

COUNTY BOARD OF ADJUSTMENT
Meeting No. 122
Tuesday, July 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		Gardner Moore Richards	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, July 16, 1990 at 9:02 a.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the **Minutes** of June 19, 1990 (No. 121).

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 yards - **Section 720. ACCESSORY USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 1209.

Variance to allow construction of a carport within the required yards - **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. Alberty noted that this case was continued from the April meeting to allow the applicant sufficient time to prepare a site plan for a proposed carport.

Case No. 955 (continued)

Presentation:

The applicant, **Howell Mabry**, PO Box 277, Oakhurst, Oklahoma, submitted photographs (Exhibit A-1) and a letter (Exhibit A-2) explaining his request. The applicant stated that he will not construct a carport on his property, and is no longer in need of the the two requests regarding the carport. He asked the Board to consider only the request to allow his mobile home to remain at its present location as a permanent residence.

Comments and Questions:

Mr. Alberty pointed out to Mr. Mabry that the minutes from the previous Board of Adjustment meeting state that he is to provide a plot plan for the proposed carport, and meet with the neighbors in an attempt to alleviate some of their concerns about the condition of the lot.

Mr. Mabry stated that he has not conferred with the neighbors, but has removed the rabbit cages and the property is now in good condition.

Mr. Dent informed that the applicant constructed a storage building on the property, but could not meet the setbacks for the proposed carport and abandoned that idea.

Mr. Alberty asked Mr. Mabry if he is proposing to withdraw the request for a carport, and he answered in the affirmative.

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 **WITHDRAW** a **Special Exception** to allow construction of a detached carport within the required yards - **Section 720. ACCESSORY USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 1209; and to **WITHDRAW** a **Variance** to allow construction of a carport within the required yards - **Section 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 1209; finding that the applicant is not in need of the relief requested.

Additional Comments:

Mr. Mabrey stated that there are two mobile homes across the street, which were there prior to his purchase of the subject property.

Mr. Looney asked the applicant if his mobile home is skirted, and he replied that it is skirted, tied down and is on a permanent foundation.

Mr. Looney asked if a building permit was issued for the mobile home and the accessory building, and the applicant answered in the affirmative.

Case No. 955 (continued)

Protestants:

Judy McGuire, 6012 South 63rd West Avenue, Tulsa, Oklahoma, stated that she is protesting the application in an attempt to protect the value of her home. She informed that the mobile home is located next door to her property, and pointed out that the metal buildings on the lots do not enhance the appearance of Mr. Mabrey's property. Ms. McGuire submitted a petition and correspondence with the City/County Health Department (Exhibit A-3) concerning the unsightly condition of the area.

Mr. Alberty asked the applicant if he has attempted to meet with the neighbors concerning their opposition to the case, and he replied that he has made no attempt to speak with the surrounding property owners.

Mr. Alberty inquired as to the number of mobile homes currently located within the block, and Ms. McGuire replied that Mr. Mabry owns the only mobile home in her block. She pointed out that the two mobile homes across the street are vacant and seem to be stored there. She further noted that Mr. Mabry moved his mobile home on his property without a permit, and that he has not secured a permit for any construction on the lot until she reported his activities.

Mr. Looney asked if the application was properly advertised for permanent mobile home use, and Mr. Richards informed that the application was advertised for permanent use.

There was Board discussion concerning mobile homes in the area, and neighborhood opposition. Mr. Walker stated that the mobile home was approved temporarily, based upon its compatibility with the surrounding area, and it appears that there is serious opposition. Mr. Walker advised that he cannot support the permanent installation of the mobile home at this location.

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 **Special Exception** to allow a mobile home as a dwelling in a CS zoned district for a period of 2 years only - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 1209; finding that there are other mobile homes in the area, and that a commercial use could operate at this location by right; on the following described property:

Lots 1 and 2, Block 9, New Taneha Addition, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 969

Action Requested:

Use variance to permit a mini-storage business - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 17, located 7646 North 137th East Avenue.

Comments and Questions:

Mr. Richards informed that the Owasso Board of Adjustment (Exhibit B-2) has recommended denial of the application.

Presentation:

The applicant, **Imogene Self**, 7646 North 137th East Avenue, Owasso, Oklahoma, was represented by her daughter, Sue Norwood, who submitted two plot plans (Exhibit B-1) for a proposed mini-storage business. She explained that several members of her family live in Graceland Acres, and that her mother's property consists of approximately two acres, with one existing single-family dwelling. Ms. Norwood stated that her mother is considering the construction of a mini-storage facility on the rear portion of the property, and that she will assist her mother in the business operation. She stated that the facility will be fenced and will have only one entrance and exit, which will allow all traffic to be controlled by an electronic computerized gate.

