

**COUNTY
BOARD OF ADJUSTMENT
MINUTES of Meeting No. 235
Tuesday, December 21, 1999, 1:30 p.m.
County Commission Room
Room 119
County Administration Building**

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty
Tyndall
Walker, Chair

Looney
Dillard

Butler
Bruce
Stump

The notice and agenda of said meeting were posted in the Office of the County Clerk on, Thursday, December 20, 1999 at 8:27 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Walker called the meeting to order at 1:36 p.m.

MINUTES:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, Dillard "absent") to **APPROVE** the Minutes of November 16, 1999, (No. 234).

UNFINISHED BUSINESS

Case No. 1688

Action Requested:

Variance to Section 208 to permit three dwelling units per lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9, and a Variance to Section 207 to reduce the required 30' of frontage to zero feet on a public street. SECTION 207. STREET FRONTAGE REQUIRED, located at 8901 N. Hudson Avenue.

Presentation:

Donald Wayne Dunn, 8901 N. Hudson Ave., stated that he has owned this ten acres since 1976, and would like to let his daughter set up a mobile home on two and one-half acres of his property.

Comments and Questions:

Mr. Tyndall asked if Mr. Dunn intended to keep the property under one ownership. Mr. Dunn stated that was his plan. Mr. Tyndall asked about the access to the property. Mr. Dunn stated that the former owner gave him an easement of 330' further south on north Hudson and then another 330' east to his property. Mr. Dunn stated that he put in a two-inch gas line through the neighborhood and did not charge anybody. He added that two years later he dedicated it to ONG, and they took responsibility to maintain it. He stated that he also did the same thing with the county regarding the roadway. The roadway has been maintained and paved by Tulsa County up to his gate.

Interested Parties:

Elizabeth Gussey, 321 S. Boston, appeared, representing Miller, McDonald, and (name inaudible), a mother, her son and daughter who own the property to the north. She stated that her clients oppose the variance of street frontage required on Mr. Dunn's property. Ms. Gussey stated that the mobile homes would be too close to the property line when her clients do controlled high grass burning. Her clients' concerns are for the safety of the neighbors and their own liability, not whether there is another mobile home set-up on the property. Ms. Gussey stated that if they could reach an agreement on the location of the mobile homes they would withdraw the objection.

Comments and Questions:

Mr. Tyndall asked what distance from the property line would be agreeable. Ms. Gussey stated her client initially suggested 100' as a starting point.

Mr. Walker asked if she had approached Mr. Dunn on her clients' suggestion. She stated that she had not, but that her clients' informed her they had previously tried to discuss it with Mr. Dunn, but were unsuccessful in that conversation.

Mr. Walker asked if there is a set-back requirement on agricultural land. Mr. West stated that footage for sideyards is set at ten feet minimum on one side and five feet on the other, with a forty-foot setback from the rear.

Applicant's Rebuttal:

Mr. Dunn stated that the neighbors do not live on their property. He stated that all they need to do is plow a fire guard along the fence line to prevent the spread of a controlled fire.

Comments and Questions:

Mr. Bruce recommended that the County check the records to verify whether the county accepted the maintenance of the road or not. Mr. West stated that the records show that Tulsa County owns the road but have not accepted it to maintain. Mr. West stated that just because a road is dedicated to the county does not mean that they will agree to maintain it. Mr. Bruce added that a public street is a road that has been accepted by the county for maintenance and the county actually maintains the road up to county standards.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Alberty, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, Dillard, "absent") to **APPROVE** a **Variance** to Section 208 to permit three dwelling units per lot of record, and a **Variance** to Section 207 to reduce the required 30' of frontage to zero feet on a public street, finding the hardship that the zoning code would permit four dwelling units and owner does not wish to subdivide.

SW, NW, SE, Section 22, T-21-N, R-13-E, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 1692

Action Requested:

Variance to Section 240.2.E. to permit variance to the maximum size of an accessory building from 750 square feet to 1800 square feet on a lot in an RS-zoned district. SECTION 240.2.E. YARDS, Permitted Yard Obstructions – Use Unit 6, located at 5804 W. 60th St.

Presentation:

The applicant, **William Howard Cloud**, 5804 W. 60th St., stated that he wants to store a motor-home, a 24' pontoon boat, mowing equipment, and a trailer.

