

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 6
Tuesday, February 17, 1981, 3:00 p.m.
Room 119, Administration Building
500 South Denver Avenue
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Martin Walker, Acting Chairman Wines	Crowley Dubie	Adwon Gardner Hubbard Jones	Edwards, County Inspector's Office

The notice and agenda of said meeting were posted in the Office of the Tulsa County Court Clerk on Monday, February 16, 1981, at 9:45 a.m., as well as in the Reception Area of the INCOG Office.

After declaring a quorum present, Acting Chairman Walker called the meeting to order at 3:05 p.m.

MINUTES:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve the Minutes of January 20, 1981, (No. 5).

MINOR VARIANCES AND EXCEPTIONS:

Case No. 33

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 requirements to permit a lot-split, located south and west of Sheridan and 126th Street North.

Presentation:

Mr. Jones advised the Board that the TMAPC approved a lot-split (L-15094) on January 21, 1981, subject to the approval of this Board. The applicant, Bonnie Knollegberg, was not present.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, 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 requirements to permit a lot-split (L-15094), on the following described property:

A parcel of land described as follows: Beginning 128' North of the SE corner of the S/2 of the NE/4 of Section 3, Township 21 North, Range 13 East, of the IB&M, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; the

Case No. 33 (continued)

North 208.75'; thence West 208.75'; thence South 208.75';
thence East 208.75' to the point of beginning.

Case No. 35

Action Requested:

Variance (Section 1224 (a).3 - Oil and Gas Extraction - Use Conditions- Under the Provisions of Section 1630 - Minor Variances) request for a variance to permit drilling 660' from the City Limits of Collinsville; and, a Variance to permit drilling 150' from a residence. This property is located at 25th Street and 136th Street North in Collinsville, Oklahoma.

Presentation:

Mr. Jones submitted to the Board a letter from the Collinsville Board of Adjustment recommending approval of the application (Exhibit "A-1"). Bob Nichols, 111 West 5th Street, was present to address the Board in the capacity of attorney for the property owner. Mr. Nichols advised the Board that the subject tract of land was very narrow, thus creating what he felt was a hardship.

Protestants:

Wanda Campbell, 10799 East 136th Street North, stated that she objected to the proposed well because she was allergic to gas. Ms. Campbell advised that there were "torches" (gas wells burning) in the vicinity and she feared that there would be additional "torches" in the area if Mr. Wickham produced a gas well rather than an oil well.

Mr. Martin asked Ms. Campbell how close she would be to the proposed well site. It was determined that she would be approximately 550' from the proposed well site.

Board Comments:

Mr. Martin asked if the residence on the subject property belonged to the applicant. Mr. Nichols replied that the residence did belong to W. G. Wickham, Jr., the property owner, and that Mr. Wickham lived in the residence on the property. Mr. Nichols further stated that there were no other residences which would be within the 150' requested. Mr. Martin then asked Mr. Nichols if there was any oil production in the immediate area. Mr. Wickham advised that there were two existing wells to the south--one approximately 1,200 feet to the south of the proposed well location and the other approximately 300 feet from that one in a straight vertical line. Mr. Wickham further advised that, in the same straight line and to the north 1,100 feet there was an existing well that had been at that location for approximately twelve to fifteen years. Mr. Martin asked if the present wells were producing. Mr. Wickham replied that they were.

Mr. Wines asked Mr. Wickham how much surface pipe would be laid at the proposed site. Mr. Wickham replied that the piping would be laid approximately 1,000 feet deep. Mr. Wines asked if any other pipe would be used. Mr. Wickham advised that a 4" diameter casing would be used. Mr. Wines then asked Mr. Wickham if the well would be drilled by air, to which Mr. Wickham replied, "yes." Brief discussion ensued as to the method of drilling to take place on the proposed site, as well as safety precautions to be taken into consideration.