Comments and Questions:

Mr. Alberty asked the applicant if she is aware that the requested business is an industrial/commercial type operation in a residential area, and she answered in the affirmative. Mr. Alberty pointed out that a hardship is required, which would demonstrate to the Board why the property is no longer suited for residential use.

Ms. Self stated that she does not have information that would substantiate the fact that the property cannot be used for residential purposes.

Protestants:

Maxine Thomas, 7841 North 134th East Avenue, Owasso, Oklahoma, stated that she is the sister-in-law of the applicant, and also lives in Graceland Acres. She submitted a map and petition (Exhibit B-3) signed by homeowners in the area that are in opposition to the use variance. She remarked that she is protective of the quiet atmosphere of the neighborhood and is also opposed to the application. Ms. Thomas stated that there is a drainage problem in the area and some of the properties have standing water during rainy seasons. She stated that the subject property is well maintained and the mini-storage would probably be an attractive facility; however, a business would not be compatible with the residential neighborhood.

Bob Bates stated that he lives in the Graceland Addition, and many of the older residents are accustomed to walking in the neighborhood. He pointed out that additional traffic in the area would not be welcome.

Case No. 969 (continued)

In response to Mr. Alberty's inquiry, approximately 10 residents of the area indicated opposition to the application.

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 **DENY** a **Use Variance** to permit a mini-storage business in an RE District - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 17; finding that a hardship was not demonstrated that would warrant the granting of the request; and finding that the mini-storage business would not be compatible with the residential area; on the following described property:

Lot 9, Block 2, Graceland Acres Addition, Tulsa County, Oklahoma.

Case No. 971

Action Requested:

Variance to permit two dwellings on a single lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Units 6 and 9, located near Highway 51 and 186th West Avenue.

Presentation:

The applicant, **L. C. Forester**, Route 3, Box 946, Sand Springs, Oklahoma, stated that he currently resides in the existing house, and his daughter is proposing to place a second dwelling on the property to be used for her residence. Mr. Forester submitted a letter from his doctor (Exhibit C-2), and stated that he and his wife are in ill health and in need of continuing care. A location map (Exhibit C-1) was submitted by the applicant.

Comments and Questions:

Mr. Tyndall asked the applicant if the small lots to the west have dwelling units in place, and he replied that two of the lots have single-family dwellings, and the third lot is vacant.

Mr. Walker remarked that he is familiar with the neighborhood, and two dwellings, as proposed, would not be detrimental to the area.

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** to permit two dwellings on a single lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Units 6 and 9; finding that the lots to the west have less land area per dwelling than the property in question; on the following described property:

Beginning 447.57' west of the northeast corner of the SE/4 of the SW/4, thence south 185.91' to the north line of Highway 51; thence southwesterly 272.5', north 570', east 252'; thence south 280.39', Section 12, T-19-N, R-10-E, Tulsa County, Oklahoma, and being located in an AG Zoned District.

Case No. 975

Action Requested:

Special Exception to allow a single-family dwelling in a CS zoned district - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 6, located SE/c North Yale Avenue and East 96th Street North.

Presentation:

The applicant, **Randy Hicks**, 1510 East 59th Place North, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) and explained that he is proposing to construct a dwelling on the property in question if the application is approved.

Comments and Questions:

Mr. Alberty asked if the proposed location of the house is on the south portion of the property, and Mr. Hicks answered in the affirmative.

Mr. Alberty inquired as to the access point for the property, and the applicant replied that his driveway will be on 94th Street.

In response to Mr. Alberty's inquiry as to plans for the northern portion of the property, Mr. Hicks replied that he will not operate a business at this location, but may build a pond there in the future.

In regard to development on the property, Mr. Gardner stated that, if inclined to approve the application, the Board could approve a sufficient amount of land to meet the percolation test.

Interested Parties:

Bob Webster, 2110 East 73rd Street North, Tulsa, Oklahoma, stated that he is the current owner of the property, and pointed out that the commercial value of this property is very low, as there are numerous houses in the area. He pointed out that the major portion of land at this location cannot pass the percolation test and would be difficult to develop.

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 **Special Exception** to allow a single-family dwelling in a CS zoned district - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the property in question abuts a single-family residential neighborhood, and that the tract has a percolation problem and only a portion of the land can meet Health Department requirements for sewage disposal; and finding that the CS zoned property is not suitable for commercial uses; on the following described property:

Lot 1, Block 1 Convenient Center Addition, Tulsa County, Oklahoma.