Mr. Walker asked if Mr. Cloud had any business located in the area anywhere. Mr. Cloud replied that he does not. Mr. Walker stated the concern is that technically the proposed building would be on a separate lot and would not be an accessory use but a primary use. Mr. Tyndall explained that the property is platted for numbered lots. The staff's concern is that it could be sold off separately and then it becomes a principal use. Since it is not a dwelling, the closest category would be a warehouse and that is not a use which is permitted in a residential district.

Mr. Walker asked Mr. Dunn if there would be any commercial use or commercial storage in this building. Mr. Dunn replied there would be absolutely none.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, Dillard, "absent") to **APPROVE** a **Variance** to Section 240.2.E. to permit a variance to the maximum size of an accessory building from 750 square feet to 1800 square feet on a lot in an RS-zoned district, subject to a tie-contract attaching the lot where the accessory building will be built to the lot where the principal dwelling is located; that there be no commercial or

industrial operations in the accessory building, and that it be used primarily and solely for the owner's storage of his own personal items.

Lots 1-14 and Lots 27-31, Block 14, East Addition to New Taneha, Tulsa County, Oklahoma

Case No. 1693

Action Requested:

Variance to Section 240.2.E. to permit a variance to the maximum size of an accessory building from 750 square feet to 1500 square feet on a lot in an RS-zoned district. SECTION 204.2.E. YARDS LIMITATION ON LAND USE – Use Unit 6, located at 3158 S. 63rd W. Ave.

Presentation:

The applicant, **Jim Downing**, 6127 West 33rd Street, stated that he wants to build a building on the property at 3158 South 63rd West Avenue, to house two motor homes.

Comments and Questions:

Mr. Tyndall asked if this building would be used just for a garage, with no commercial use or dwelling. Mr. Downing replied for garage use only, no commercial or dwelling use. Mr. Tyndall asked if he owns both motor homes. Mr. Downing replied that one of them belongs to a friend.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, Dillard, "absent") to **APPROVE** a Variance to Section 240.2.E. to permit a variance to the maximum size of an accessory building from 750 square feet to 1500 square feet on a lot in an RS-zoned district, subject to a drawing of the proposed structure, finding the building per conditions of garage use only with no commercial or dwelling use, will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

S/2 Lot 13, Block 1, Berry Hill Acres, Tulsa County, State of Oklahoma

Case No. 1694

Action Requested:

Variance to Section 208 to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located at 7701 E. 100th St. N.

Presentation:

Jill Morgan, 7701 East 100th Street North, stated she desires to move a second mobile home on the property to allow family to live close to her mother.

Interested Parties:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, Dillard, "absent") to **APPROVE** a ***Variance*** to Section 208 to allow two dwelling units on one lot of record, the lot being of sufficient size, finding the hardship to be the owner wants to keep all of the property under one ownership.

Pt S/2 NE/4 Beg. 1217.21' W and 27.00' N of SE/c of the NE/4 thence N 536.80' thence W 353.73' thence S 536.80' thence E 354.01' to POB, Section 14, T-21-N, R-13-E, Tulsa County, Oklahoma

Case No. 1695

Action Requested:

Special Exception to allow a single wide mobile home in an RS-zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located at 9921 W. 61st St.

Presentation:

The applicant, **Alpha Logan**, P.O. Box 39, Oakhurst, stated she wants to set up a single-wide mobile home.

Comments and Questions:

Mr. Alberty asked if there are sewer lines to the property. Ms. Logan replied that there is a septic tank.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Alberty, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, Dillard, "absent") to **APPROVE** a ***Special Exception*** to allow a single-wide mobile home in an RS-zoned district, subject to an approved sewage disposal system, building permit, tie-down and skirting, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Lot 8, Block 4, Hilltop Addition, Tulsa County, State of Oklahoma

Case No. 1696

Action Requested:

Variance to Section 207; minimum required frontage on a public street for a lot used for residential purposes, from 30' to zero feet. SECTION 207. STREET FRONTAGE REQUIRED, located W of SW/c E. 151st St. S. & Lewis.

Presentation:

The applicant, **Mike Butler**, 3416 East 142nd Street, Bixby, stated he plans to build a single-family residence for personal use on the property identified above.

Comments and Questions:

Mr. Walker asked how the access road is maintained. Mr. Butler stated that it is a gravel road, there have not been any homes on it and he does not know who is responsible to maintain it.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, Dillard, "absent") to **APPROVE** a ***Variance*** to Section 207; minimum required frontage on a public street for a lot used for residential purposes, from 30' to zero feet, recognizing the easement, and providing the owner understands that the county has no maintenance responsibilities on the access road; finding the private access road has existed for many years, and finding that approval of the variance request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

The S/2 of the E/2 of the E/2 of the NW/4 of the NE/4 of Section 19, T-17-N, R-13-E of the IBM, Tulsa County, Oklahoma

Case No. 1696

Action Requested:

Request for refund to Mr. Mike Butler.

