, 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 12, 1990 at 1:34 p.m.

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

MINUTES:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Tyndall, Walker, "absent") to **APPROVE** the **Minutes** of March 20, 1990 (No. 118).

UNFINISHED BUSINESS

Case No. 951

Action Requested:

Special Exception to permit the drilling and operation of a new oil well - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 24 (a), located 3724 South 55th West Avenue.

Comments and Questions:

Mr. Jones summarized the previous meeting and supplied the Board with information concerning the location of the oil well (Exhibit X-1) and tank battery (Exhibit X-2) in relationship to the proposed right-of-way for the Gilcrease Expressway. He noted that during Staff research, it was discovered that all property owners within 300' of the subject property had not been notified of the applicants intent. Mr. Jones stated that Mr. Voss instructed INCOG to obtain names of surrounding property owners and proper notices have been mailed. In reference to the applicant's statement concerning an oil well on adjoining property, Mr. Jones informed that a search of the Board of Adjustment records did not reveal an approval to drill an oil well anywhere in the area.

Case No. 951 (continued)

Mr. Alberty asked Mr. Jones if he has contacted the County Engineer concerning the case, and he replied that he has conversed with that department, and was told that this matter would fall under the jurisdiction of the Oklahoma Department of Transportation (ODOT). A letter from ODOT (Exhibit X-3) was submitted.

Ron Fields, Building Inspection, stated that he has discussed the issue with Ray Jordan, County Engineer, who voiced a concern with the location of the well in the expressway right-of-way, the location of the storage battery in the 100-year floodplain and the customary procedure of oil transport trucks filling their tanks from the roadway.

Presentation:

The applicant, James M. Voss, 3812 South 55th West Avenue, Tulsa, Oklahoma, requested permission to drill an oil well at the point specified on the plan submitted.

Additional Comments:

Mr. Alberty remarked that he would not support the location of the tank battery in a floodplain, and Mr. Voss asked if the tanks could be elevated on a dirt mound. In response, Mr. Alberty stated that this might be a solution, however, upstream or downstream flooding could not be increased. Mr. Voss remarked that he has lived on the property since 1942 and was not aware the property is located in a floodplain, as it has never flooded. In reference to road construction, Mr. Alberty pointed out that the letter from ODOT (Exhibit X-3) indicates that construction on the expressway is scheduled to begin within two years.

Mr. Looney asked if right-of-way for the expressway has been purchased, and Mr. Voss stated that the survey stakes were placed approximately 15 years ago, but right-of-way has not been bought. Mr. Voss pointed out that the well may not be productive in two years; however, if the expressway is actually constructed, the well could be abandoned at that time. The applicant stated that the well would be on the fringe of the right-of-way and it might be possible to route the road around the well. Mr. Voss pointed out that the creek which ran across his property was realigned and is no longer on his land.

Mr. Fields informed that a portion of the property in question is located in the 100-year floodplain, but is not in the regulatory floodway.

Interested Parties:

Gene Perkins, 6737 South Knoxville, Tulsa, Oklahoma, stated that he and Mr. Voss are partners in this venture, and pointed out that the tanks will be off the road, with an access provided for loading.

Case No. 951 (continued)

It was the consensus of the Board that the location of the proposed oil well in the expressway right-of-way would create a problem for ODOT, and would be detrimental to the surrounding residential neighborhood.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Tyndall, Walker, "absent") to **DENY** a **Special Exception** to permit the drilling and operation of a new oil well - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 24 (a); finding that the location of the proposed drilling site is located in a residential area and within the right-of-way of the proposed Gilcrease Expressway; and finding that the granting of the request would violate the spirit, purposes and intent of the Code; on the following described property:

Lots 1 and 2, Walker Heights Addition, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 953

Action Requested:

Variance of the minimum lot width requirement from 200' to 165' to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURAL DISTRICTS** - Use Unit 6, located south of west 50th Street and east of Skyline Drive.

Comments and Questions:

Mr. Jones informed that the Tulsa Metropolitan Area Planning Commission (TMAPC) will hear the lot split application on April 18, 1990, and any approval by this Board should be made subject to TMAPC approval. Mr. Jones stated that the Technical Advisory Committee has reviewed the application and recommended approval of the lot split, subject to County Board of Adjustment and Health Department approval.