Case No. 35 (continued)

Mr. Nichols advised the Board that there were other attorneys in his firm that were working with Mr. Wickham on the Oklahoma Corporation Commission guidelines and regulations, and assured the Board that all regulations as set out by the OCC would be complied with.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve a Variance (Section 1224 (a).3 - Oil and Gas Extraction - Use Conditions - Under the Provisions of Section 1630 - Minor Variances) to permit drilling 660' from the City Limits of Collinsville; and, a Variance to permit drilling 150' from a residence, with the condition that a minimum of 50' of surface casing be laid and that the well be equipped with a blow-out preventor, subject to all Oklahoma Corporation Commission guidelines and regulations, on the following described property:

All of Block 28, Industrial Heights to Collinsville, Oklahoma.

Case No. 37

Action Requested:

Variance (Section 1224 (a).3 - Oil and Gas Extraction - Use Conditions - Under the Provisions of Section 1630 - Minor Variances) request for a variance to permit drilling of a well closer than 1,320 feet from the City Limits of Jenks, at 101st Street and Elwood Avenue.

Presentation:

Ralph Kerr, Box 185, Jenks, Oklahoma, was present to address the Board in the capacity of agent for the owner Mrs. Lorkaine Gregory. Mr. Kerr submitted to the Board a plot plan (Exhibit "B-1"). Mr. Kerr advised that drilling had commenced due to the fact that he was unaware that approval of a variance was required for this purpose.

Board Comments:

Ted McGonogold, 124 North 6th, Jenks, Oklahoma, the operator, was present and addressed a question by Mr. Martin as to the extent of the operation. Mr. McGonogold advised that the well was in the process of completion. Mr. Martin asked if there was any other oil production in the immediate vicinity. Mr. McGonogold replied that the closest production he knew of was approximately $\frac{1}{2}$ mile west. Mr. Martin asked how deep the test well was. Mr. McGonogold stated that it was 15' deep.

Protestants:

Mrs. D. L. Wyatt, 9811 South Houston Avenue, advised that her property adjoined the 40 acres on which the drilling was taking place and was approximately 900 feet from the subject well. Mrs. Wyatt stated that she objected to the well being drilled without going through the proper channels. Mrs. Wyatt further advised that the area had only a 4" water line and no fire protection.

Mary Graham, 9756 South Houston Avenue, concurred with Mrs. Wyatt's concerns.

Case No. 37 (continued)

Applicant's Rebuttal:

Mr. Kerr and Mr. McGonogold briefly summarized the Board on the drilling process being used for the subject well.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve a Variance (Section 1224 (a).3 - Oil and Gas Extraction - Use Conditions - Under the Provisions of Section 1630 - Minor Variances) to permit the drilling of the subject well closer than 1,320' from the City Limits of Jenks, with the stipulation that the variance apply to this well only, subject to all Oklahoma Corporation Commission guidelines and regulations, on the following described property:

The E/2, E/2, SE/4 and S/2, SW/4, SE/4 and S/2, S/2, SE/4 of Section 23, Township 18 North, Range 12 East; and the NE/4 of the NE/4 of Section 26, Township 18 North, Range 12 East, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

Case No. 21

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Service, Cultural and Recreational Facilities) request for an exception to permit a church use and a day care center in an AG District, at 708 North Atlanta, Owasso, Oklahoma.

Presentation:

Mr. Jones advised Board members that this application had been continued since December 1980, due to the fact that the applicant was going to attempt annexation into the City of Owasso. The applicant was not present.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to continue Case No. 21 to March 17, 1981.

Case No. 22

Action Requested:

Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Under the Provisions of Section 1680 - Exceptions) request for an exception to make an addition to a nonconforming use (15 greenhouses) in an AG District, located at 175th St., South and Highway #75.

Presentation:

Mr. Jones advised the Board that this application has been continued since December 1980, in order to allow the applicant to prepare a plot plan depicting the exact location of the buildings on the property. The applicant was not present.

Case No. 22

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to deny the Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Under the Provisions of Section 1680 - Exceptions) to make an addition to a nonconforming use (15 greenhouses) in an AG District, provided the applicant may file again for the same relief, on the following described property:

Beginning at a point 1,474.25' South and 27' West on the NE corner of Section 34; thence South 526.75'; thence West 811.0' to the Easterly right-of-way of Highway #75; thence North 525.82'; thence East 607.44' to the point of beginning in Section 34, Township 17 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 26

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Special Exceptions) request for permission to allow a mobile home in an RS District, located at 13338 East 129th Street.

