

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 182
Tuesday, July 18, 1995, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty
Eller
Looney
Tyndall, Chairman
Walker

Gardner
Moore
Beach

Glenn, Building
Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, July 14, 1995, at 1:08 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the **Minutes** of June 20, 1995 (No. 181).

UNFINISHED BUSINESS

Case No. 1350

Action Requested:

Variance to permit one double-wide mobile home to be located in a regulatory floodway CMF 101972 (6/28/82) SECTION 6, Paragraph 5, Page 12; and a variance to permit two dwelling units on one lot of record **SECTION 208. ONE SINGLE FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 2103 East 86th Street North.

Presentation:

The applicant, **Hershal Powers**, Route 1, Box 371, Sperry, Oklahoma, requested permission to have an additional mobile home dwelling on his 35-acre tract. He informed that he has lived at this location since 1982 and has not experienced a flooding problem during that time. Mr. Powers stated that the second unit has been on the property since March 1995, but he is unable to get electrical service without a building permit.

Case No. 1350 (continued)

Comments and Questions:

Mr. Albery advised Mr. Powers that it is his responsibility to substantiate his statement concerning elevation and flooding by providing an engineering report. He pointed out that, in his opinion, the Board does not have sufficient information to act favorably on the request.

Randall Powers, Route 1, Box 371, Sperry, Oklahoma, inquired as to the exact information required.

Mr. Gardner informed Mr. Randall that any violation of the FEMA regulations would potentially jeopardize the flood insurance program for Tulsa County. He noted that building is not permitted in the regulatory floodway.

Mr. Glenn clarified that the County adopted FEMA regulations and flood-zone maps in 1982. He advised that building is permitted in the 100-year flood zone if elevated 1' above the BFE (base flood elevation); however, building is not permitted in the regulatory floodway. Mr. Glenn pointed out that the County must comply with FEMA regulations to stay on the Federal Flood Insurance Rate Maps. He noted that the elevation of the applicant's ground is below the BFE and he must provide a hydrology study proving that the BFE will not be hampered in any way by the placement of the mobile home at the proposed location.

Applicant's Rebuttal:

Mr. Powers stated that he will attempt to gather the information required by the County.

Board Action:

On **MOTION** of **WALKER** the Board voted 5-0-0 (Albery, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Variance** to permit one double-wide mobile home to be located in a regulatory floodway CMF 101972 (6/28/82) SECTION 6, Paragraph 5, Page 12; and to **DENY** a **variance** to permit two dwelling units on one lot of record **SECTION 208. ONE SINGLE FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; finding that the elevation of the applicant's ground is below the BFE and that he failed to provide a hydrology study proving that the BFE will not be hampered in any way by the placement of the mobile home at the proposed location; on the following described property:

SW/4, SE/4, W/2, W/2, SE/4, SE/4, less the W/2, W/2, SW/4, SE/4, Section 19, T-21-N, R-13-E, IBM, Tulsa County, Oklahoma.

Case No. 1352

Action Requested:

Special Exception to modify the height restriction in an AG District to permit a 180' cellular telephone monopole - **SECTION 220. HEIGHT EXCEPTIONS** - Use Unit 4, located southeast of southeast corner South 111th Street and 145th East Avenue.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, was not present.

Comments and Questions:

Mr. Beach advised that the applicant has requested by letter that Case No. 1352 be withdrawn.

NEW APPLICATIONS

Case No. 1353

Action Requested:

Variance of the setback requirements from the centerline of South 49th West Avenue from 100' to 56.7' in an IL District to permit an existing building 31.7' from the west property line to remain - **SECTION 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**, located northeast corner South 49th West Avenue and West 60th Street.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted a plot plan (Exhibit A-1) and informed that the building in question was constructed at its current location in 1987. He pointed out that the right-of-way is more narrow on the east side of the section line than on the west and the building is not in the planned construction area. Mr. Norman informed that he was unable to find information verifying the exact dimensions of the right-of-way. He informed that the building in question aligns with the tire and battery store immediately to the south. Photographs (Exhibit A-2) were submitted.

Comments and Questions:

Mr. Looney asked if the City plans to widen the street at this location, and Mr. Norman replied that there are no plans at this time to do any further widening.

In reply to Mr. Tyndall, Mr. Norman stated that this relief is required to satisfy the lender.

Protestants:

None.

Case No. 1353 (continued)

Board Action:

On **MOTION** of **ALBERTY** the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the setback requirements from the centerline of South 49th West Avenue from 100' to 56.7' in an IL District to permit an existing building 31.7' from the west property line to remain - **SECTION 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**; per plan submitted; finding that the existing structure aligns with other buildings in the area; finding that the street right-of-way (off-set to the west of centerline) is wider than the Major Street and Highway Plan; and finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

South 125' Lots 9 and 10, Block 3, Bozarth Acres Addition, Tulsa County, Oklahoma.

Case No. 1356

Action Requested:

Special Exception to permit a single-wide mobile home in an RM-2 District permanently - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 1504 South 74th West Avenue.

Presentation:

The applicant, **Jim Woolsey**, 3310 South 61st West Avenue, informed that the existing house on his mother-in-law's property is dilapidated and she is proposing to replace it with a mobile home. Photographs (Exhibit B-2) were submitted.

Comments and Questions:

Mr. Tyndall asked the applicant if he was notified of the Sand Springs Board of Adjustment meeting concerning this case, and Mr. Woolsey stated that the meeting is to be held on the 19th.

Mr. Looney informed that the Board meeting was held on the 11th, and Mr. Woolsey stated that his hearing notice advised that the meeting would be on the 19th.

Mr. Tyndall advised that Sand Springs (Exhibit B-1) did not render an opinion on the case because the applicant was not present.