Case No. 976

Action Requested:

Special Exception to permit mobile homes in an RE zoned district - **Section 410 - PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9.**

Special Exception to modify the previous condition of approval from one mobile per 5 acres to one mobile home per 2 1/2 acres based upon new soil percolation tests - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9**, located NW/c 169th West Avenue and 41st Street South.

Comments and Questions:

Mr. Richards informed that the Board previously imposed the condition of approval to allow one mobile home per 5 acres of land, based on the percolation test completed at that time. He pointed out that current soil tests determine that the land can support one mobile home per 2 1/2 acres, and the applicant requested that the previous approval be modified.

Presentation:

The applicant, **Stanley T. Synar**, was represented by **Ken Butler**, 1156 East 61st Street, Tulsa, Oklahoma, requested that the 10-acre tract be split into 2 1/2-acre tracts (one unit per tract). He informed that the Sand Springs Planning Commission has approved the lot split, which is within their fence line, and the Health Department has conducted and approved percolation tests on each 2 1/2-acre tract.

Comments and Questions:

Mr. Alberty asked if there are other mobile homes in the area, and Mr. Butler answered in the affirmative.

Mr. Walker inquired as to the owner of the property to the west, and the applicant stated that Eastern Oklahoma Land and Cattle Company owns this property. He informed that this land will be sold as 10-acre tracts, except for four smaller lots on 177th West Avenue.

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 **Special Exception** to permit mobile homes in an RE zoned district - **Section 410 - PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9**; and to **APPROVE** a **Special Exception** to modify the previous condition of approval from one mobile per 5 acres to one mobile home per 2 1/2 acres based upon new soil percolation tests - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9**; per plot plan submitted; subject to Building Permit and Health Department approval; finding that there are numerous mobile homes in the vicinity, and the granting of the special exception requests will not be detrimental to the area; on the following described property:

E/2, E/2, SE/4, SW/4, Section 19, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 977

Action Requested:

Variance of the minimum lot frontage requirement from 150' to 90' to permit a lot split - **Section 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 9, located 4826 West 41st Street South.

Presentation:

The applicant, **Lonna Sue Poplin**, 4826 West 41st Street, Tulsa, Oklahoma, requested by letter that Case No. 977 be withdrawn, due to TMAPC denial of the lot split.

Comments and Questions:

Mr. Gardner informed that he wrote (Exhibit F-1) to the applicant explaining that, as a result of this case, the procedure has been changed to put more emphasis on the applicant meeting with the Health Department early in the process, before the Board of Adjustment application is filed. He pointed out that this will allow the applicant to be given the results of the percolation test before paying lot split or Board of Adjustment fees.

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 **WITHDRAW** Case No. 977, as requested by the applicant.

Case No. 978

Action Requested:

Appeal of the decision of the County Building Inspector in determining the present use to be a Use Unit 27, Heavy Manufacturing - **Section 1650. APPEALS FROM THE COUNTY INSPECTOR** - Use Unit 27.

Use variance to permit the storage of dismantled and inoperative automobiles and auto parts - **Section 910. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 27, located 1536 North Vandalla Place.

Presentation:

The applicant, **Loren Lewis, Jr.**, 1228 North Yale, Tulsa, Oklahoma, stated that he collects cadillac cars and stores them at the above stated location. He informed that the property is not served by gas, electricity or sewer, and the street is not improved. Mr. Lewis stated that he will upgrade the fencing, and requested permission to continue the storage of old cadillacs and parts on the lot.

Comments and Questions:

Mr. Alberty asked the applicant if he lives on the property, and he replied that he lives several blocks to the south of the lot in question.

The applicant informed that he has been storing inoperable cars at this location for approximately four years, and has only added two additional cars in the last year. In response to Mr. Alberty, Mr. Lewis stated that he has approximately 20 vehicles stored on the lot at this time.

Case No. 978 (continued)

Protestants:

Angela Underwood, 1534 North Vandalla Place, Tulsa, Oklahoma, stated that her property abuts the subject tract on the south. She pointed out that some residents in the area have been informed that their Homeowner's Insurance is being cancelled due to the location of the salvage yard in the neighborhood. Ms. Underwood further noted that the lot attracts vandals and various items have been stolen from homes in the area. She stated that car trunks are left open and the lot is infested with rats, snakes and mosquitoes, which creates a dangerous situation for the children playing in the neighborhood. A petition of opposition (Exhibit G-1) and photographs (Exhibit G-2) were submitted.