Presentation:

Mr. Jones submitted to the Board a letter from the Broken Arrow City Planner recommending denial of this application (Exhibit "C-1").

William Mantoath, Route 5, Box 220, Broken Arrow, Oklahoma, was present to address the Board and submitted two (2) plot plans (Exhibits "C-2 and C-3"). Mr. Mantoath advised the Board that he wished to locate a mobile home on the 1 1/4 acre piece of property which adjoins his property so that his daughter and her two children will be provided with a place to reside. Mr. Mantoath stated that his daughter has been recently divorced and receives no support from her ex-husband.

Protestants: None.

Board Comments:

Mr. Walker asked Mr. Mantoath if he had a permanent residence on the subject property at the present time. Mr. Mantoath advised that his residence was permanent and was located on the 1 1/4 acre tract of land to the west of the subject property.

Mr. Martin asked Mr. Mantoath if there were other mobile homes in the area. Mr. Mantoath advised that there were two or three mobile homes not too far away. Mr. Mantoath further advised that he had consulted with the neighbors and that they had no objections to the location of a mobile home on the property.

Mr. Martin asked Mr. Mantoath if he had attended the Broken Arrow Board of Adjustment Meeting that was held on January 7, 1981, at which time his application was reviewed by the Broken Arrow Board of Adjustment. Mr. Mantoath advised that he had not received notice of the meeting and, therefore, was not in attendance to present his side of the case.

Case No. 26 (continued)

Board Action:

On MOTION of WINES and SECOND by MARTIN, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to continue Case Number 26 until March 17, 1981, to allow the applicant an opportunity to consult with the Broken Arrow City Planner and the Broken Arrow Board of Adjustment.

Case No. 32

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for an exception to permit a mobile home in an RS District, located south and west of 66th Street North and Lansing Avenue.

Presentation:

Mr. Jones advised the Board that the applicant had withdrawn the application for an Exception, but was requesting a full or partial refund of the filing fee.

Board Action:

On MOTION of WINES and SECOND by MARTIN, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to refund to the applicant the full \$50.00 filing fee.

Case No. 34

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 RE District; and a Variance (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 lot that has a residence on it, located at 799 East 76th Street North.

Presentation:

Betty Baker, 799 East 76th Street North, was present to address the Board and advised that he mother had terminal cancer and needed extensive care. Ms. Baker stated that she was a licensed nurse and that this seemed the most appropriate means of caring for her mother.

Protestants: None.

Board Comments:

Mr. Walker asked Ms. Baker if the mobile home was already in existence on the subject property. Ms. Baker replied that it was. Ms. Baker further stated that he mother had a very short time to live and that she would like the mobile home to remain after her mother expires. Ms. Baker advised that there were approximately 17 mobile homes within a 1/4 mile radius of the property.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions": Crowley, Dubie "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate

Case No. 34 (continued)

a mobile home in an RE District; and, a Variance (Section 208 - One Single-Family Dwelling per Lot of Record - Under the Provisions of Section 1670 - Variances) to permit a mobile home on a lot that has a residence on it, for a period of five (5) years, removal bond waived, on the following described property:

The West 105.2' of the following tract in the S/2 of the SE/4 of Section 25, Township 21 North, Range 12 East of the IB&M, Tulsa County, Oklahoma, more particularly described as follows: Beginning at the NW corner of Cedar Hill Subdivision on the North line of the S/2 of the SE/4 of said Section 25; thence South along the West boundary of said Cedar Hill Subdivision, a distance of 839.28' to a point of beginning; thence South along the West line of said Subdivision, a distance of 454.97' to a point 30' North of the South line of said Section 25; thence West parallel to the South line of said Section, a distance of 643.20'; thence North parallel to the West line of Cedar Hill Subdivision, a distance of 455'; thence East 643.20' to point of beginning, containing 1.1 acre, according to the U.S. Government Survey thereof, and known as 799 East 76th Street North.

Case No. 36

Action Requested:

Variance (Section 1224 (a).3 - Oil and Gas Extraction - