

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 2
Tuesday, October 21, 1980, 3:00 p.m.
Room 119, Administration Building
500 South Denver
Tulsa Civic Center

MEMBERS PRESENT

Crowley, Vice-Chairman
Martin
Walker
Wines

STAFF PRESENT

Gardner
Hubbard
Jones

OTHERS PRESENT

Andy Allen,
District Attorney's
Office
Don Hallock,
County Building
Inspector

The notice and agenda of said meeting were posted in the Office of the County Clerk's Office, County Administration Building, on Monday, October 20, 1980, at 11:14 a.m., as well as in the Reception Area of the INCOG/TMAPC Offices.

After declaring a quorum present, Vice-Chairman Crowley called the meeting to order at 3:05 p.m.

MINUTES:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve the Minutes of September 18, 1980, (No. 1).

DELEGATE RECORDING AND RECORD-KEEPING DUTIES OF THE BOARD SECRETARY TO CASPER JONES:

Mr. Gardner advised that the zoning code, as written, requires that the Board of Adjustment appoint a secretary and that, in the past, the individual has not been necessarily elected serving with the Board. The County Board, however, elected a board member to serve as secretary. Mr. Gardner explained that it is necessary to appoint someone from the staff to receive all lawsuits, appeals, etc., and it seemed logical for Casper Jones to act in this capacity since he performs those duties for the City Board of Adjustment.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to delegate recording and record-keeping duties of the Board secretary to Casper Jones.

POLICY ON MINOR VARIANCES AND EXCEPTIONS:

Mr. Gardner briefly summarized the purpose of the Statement of Policy explaining that under the State enabling legislation, the governmental body, in this particular instance, the County Board of Adjustment, with the approval of the Board of County Commissioners, may set forth a list of what is considered to be minor variances and special

exceptions. If that is done, the notice requirement is sent only to the abutting property owners. If not, then all of those items would require notice of a specific request to all property owners within a 300 feet radius around a particular piece of property.

Mr. Gardner continued by stating that these have worked fairly successfully in the past as minor variances and special exceptions for the City of Tulsa, and that some minor modifications have been made to meet the County's needs. Mr. Gardner then read those variances that had undergone minor modifications.

Board Comments:

Mr. Wines asked that Number 9 under Minor Variances be amended to reflect exclusion of annexation fence lines, as written in the County Zoning Code.

Board Action:

On MOTION of WINES and SECOND by WALKER, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to amend Number 9 under Minor Variances to reflect exclusion of annexation fence lines.

Vice-Chairman Crowley then entertained a motion to approve and adopt the Statement of Policy as a whole.

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve and adopt the Statement of Policy as a whole.

NEW APPLICATIONS:

1

Action Requested:

Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Variances) request for a variance to permit a mobile home on a tract of land that has a residence on it.

Presentation:

Sharon Basham, 7110 West 50th, was present to address the Board. Ms. Basham advised the Board that she wished to place a mobile home on subject property for her mother, who has health problems requiring frequent visits to the doctor.

Board Comments:

Mr. Martin stated that one point of concern was the profile of the neighborhood and asked Ms. Basham if there were other mobile homes in the vicinity. Ms. Basham replied that there were--one directly across the street and one approximately 500 feet from them. Mr. Martin then asked if the residence to the west was a single-family dwelling, to which Ms. Basham replied, "yes."

Mr. Martin asked if the 2.5 acre tract of land next to the property in question belonged to Ms. Basham. Ms. Basham replied that the property belonged to her brother. When asked by Mr. Martin if the dwelling on her brother's piece of property was a single-family residence, Ms. Basham replied, "yes."

Mr. Walker asked Ms. Basham how long she would like to have this mobile home on the property and she indicated she would like the mobile home to remain as long as her mother lives.

Discussion ensued as to Board consideration of a time limit. Don Hallock, County Building Inspector, advised the Board that the major difference in the City and County Zoning Code is that the County Code regards mobile home use as "use by right" in an AG District, and that this is the reason there is no time limit.