Comments and Questions:

Mr. Bruce stated that when Mr. Butler originally made application to INCOG, he was inadvertently charged the City rate rather than the County rate for notification. The difference in the two rates is \$175.00. Staff recommends a refund to Mr. Butler of \$175.00 for notification fees.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 3-0-0 (Alberty, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, Dillard, "absent") to **refund** \$175.00 to Mr. Butler.

Case No. 1697

Action Requested:

Variance to Section 330; required average lot width in an AG zoned district from 200' to 140'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, located N of NE/c E. 46th St. N. & N. Peoria.

Presentation:

The applicant, **Linda Stanton**, 15460 North Peoria, stated that she and her husband built a new home on this land, and were ready for permanent financing. Mr. Stanton recently had a stroke and they are not sure if he will be able to return to work. They want to be prepared if they should have to sell the property, that they would not lose all of their land.

Comments and Questions:

Mr. Alberty asked if the new home is on the frontage. Ms. Stanton answered that it is and a mobile home is on the back portion. She stated that their son lives on the back of the property and they would not want him to lose that portion of the property.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Alberty, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, Dillard, "absent") to **APPROVE** a **Variance** to Section 330; required average lot width in an AG zoned district from 200' to 140', finding that there are a number of existing lots in the area with the same or smaller frontage than this request.

A tract of land in a part of the S 525.00' of the N/2 of Lot 2, Section 19, T-22-N, R-13-E, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beg. at a point on the W line of the N/2 of Lot 2 that is 525.00' N of the SW/c thereof; thence S 89°47'01" E along the N line of the S 525.00' of the N/2 of Lot 2 a distance of 703.00'; thence due S a distance of 115.03'; thence S 89°03'36" W a distance of 303.04'; thence S 70°50'02"W a distance of 131.76'; thence N 89°47' W a distance of 275.54' to a point on the aforementioned W line; thence due N along said W line a distance of 164.87' to the POB

Case No. 1699

Action Requested:

Variance to Section 206 to allow two dwelling units on one lot of record. SECTION 206. NUMBER OF DWELLING UNITS ON A LOT, and a Variance to Section 330 of the required land area per dwelling unit from 2.2 acres to 1.285 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located E of SE/c Wekiwa Rd. & 177th W. Ave.

Presentation:

The applicant, **Stanley Bennett**, 1688 West Wekiwa Road, stated he is asking for a variance to place another mobile home on his property with no lot-split, both units would have road access.

Comments and Questions:

Mr. Alberty asked if there was any problem with soil percolation. Mr. Bennett replied that the test was done and no problem was found. Mr. Alberty asked who would occupy the second mobile. Mr. Bennett stated that his brother and sister-in-law would live there.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, Dillard, "absent") to **APPROVE** a **Variance** to Section 206 to allow two dwelling units on one lot of record, and a **Variance** to Section 330 of the required land area per dwelling unit from 2.2 acres to 1.285 acres, finding that there are existing lots in the area with less frontage than the results should the owner decide to split this property later.

All that part of the W 300.00' of the NW/4 of the SE/4 lying Sly of the centerline of Wekiwa Rd. and all that part of the W 300.00' of Lot 10, Section 6, T-19-N, R-11-E, IBM, Tulsa County, Oklahoma, lying N of the original meander line of said Lot 10, less and except any accretions naturally formed adjacent thereto.

OTHER BUSINESS

Case No. 1642

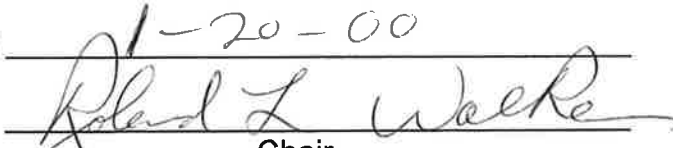
Action Requested:

Request for refund \$186.00, finding the parcel in question is located in the City of Bixby not in Tulsa County. Staff recommends a refund to Mr. Joe E. Donelson of \$186.00.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, Dillard, "absent") to **refund** \$186.00 to Mr. Donelson.

There being no further business, the meeting was adjourned at 2:35 p.m.

Date approved: 1-20-00

Chair