Barbara Clevenger, owner of the property at 1533 North Vandalla Place, Tulsa, Oklahoma, stated that Allstate Insurance Company cancelled her homeowners policy because of the salvage operation next door. She requested that the application be denied.

Scott Blackburn, 1537 North Vandalla, Tulsa, Oklahoma, stated that having a salvage yard next door to your home does not produce much of an incentive to make improvements. He asked that the salvage be removed from the area.

Applicant's Rebuttal:

Mr. Lewis stated that he does not own the property in question, and is hesitant to spend a great deal of money for improvements. The applicant stated that he was not aware that insurance policies had been cancelled because of the storage lot in the area.

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 **UPHOLD** the **Decision** of the County Building Inspector in determining the present use to be a Use Unit 27, Heavy Manufacturing - **Section 1650. APPEALS FROM THE COUNTY INSPECTOR - Use Unit 27.**

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Use Variance** to permit the storage of dismantled and inoperative automobiles and auto parts - **Section 910. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS - Use Unit 27;** subject to all automobiles and parts being removed from the lot within a 60-day period from this date; finding that the applicant failed to demonstrate a hardship that would warrant the granting of the use variance; and finding the use to be more intense than those in the surrounding area: on the following described property:

The west 119' of the south 140.34' of the north 198' of the SE/4, SE/4, SE/4, Section 28, T-20-N, R-13-E, Tulsa County, Oklahoma.

Case No. 979

Action Requested:

Variance of the required 200' frontage to 165' for each of two (2) lots (5 acres each) - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located north of NE/c 126th Street North and North Sheridan Road.

Presentation:

The applicant, **Gary Walters**, 2413 North Vandalia, Tulsa, Oklahoma, stated that he and his cousin have purchased a 10-acre tract at the above stated location. He explained that the lot is long and narrow, and they are attempting to split the property in such a way as to have street frontage for each lot.

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 **Variance** of the required 200' frontage to 165' for each of two (2) lots (5 acres each) - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; finding a hardship imposed on the applicant by the long narrow shape of the lot, with limited street frontage; and finding that there are lots to the east that are smaller than the lots in question; on the following described property:

Beginning at the southeast corner of NW/4 SW/4, Section 35, T-22-N, R-13-E; thence north 330'; thence west 1,320'; thence south 330'; thence east 1,320' to POB, Tulsa County, Oklahoma,

Case No. 980

Action Requested:

Variance of the minimum lot width from 200' to 130' and 150' - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6.

Variance of the minimum lot area from 2 acres to 0.58 acre and 0.90 acre, to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 2615 South 52nd West Avenue.

Presentation:

The applicant, **Harold Whiteis**, was not present.

Comments and Questions:

Mr. Richards stated that Mr. Whiteis has not contacted Staff concerning this case.

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 **CONTINUE** Case No. 980 to August 21, 1990, to allow Staff sufficient time to contact the applicant.

Case No. 981

Action Requested:

Variance to permit two (2) dwellings on a single lot of record to allow a mobile home - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 25600 West Hound Dog Hollow.

Presentation:

The applicant, **Robert Norton**, Route 2, Box 510, Sand Springs, Oklahoma, requested permission to move a mobile home on the subject property. He informed that his father will reside in the existing house, and the mobile home will be located nearby. Mr. Norton explained that his father is elderly and requires continual care at this time; however, the small house will be removed in the future. The applicant stated that the mobile home will remain at this location, and will be used as his permanent residence.

Comments and Questions:

Mr. Alberty asked if the septic system will accommodate both units, and the applicant replied that the property has been inspected and an addition septic tank and lateral lines will be required.

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** to permit two (2) dwellings on a single lot of record to allow a mobile home - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; per plot plan submitted; subject to Building Permit and Health Department approval; and subject to approval being for the duration of the life of the applicant's father, with the small house being removed from the premises when it is no longer occupied by his father; on the following described property:

Beginning at a point 629' north and 210' east of the southwest corner of Section 29; thence north 620'; thence east 185'; thence south 620'; thence west 185' to POB, SW/4, SW/4 Section 29, T-19-N, R-10-E, Tulsa County, Oklahoma,

OTHER BUSINESS

Case No. 977

Action Requested:

Refund of filing fees.

Presentation:

The applicant, **Lonna Sue Poplin**, 4826 West 41st Street South, Tulsa, Oklahoma, requested a refund of filing fees in the amount of \$125.00.

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 **REFUND** of \$125.00; finding that the portion of the application heard by TMAPC was denied, and the applicant is no longer in need of Board of Adjustment relief.

There being no further business, the meeting was adjourned at 3:05 p.m..

Date Approved

Aug. 21, 1990

A. Alberty
Chairman