Protestants:

D. A. Eggbert stated that he owned five acres just west of the tract of land in question and that he has a permanent residence on his land. He stated that, although there have been mobile homes in the vicinity, the mobile homes were roofed, enclosed, and more closely resembled homes. Mr. Crowley asked Mr. Eggbert if he would object to placement of the mobile home if the Board placed conditions (i.e., skirting, etc., to create a residential effect) on the approval. Mr. Eggbert responded by saying that he just doesn't think there should be any mobile homes in the area.

Board Comments:

Mr. Martin concurred with the concern over introduction of mobile homes into single-family areas, but stated that the alternative of screening seems to have been an acceptable solution.

Mr. Wines asked Mr. Eggbert if 50th Street was a County road and if it was blacktopped, to which Mr. Eggbert replied, "yes."

Applicant's Comments:

Ms. Basham responded to Mr. Eggbert's comments by stating that the mobile home in question was a double wide, had skirting, and had a pointed roof, more closely resembling a residence than a mobile home. Ms. Basham went on to explain that the mobile home was already in existence on the subject property and had been there for approximately three weeks, with her mother residing in it. She explained that, when they moved the mobile home onto the property, they were unaware that they had to go through the Board. Ms. Basham further advised that a new septic system had been installed and it had passed the percolation test.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve a Variance (Section 310 - Principal Uses

Permitted in the Agriculture District - Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Variances) to permit a mobile home on a tract of land that has a residence on it for a two year time limit and under the condition that it remain under one ownership with no lot-split on the following described property:

N¹/₂, E¹/₂, SW¹/₄, SW¹/₄, SE¹/₄, of Section 30, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

2

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to locate a mobile home in an RS District.

Presentation:

Caroline Spears, 518 North 70th West Avenue, was present to address the Board. She advised the Board that she and her son would like to place a mobile home on the north side of eight acres that is owned by her sister and brother-in-law. She stated that a percolation test has been performed.

Board Comments:

Mr. Martin asked Ms. Spears if there was a residence on any of the remaining acreage, to which Ms. Spears replied, "yes." He then asked Ms. Spears if there were any additional mobile homes in the vicinity, and she replied that there were two additional mobile homes approximately two blocks from the subject property.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to locate a mobile home in an RS District for a period of one year, removal bond required, on the following described property:

West half of lot "N", Farm Colony Addition, Tulsa County, Oklahoma.

3

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to locate a mobile home in an RS District.

10.21.80:2(4)

Presentation:

Lloyd White, 6314 North Trenton, was present to address the Board, and stated that he and his wife would like to place a mobile home on the subject property in which to live. He stated that to the southwest of that, there is a mobile home; just west are two mobile homes; in the same block there are two mobile homes; and, a block east are two more mobile homes. He stated that the property does have a sanitary sewer system.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to locate a mobile home in an RS District for a period of one year, removal bond required, on the following described property:

The South 12' of Lot 12, all of Lot 13, Block 3, Phillips Farms Addition, Tulsa County, Oklahoma.

4

Action Requested:

Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1209 - Mobile Homes - Under the Provisions of Section 1670 - Variances) request for a variance to permit a mobile home in a CS District.

Presentation:

Scott Gilliam, Lot 9, Block 4, New Tanaha Addition, Northeast corner of 60th Street and 63rd West Avenue, was present to address the Board. Mr. Gilliam stated that he is a truck driver and would like his wife to be close to her family. He indicated that this could be accomplished by placing a mobile home at this location. He further advised the Board that the mobile home was already located on the property, but that nothing was hooked up and nothing would be hooked up until the application was approved by the Board.

Protestants: None

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve a Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1209 - Mobile Homes - Under the Provisions of Section 1670 - Variances) to permit a mobile home in a CS District, and to tie the approval to the applicant's use of the property, whether it be leased or purchased, on the following described property:

5

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) request a variance of the area, and frontage requirements to permit a lot split.