Presentation:

The applicant, **Cliff Stewart**, 7223 West Skyline Drive, Tulsa, Oklahoma, stated that he is proposing to sell a house and two and one-half acres of land to his daughter. He explained that he owns five acres at this location, and each parcel will have street frontage on 51st Street.

Comments and Questions:

Mr. Alberty noted that there are other lots in the immediate area with similar frontages.

Case No. 953 (continued)

Board Action:

On MOTION of ELLER, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Tyndall, Walker, "absent") to **APPROVE** a Variance of the minimum lot width requirement from 200' to 165' to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURAL DISTRICTS** - Use Unit 6; subject to Health Department and TMAPC approval; finding that there are numerous lots in the area with less street frontage than the lot in question; and the granting of the variance request will not violate the spirit, purposes and intent of the Code; on the following described property:

W/2, SE/4, SW/4, SE/4, Section 30, T-19-N, R-12-E, less tract beginning 250' north of SW/c thereof; thence east 25', north 50', west 25', south 50' to the Point of Beginning, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 948

Action Requested:

Variance of the required lot width from 200' to 100' and 131' - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6.

Variance of the required lot area from 2 acres to approximately 1 acre and 1/2 acre to allow a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 1805 South Osage, Skiatook, Oklahoma.

Presentation:

The applicant, **Minnie Priest**, 1805 South Osage, Skiatook, Oklahoma, requested a lot split, which would allow her to sell a portion of her property in the future. A letter (Exhibit A-1) from the Mayor of Skiatook was submitted, which gave the applicant permission to connect to the Town of Skiatook sewer system. A plot plan (Exhibit A-2) was submitted.

Comments and Questions:

Mr. Jones pointed out that, although the applicant's property is in Tulsa County, it abuts Skiatook's city limits. He noted that one tract would have street frontage on Osage Drive and the other will front 136th Street North.

Mr. Looney asked if there is a dwelling on the property, and Ms. Priest stated that she moved the structure on the property without a permission and is in the process of seeking a permit.

In response to Mr. Looney, Mr. Jones informed that the lot line will be to the south of the existing structure.

Case No. 948 (continued)

Protestants: None.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Tyndall, Walker, "absent") to **APPROVE** a **Variance** of the required lot width from 200' to 100' and 131' - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; and to **APPROVE** a **Variance** of the required lot area from 2 acres to approximately 1 acre and 1/2 acre to allow a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; finding that the approval of the requests will not be detrimental to the neighborhood or increase density in the area, as the property is adjacent to a residential subdivision inside the limits of the Town of Skiatook; on the following described property:

A tract of land 287' by 362' out of SW/c Lot 4, Section 26, T-22-N, R-12-E, Tulsa County, Oklahoma.

Case No. 954

Action Requested:

Variance of the provisions of the Board of County Commissioner's Resolution No. 101972, which adopted the Floodplain Management Rules of Tulsa County, to permit the construction of an addition to an existing church building **Sections 5 and 6, Resolution No. 101972** - Use Unit 5, located South Mingo Road, two miles South of East 181st Street.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, submitted a copy of Resolution No. 101972 (Exhibit B-1), and explained that he is requesting a variance of the provisions of the submitted resolution to permit the construction of an addition to the Petis Chapel C.M.E. Church. Photographs (Exhibit B-4) were submitted. He stated that religious services have been conducted at this location since 1918, and the church was not aware that a building permit would be required until construction was stopped by the County Building Inspector. Mr. Norman stated that the church is located within the regulatory floodway of Snake Creek as shown on floodway map FHBM No. 73 of Tulsa County, Oklahoma, and a building permit has been denied. It was noted by Mr. Norman that the church is not designed for or used as a place of human occupancy; therefore, the granting of the variance will not be hazardous to persons during the occurrence of a flood. Mr. Norman submitted a letter (Exhibit B-3) from Fred N. Gauger, Hammond Engineering Company, stating that his study has resulted in the determination that the addition is primarily parallel with the flow of water in the creek, and will displace approximately 4,200 cubic feet of

Case No. 954 (continued)

floodplain storage, which will not result in a measurable affect on the water elevation of Snake Creek. Mr. Norman further noted that It has been calculated that the church will receive approximately 2' of floodwater in a 100-year flood, and the roads leading to the church are flooded before the water reaches the church. A summary (Exhibit B-2) of the application was submitted.