Mr. Alberty asked if the property is served by a sanitary sewer, and the applicant advised that a septic system is in place. He further noted that a car crusher and salvage are located in the neighborhood.

Case No. 1356 (continued)

Mr. Walker informed that he is familiar with the area and mobile home use is not appropriate at the proposed 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 permit a single-wide mobile home in an RM-2 District permanently - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9**; subject to a building permit and Health Department approval; and subject to skirting and tie-downs being installed; finding the use to be appropriate for the area, and in harmony with the spirit and intent of the Code; on the following described property:

Lot 191 and N/2 Lot 190, Block B, Billington's Acres Resubdivision of all Trs. and part of Tr. 6 and 7, Tulsa County, Oklahoma.

Case No. 1357

Action Requested:

Final site plan approval and an extension of the time limit for previous variance of the all-weather parking surface for two years from the date of occupancy of approved uses.

Presentation:

The applicant, **Kenneth McDaniel**, 4420 West 1st Street, submitted a final site plan (C-1) for the Solid Rock Fellowship Church. He informed that a building project is proposed in the near future, and requested that a previous approval of gravel parking be extended to two years from the date of occupation of the property.

Comments and Questions:

Mr. Alberty asked if the parking surface will be hard-surfaced at the end of two years, and the applicant answered in the affirmative.

In reply to Mr. Looney, the applicant stated that construction will begin within 30 days and the project will be completed in six months.

Protestants:

None.

Case No. 1357 (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 final site plan; and to **APPROVE** an extension of the time limit for a previous approval of the all-weather parking surface for two years from the date of occupancy of approved uses; subject to a building permit; and subject to gravel parking being permitted until September 1, 1997; finding that surrounding properties are primarily undeveloped and temporary gravel parking will not be detrimental to the area; on the following described property:

Lot 1, Block 1, Solid Rock Fellowship, Tulsa County, Oklahoma.

Case No. 1358

Action Requested:

Special Exception to permit a mobile home in an RS District - **SECTION 410 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 1535 East 73rd Street North.

Presentation:

The applicant, **Dan McGowan**, PO Box 1474, Tahlequah, Oklahoma, submitted a plot plan (Exhibit D-1) and requested permission to install a mobile home on the property in question. Mr. McGowan explained that the mobile unit will be occupied by his partially disabled brother, and that he is attempting to assist him in acquiring a suitable place to live. The applicant noted that the general area is poorly maintained and a salvage yard, along with a car crusher, is in operation on nearby property. He informed that numerous mobile homes have been approved in the addition.

Protestants:

Jeff Kirkham, 1727 East 73rd Street North, informed that he lives to the east of the subject property and submitted photographs (Exhibit D-2) depicting the poor condition of previously approved mobile homes in the neighborhood. He noted that they are rarely maintained properly and pointed out that any type of new construction will not occur next door to a mobile home. Mr. Kirkham requested that the application be denied.

Applicant's Rebuttal:

Mr. McGowan stated that the proposed mobile home will be well maintained and will be an asset to the neighborhood.

Case No. 1358 (continued)

Comments and Questions:

Mr. Alberty stated that it is unrealistic to expect new construction in the neighborhood, and advised that the installation of a mobile home on the subject property would be an asset to the area.

Board Action:

On **MOTION** of **ALBERTY** 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 mobile home in an RS District - **SECTION 410 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted; subject to a building permit and Health Department approval; and subject to the unit being skirted and tied down; finding the use to be compatible with the area; on the following described property:

W/2 Lot 10, Block 3, less north 25' Golden Hills Addition, Tulsa County, Oklahoma.

Case No. 1359

Action Requested:

Variance to permit two dwelling units on one lot of record in an AG zoned district - **SECTION 208. ONE DWELLING UNIT PER LOT OF RECORD** - Use Unit 9, located 141st East Avenue and 136th Street North.

Presentation:

The applicant, **Julie Bolin**, 11306 North 111th East Avenue, submitted a plot plan (Exhibit E-1) and informed that she is proposing to install a mobile home on one end of her parents 7.5-acre tract. She stated that her parents live on one end of the property.

Comments and Questions:

Mr. Alberty asked if 145th East Avenue is open, and the applicant stated that it is open, but is not county maintained.

Jim Mahan, Route 2, Box 935A, Collinsville, Oklahoma, requested that the property be split to ensure that two dwellings are not on one end of the lot. He pointed out that the land in the area does not percolate.

Mike Daniels, 13620 North 141st East Avenue, stated that he is convinced that the land will not percolate at the proposed installation site, and the access road consists of weeds and gravel. He noted that 136th Street North floods extensively during wet seasons. Mr. Daniels stated that there are nice homes in the area and asked that the application be denied.

Case No. 1359 (continued)

Applicant's Rebuttal:

Mr. Bolin informed that a road to the proposed site has been in existence for 8 years and Ms. Bolin pointed out that her parents property is divided by the creek, with their residence being on the west end of the tract.

Additional Comments:

Mr. Walker remarked that a mobile home is permitted in an Agriculture District by right and the plot plan depicts the location of the unit to be on the east end of the property.

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 dwelling units on one lot of record in an AG zoned district - **SECTION 208. ONE DWELLING UNIT PER LOT OF RECORD** - Use Unit 9; per plan submitted (one unit on west end of property and one unit on east end of property with access from 145th East Avenue); subject to a building permit and Health Department approval; finding that the tract is large enough to split into two lots that will comply with Code requirements; on the following described property:

North 265', south 781.6', SE/4, SE/4, less east 35' and west 25' for road Section 28, T-22-N, R-14-E, Tulsa County, Oklahoma.

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

Date Approved 8-15-95


Chairman