Staff Comment:

Mr. Jones advised the Board that the Sand Springs Regional Planning Commission previously approved the lot-split subject to the approval of the Board. Mr. Jones submitted a letter (Exhibit A-1) from the Sand Springs Regional Planning Commission.

Mr. Gardner explained to the Board that, in the future, the Board could expect more applications of this type. He further explained that these applications are reviewed by the Planning Commission prior to review by this Board.

Board Comments:

Mr. Walker advised Board members that he had driven by this piece of property upon learning of the lot-split, and that he had no adverse comments toward the lot-split.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; no abstentions"; Dubie "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) of the area and frontage requirements to permit a lot split (SSRL-25) on the following described property:

E $\frac{1}{2}$, S $\frac{1}{2}$, S $\frac{1}{2}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, of Section 16, Township 19 North, Range 11 East, Tulsa County, Oklahoma.

6

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements in an AG District to permit a lot split.

Staff Comments:

Mr. Jones again submitted a letter from the Sand Springs Regional Planning Commission (Exhibit B-1) stating that they approved the

lot-split subject to the approval of this Board. Mr. Jones further advised the Board that these applications for lot-splits were considered so minor that the normal procedure followed did not require the attendance of the applicant at the Board meetings.

Board Comments:

Mr. Walker again stated that he had viewed the subject property and had no adverse comments.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District to permit a lot split (SSRL-24) on the following described property:

All that part of the NE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 21, Township 19 North, Range 11 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official U. S. Government survey thereof.

7

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to locate a mobile home in an RS District.

Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) request for a variance to permit a mobile home on a lot where an existing residence is located.

Staff Comments:

Mr. Jones submitted a letter from the Sand Springs Board of Adjustment (Exhibit C-1), and advised the Board that approval was recommended.

Presentation:

Ms. Joe Leslie, 3113 South Lynnwood Drive, was present to address the Board. Ms. Leslie stated that she was the daughter of Gracie Lee Moss, the applicant, and that they would like to locate a mobile home on the subject property for a daughter to establish residence in. She advised the Board that the mobile home was already on the property due to the fact they they were unaware the application had to go through the Board. She further advised that the septic system had passed the percolation test, and that the trailer had been properly skirted. Ms. Leslie explained that a permanent porch would be built

and that, presently, the trailer had eight tie-downs. Ms. Leslie presented to the Board pictures of other mobile homes in the vicinity. Ms. Leslie indicated that the purpose of locating this mobile home on the property is to have someone living close to her mother, who lives in a small home on the subject property.

Protestants: None.

Board Comments:

Mr. Walker indicated that his only concern was the fact that there are two dwellings on the property. He felt that if that concern could be addressed, he could support the application.

Staff Comment:

Mr. Jones advised the Board that the property was approximately 300 feet deep and 125 feet wide--not large enough for a lot-split.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to locate a mobile home in an RS District; and, a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to permit a mobile home on a lot where an existing residence is located, subject to review in one year, on the following described property:

South Half of Lot 1, and all of Lot 2, Block 21, Charles
Page Home Acres No. 2 Addition, Tulsa County, Oklahoma.

8

Action Requested:

Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing - Section 1224 (a).3 Oil and Gas Extraction - Use Conditions - Under the Provisions of Section 1670 - Variances) request for a variance to permit oil and gas wells and related storage tanks within 1320 feet from an incorporated area.

Presentation:

D. Kenyon Williams, 317 East Rogers Boulevard, Skiatook, Oklahoma, was present to address the Board. Mr. Williams advised the Board that he was an attorney representing an oil and gas operation doing business as S and B Investments. He indicated that this operation was a general partnership in the State and had obtained oil and gas leases on the subject property, as well as on the subject property in the application immediately following in appearance on the agenda.

