

**COUNTY BOARD OF ADJUSTMENT**  
Meeting No. 120  
Tuesday, May 15, 1990, 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>
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 Monday, May 14, 1990 at 8:36 a.m.

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

**MINUTES:**

On **MOTION** of ELLER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the **Minutes** of April 17, 1990 (No. 119).

**UNFINISHED BUSINESS**

**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.

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 this application has been continued from the April 17th Board of Adjustment meeting, and the applicant, Howell Mabry, has requested by letter (Exhibit A-1) that Case No. 955 be continued to July 17, 1990, due to a health problem.

Case No. 955 (continued)

Protestants:

Judy McGuire, 6012 South 63rd West Avenue, Oakhurst, Oklahoma, stated that the condition of the property has not changed since the previous hearing.

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 **CONTINUE** Case No. 955 to July 17, 1990, as requested by the applicant.

NEW APPLICATIONS

Case No. 957

Action Requested:

Variance of the required lot width from 200' to 132' - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6.

Variance of the required lot area from 2 acres to 1 acre and 1.6 acres - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6.

Variance of the street frontage requirement from 30' to 0' - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located North 116th Street east of North Garnett Road.

Comments and Questions:

Mr. Jones submitted a letter (Exhibit B-1) from the applicant, Sally Simmons, requesting that Case No. 957 be continued to June 19, 1990. He informed that the application involves a lot split that requires additional consideration.

Protestants: None.

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 **CONTINUE** Case 957 to June 19, 1990, as requested by the applicant.

Case No. 959

Action Requested:

Special Exception to allow a mobile home as a dwelling - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance to permit two dwellings on a single lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 6210 North Utica Place.

Case No. 959 (continued)

Presentation:

The applicant, Rick DuBose, 6210 North Utica Place, Tulsa, Oklahoma, was represented by his wife, Joan. She stated that the legal description indicated on the agenda is in error, as the mobile home will be located on the south 150' of the property. Mr. DuBose informed that the property has been divided into three separate parcels, and there will be only one dwelling on the lot in question. Ms. DuBose stated that her father purchased the land approximately 20 years ago and at one time there were mobile homes on all of the lots. She explained that her mother and father are in poor health and it is imperative that she live nearby to assist in their care.

Comments and Questions:

Mr. Jones pointed out that the proper tract has been advertised and the applicant is not in need of the variance, as the dwelling to the north is on a separate lot. He further noted that the aerial photograph indicates that there are numerous mobile homes in the area.

Mr. DuBose remarked that the bulk of the property in the area is used for agricultural purposes.

Mr. Eller asked if the mobile home has been skirted and tied down, and Ms. DuBose replied that the mobile home has been moved to the property, but has not been permanently installed.

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 **APPROVE** a Special Exception to allow a mobile home as a dwelling - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9;** and to **STRIKE** Variance to permit two dwellings on a single lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD - Use Unit 9;** subject to Health Department approval and Building permit; finding that the approval of the special exception request would not be detrimental to the area, as there are numerous mobile homes in the neighborhood, and the use would be allowed by right in the abutting AG zoned area; and finding that there is only one dwelling unit on the lot in question, and the applicant is not in need of the variance request; on the following described property:

The south 150' of the north 590' of the west 133.5' of the SW/4, NE/4, Section 6, T-20-N, R-13-E, Tulsa County, Oklahoma.

Case No. 960

Action Requested:

Variance of the minimum street frontage required on a public street or right-of-way from 30' to 0' to permit construction of a single-family dwelling - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located 4410 South 73rd West Avenue.

Comments and Questions:

Mr. Alberty informed that Staff has received a letter (Exhibit C-1) from the City of Sand Springs recommending approval of the application.

Presentation:

The applicant, **Robert Taylor**, 1531 Southwest Boulevard, Apartment 12-H, Tulsa, Oklahoma, stated that he is proposing to build a home on the property in question. He informed that there is currently a road easement to the property, however, the road has not been constructed.

Comments and Questions:

Mr. Alberty asked if the road easement has been filed of record, and the applicant answered in the affirmative.

In response to Mr. Alberty, the applicant stated that he is aware that the County will not maintain the road unless it is constructed to County specifications.

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the minimum street frontage required on a public street or right-of-way from 30' to 0' to permit construction of a single-family dwelling - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6; finding a hardship imposed on the applicant by the curvature of the existing road, which does not follow the section line abutting the property; on the following described property:

The N/2, S/2, N/2, SE/4, NW/4, and the S/2, S/2, N/2, SE/4, NW/4 of Section 30, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 961

Action Requested:

Special Exception to allow a mobile home as a permanent residence -  
**Section 440.F. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS,  
REQUIREMENTS** - Use Unit 9, located 11703 South 33rd West Avenue.

Comments and Questions:

Mr. Jones informed that Staff has received a letter (Exhibit D-1) from the City of Jenks, recommending approval of the application, subject to no renting or subdividing of the property, the mobile home meeting all Federal and BOCA code requirements, being located out of the flood area (or elevated per FEMA requirements) and having dedicated right-of-way.

Presentation:

The applicant, **Bill Ladd**, 5142 South Sandusky, Tulsa, Oklahoma, stated that the mobile home has been installed on the property. Mr. Ladd explained that he was not aware that the property in question had a residential zoning classification, as it appeared to be agricultural in nature. He informed that the mobile home has been placed adjacent to the remains of a house that burned, therefore, all utilities are available. It was noted by the applicant that there are numerous mobile homes in the area, and that the mobile home in question will be occupied by his office associate.

Additional Comments:

Mr. Alberty asked the applicant if he is in agreement with the conditions that were recommended by the City of Jenks, and he answered in the affirmative. He informed that he owns approximately 35 acres at this location, which is not income producing property, and development of the tract is not proposed. Mr. Ladd informed that his office associate will live in the mobile home at no charge.