Comments and Questions:

Mr. Fields informed that the property in question is located in a regulatory floodway.

Mr. Alberty asked if the construction of the addition would increase flooding in the area, and Mr. Norman stated that the building is parallel with the water flow in the creek, and will not obstruct the flow or increase flooding.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Tyndall, Walker, "absent") to **APPROVE** a **Variance** of the provisions of the Board of County, Commissioner's Resolution No. 101972, which adopted the Floodplain Management Rules of Tulsa County, to permit the construction of an addition to an existing church building **Sections 5 and 6, Resolution No. 101972** - Use Unit 5; subject to the building being used for church use **only**; and subject to the size of the addition being a maximum of 30' by 36'; finding that the approval of the variance request will not result in a significant increase in the flood level of Snake Creek during the base flood discharge or create a threat or increase hazard to public safety, and will not increase flooding upstream or downstream from the existing building; on the following described property:

Part of the SW/4, NW/4, Section 7, T-16-N, R-14-E, Tulsa County, Oklahoma, more particularly described as follows:

Beginning at the NW/c of the S/2, NW/4; thence south 120', east 270', north 120', west 270' to the Point of Beginning, Tulsa County, Oklahoma.

Case No. 955

Action Requested:

Special Exception to allow a mobile home as a dwelling in a CS zoned district - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 1209.

Special Exception to allow construction of a detached carport within the required building setback - **Section 720. ACCESSORY USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 1209.

Case No. 955 (continued)

Variance to allow construction of a carport within the required building setback - **Section 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 1209, located SW/c West 60th Street South and South 63rd West Avenue.

Comments and Questions:

Mr. Jones informed that mobile home use was previously approved for a period of one year, per conditions, and the applicant has returned to request permanent installation of the mobile home at this location.

Presentation:

The applicant, **Howell Mabry**, 6304 West 60th Street, Oakhurst, Oklahoma, who submitted photographs (Exhibit C-1) and a copy of the Building Permit (Exhibit C-2), requested permission to allow a mobile home to be permanently installed on his property at the above stated location. He informed that there are other mobile homes in the area, and that he has made numerous improvements on the lot since the last hearing.

Additional Comments:

Mr. Alberty inquired as to the use of the building that has been constructed on the property, and Mr. Mabry replied that the building is used in connection with his rabbit raising business.

Mr. Alberty asked the applicant if he has a plot plan depicting the specific location of improvements on the property, and he stated that he does not have a plan.

Mr. Fields remarked that the building was constructed on an existing slab, which aligns with other existing structures.

Protestants:

Judy McGuire, 6012 South 63rd West Avenue, Tulsa, Oklahoma, stated that she is opposed to the permanent installation of a mobile home on the subject property. She informed that the applicant initially moved the unit on the lot without a permit, and later made application to the Board. Ms. McGuire pointed out that the mobile home negatively affects her property value, and that the other mobile homes across the street are not used for residences, but have obviously been abandoned. She noted that Mr. Mabry's mobile home is the only one on the block, and that he has built a storage building, rabbit barn and numerous rabbit cages along the property line. Ms. McGuire stated the previous approval was for one year only, however, it appears that the applicant has constructed permanent buildings.

Margaret McDaniel, 6024 South 63rd West Avenue, Tulsa, Oklahoma, stated that she lives in the neighborhood and is in agreement with Ms. McGuire's protests. She added that she has upgraded her property over the years and asked the Board to deny the request and maintain the integrity of the neighborhood.

Case No. 955 (continued)

Additional Comments:

Mr. Alberty asked Ms. McGulre if she lives to the south of the property in question, and she answered in the affirmative.

Mr. Jones stated that Mr. Mabry could make application for residential zoning and then request a special exception to permit mobile home use on the property. He pointed out that the Board was previously concerned with the property's state of disrepair.

Applicant's Rebuttal:

Mr. Mabry stated that he has cleared the lot of all debris, and it is in good condition.

Mr. Looney asked where the proposed carport will be located, and Mr. Mabry replied that it will be located to the south of the existing mobile home.

Mr. Fields remarked that the mobile home appears to be close to the southern lot line along the alley.