Mr. Williams advised the Board that S and B Investments proposes to develop these two tracts of land and has made application to the Oklahoma Corporation Commission, from which they have received approval of four wells--two on each tract of land.

Mr. Williams introduced Mr. Blaine Smith, the operator for the partnership, and an eight-year veteran in the oil and gas field. Mr. Williams stated that he feels Mr. Smith is well qualified to develop the land as proposed, protecting the surface and mineral owners' rights while doing so.

Board Comments:

Mr. Martin asked Mr. Williams if this was an area of existing production. Mr. Williams stated that immediately to the north was extensive production--from this property to Bartlesville. Mr. Williams further stated that the closest resident was about one-half mile away and that he had been consulted and written a letter of approval.

Mr. Wines asked about enclosing the property in some type of fencing so as to prevent potential dangers resulting from the curious. Mr. Williams informed the Board that Mr. Smith had been working on the property for approximately two months, building fences and enclosing the property.

Applicant's Comments:

Mr. Blaine Smith, Route 5, Box 380, Claremore, Oklahoma, explained to the Board that he preferred to make a lease look as attractive as possible and had been working for the past two to three months building gravel roads and fences. He further stated that once the wells are drilled, the plan is to have them located inward--possibly even hidden by trees--in an attempt to prevent the curious from trespassing onto the property.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve a Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing - Section 1224 (a).3 Oil and Gas Extraction - Use Conditions - Under the Provisions of Section 1670 - Variances) to permit oil and gas wells and related storage tanks within 1320 feet from an incorporated area on the following described property:

SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5, Township 20 North, Range 13 East, Tulsa County, Oklahoma, containing forty (40) acres, more or less.

Action Requested:

Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing - Section 1224 (a).3 Oil and Gas Extraction - Use Conditions - Under the Provisions of Section 1670 - Variances) request for a variance to permit oil and gas wells and related storage tanks within 1320 feet from an incorporated area.

NOTE: Since this application was identical to the previous one in all respects other than legal description, it was handled in conjunction with Agenda Item No. 8. However, a separate motion was made, as follows:

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve a Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing - Section 1224 (a).3 Oil and Gas Extraction - Use Conditions - Under the Provisions of Section 1670 - Variances) to permit oil and gas wells and related storage tanks within 1320 feet from an incorporated area on the following described property:

SW¹/₄, SW¹/₄ of Section 4, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the area and frontage requirements in an AG District to permit a lot split.

Staff Comments:

Mr. Jones submitted to the Board a letter from the Sand Springs Regional Planning Commission (Exhibit D-1) approving a lot split subject to the approval of this Board. He also submitted a "Plat of Survey" (Exhibit D-2).

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the area and frontage requirements in an AG District to permit a lot split (SSRL-26) on the following described property:

A tract of land lying in the Northeast Quarter of the Northeast Quarter of Section Twenty-Five, Township Nineteen North, Range Eleven East, Tulsa County, Oklahoma, more particularly described as follows, to wit: Commencing at the Northeast section corner of the NE/4 of the NE/4 of Section 25, T-19-N, R-11-E; thence West a distance of 215.52 feet; thence South a distance of 180.42 feet to the point of beginning; thence S 17° 51' 15" E a distance of 104.00 feet; thence N 88° 59' 11" W a distance of 209.42 feet; thence N 17° 51' 15" W a distance of 104.00 feet; thence S 88° 59' 11" E a distance of 209.42 feet to the point of beginning, containing .50 acres more or less.

OTHER BUSINESS

Interpretation - Waste Water Injection Wells

Staff Comments:

Bob Gardner advised the Board members that he had submitted a letter to the County Commissioners and some questions had been raised. Mr. Gardner recommended that this item of business be tabled until the next meeting.

There being no further business to come before the Board, Vice-Chairman Crowley adjourned the meeting at 4:40 p.m.

November 18, 1980

Date Approved

Ed Aubie

Chairman