Mr. Jones stated that the Board is concerned with land use, and should determine if the property is appropriate for mobile home use. He pointed out that whether or not the property is used for rental purposes is not an issue for Board consideration.

Mr. Alberty noted that the subject property is surrounded by agricultural land, and a mobile home would be allowed by right in the AG zoned district.

Mr. Looney stated that he is supportive of the application, subject to the mobile home meeting all applicable federal and BOCA code requirements, the mobile being kept out of any flood prone area and the right-of-way being dedicated, if necessary.

Case No. 961 (continued)

**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 **Special Exception** to allow a mobile home as a permanent residence - **Section 440.F. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9; subject to the mobile home meeting all applicable federal and BOCA code requirements, the mobile being located outside of any flood prone area and the right-of-way being dedicated, if necessary; finding that there are numerous mobile homes in the area, and that a mobile home would be allowed by right in the surrounding agricultural area; on the following described property:

S/2 of the NW/4, NW/4, SW/4 of Section 34, T-18-N, R-12-E, Tulsa County, Oklahoma.

**Case No. 962**

**Action Requested:**

Special Exception to permit a change in use from Use Unit 17 to Use Unit 25 to allow operation of a welding shop - **Section 1420.F. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** - Use Unit 17, located 7756 Charles Page Boulevard.

**Presentation:**

The applicant, **Gene Russell**, 7756 Charles Page Boulevard, Tulsa, Oklahoma, stated that he is presently operating a welding shop at 7716 Charles Page Boulevard, and requested permission to move the business to the above stated location. He informed that the remains of a burned dwelling will be removed, and a new 40' by 60' building will be constructed on the property.

**Comments and Questions:**

Mr. Alberty asked how long the business has been in operation, and the applicant replied that he has operated a welding shop in the vicinity since 1969, with no complaints. He informed that the City of Sand Springs has recommended approval (Exhibit E-1), subject to the erection of a screening fence on the rear property line.

**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 **Special Exception** to permit a change in use from Use Unit 17 to Use Unit 25 to allow operation of a welding shop - **Section 1420.F. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** - Use Unit 17; subject to the installation of a screening fence along the rear property line, as required by Sand Springs; finding that the welding shop has been operating in the vicinity for many years and has proved to be compatible with the area; on the following described property:

Lots 13 and 14, Block 1, Second Lake Addition, Tulsa County, Oklahoma.

Case No. 963

Action Requested:

Special Exception to permit automobile sales in an AG zoned district (CS zoning is pending) - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 17, located north of Highway 51, west of Coyote Trail at 269th West Avenue.

Comments and Questions:

Mr. Jones informed that CG zoning has been approved by the County in April, and County Board of Adjustment approval is not required; however, since there are unpaid fees, he suggested that the case be continued to June 19, 1990. A letter from the applicant (Exhibit F-1) was submitted.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 963 to June 19, 1990.

Case No. 964

Action Requested:

Variance of the required lot width from 200' to 165' to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 11818 North Harvard .

Comments and Questions:

Mr. Jones advised that the Skiatook Board of Adjustment has recommended approval of the request (Exhibit G-1).

Presentation:

The applicant, **Charles L. Rake**, 11818 North Harvard, Skiatook, Oklahoma, submitted a plot plan (Exhibit G-2), and stated that he and his brother purchased a five-acre tract of land approximately seven years ago. He explained that his brother constructed a house on the south two and one-half acres, and he moved his mobile home to the remaining half of the acreage. Mr. Rake stated that he is proposing to construct a house behind the existing mobile home, but the lot does not have the required 200' frontage.

Comments and Questions:

Mr. Alberty pointed out that there are other lots in the area that have a lot width of less than 200'.

Protestants: None.

Case No. 964 (continued)

**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** of the required lot width from 200' to 165' to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; finding that there are other lots in the area that are less than 200' in width; and the granting of the request will not violate the spirit, purposes and intent of the Code; on the following described property:

North 330' of the east 660' of the S/2 of the SE/4, Section 5, T-21-N, R-13-E, Tulsa, County, Oklahoma.

**OTHER BUSINESS**

**Case No. 892**

**Action Requested:**

Special Exception to allow for continued church uses in an existing structure in an AG zoned district - **Section 310 - PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 1205, located west of the NW/c of 129th East Avenue and 101st Street South.

**Presentation:**

The applicant, **Warren E. Meyer**, 1807 West Gulfport Circle, Broken Arrow, Oklahoma, submitted a summary of the case (Exhibit H-1), and informed that he is representing the church in this matter. He explained that the church has previously been granted permission to hold church services in the existing structure for a period of two years. Mr. Meyer stated that building plans were to be submitted at the end of the two-year period, and he is present today to inform the Board that a church building will not be constructed at this location. He explained that a decision has been made to sell the property, as the congregation has not grown as they had anticipated. Also, Mr. Meyer stated that the property in question was annexed by Broken Arrow on July 19, 1989.

**Comments and Questions:**

Mr. Jones advised that this case cannot be heard by this Board if the property in question has been annexed by Broken Arrow. After checking the records, Mr. Jones verified the fact that the subject property is located in the city limits of Broken Arrow.

**Interested Parties:**

The preacher for the congregation, 504 South Redbud, Broken Arrow, Oklahoma, stated that he had a phone conversation with a representative of the City of Broken Arrow, and was told that the property had been annexed; however, the church did not receive anything in writing concerning the annexation.



Case No. 892 (continued)

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **STRIKE** Case No. 892, finding that the property in question has been annexed into the City of Broken Arrow.

There being no further business, the meeting was adjourned at 2:07 p.m.

Date Approved

6/15/90

John N. Tyndall

Acting Chairman

Chairman