Mr. Alberty advised that the previous application was approved for a one-year period to allow the applicant to bring the lot up to a standard that would be acceptable to the neighbors. He noted that, although Mr. Mabry was aware that the approval was temporary, he has taken the liberty to construct a permanent building on the property at his own risk. Mr. Alberty further noted that the location of the proposed carport is not clear, and suggested that the application be continued to allow the applicant sufficient time to submit a plot plan for Board review.

Board Action:

On **MOTION** of ELLER, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Tyndall, Walker, "absent") to **CONTINUE** Case No. 955 to May 15, 1990, to allow the applicant sufficient time to submit a plot plan depicting the exact location of the proposed carport, and to attempt to resolve neighborhood concerns.

Case No. 956

Action Requested:

Variance of the required 30' frontage on a public street to 0' to permit access to the property by private streets - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 3 and 6, located northwest of West 41st Street and South 257th West Avenue.

Presentation:

The applicant, **Mike Mason**, Kiefer, Oklahoma, submitted a plot plan (Exhibit D-1) for a 160-acre subdivision, and stated that he is proposing to acquire three easements to access the property. He informed that all lots will contain a minimum of 10 acres and a maximum of 20 acres.

Case No. 956 (continued)

Comments and Questions:

Mr. Alberty asked the applicant if the roadways will be dedicated, and Mr. Mason stated that he is not opposed to the roads being dedicated.

Mr. Jones pointed out that the applicant may be amenable to dedicating the roadways, however, the County will not accept roads that have not been constructed in compliance with County requirements.

Mr. Mason informed that the land does not lend itself to small acreages or any type of major development, and he is dividing the land into 10-acre tracts so he will not be compelled to install hard surface roads.

In response to Mr. Alberty's suggestion that this may be a deliberate attempt to circumvent the subdivision regulations, the applicant stated that he is not attempting to go around any regulations, but can sell the property at a cheaper price if he is not required to build expensive streets.

Mr. Jones advised that a subdivision plat or lot splits are not required, as the lots are greater than 2 1/2 acres in size; however, the County will not accept the dedication of streets that have not been constructed according to County standards. He stated that the County will not maintain streets that have not been dedicated and accepted.

Mr. Fields remarked that he has spoken to **Ray Jordan**, County Engineering Department, who advised that private roads of this type create a future problem for the County, and their continued approval is poor planning.

Mr. Alberty pointed out that the reason for planning is to prevent the subdivision of land without following subdivision regulations.

Mr. Mason stated that the case has been heard by the Technical Advisory Committee, and the property will be platted; however, he requested that the easements be allowed to be privately maintained.

Mr. Jones pointed out that internal streets, as well as dedicated easements are required to be surfaced with a hard surface material.

Mr. Looney stated that he is appreciative of the fact that the applicant is attempting to provide affordable lots for the public, but is not convinced that a hardship has been demonstrated which would warrant the approval of the variance request.

Case No. 956 (continued)

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Tyndall, Walker, "absent") to **DENY** a **Variance** of the required 30' frontage on a public street to 0' to permit access to the property by private streets - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 3 and 6; finding that the proposed streets will not be constructed to County specifications, and will not be accepted and maintained by the County; and finding that the applicant failed to present a hardship that would warrant the granting of the variance request; on the following described property:

The SE/4, Section 19, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 958

Action Requested:

Special Exception to allow a mobile home to be used as permanent dwelling - **Section 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9. Section 410. **PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located south of the SW/c of West 42nd Street and South 43rd West Avenue.

Presentation:

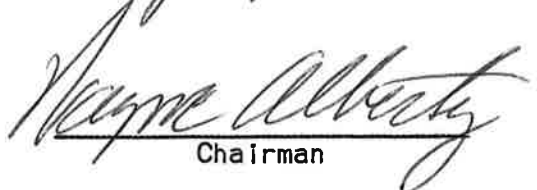
The applicant, **Richard C. DeBolt**, requested by letter (Exhibit E-1) that Case No. 958 be withdrawn.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Tyndall, Walker, "absent") to **WITHDRAW** Case No. 958, as requested by the applicant.

There being no further business, the meeting was adjourned at 2:55 p.m.

Date Approved May 15, 1990


Chairman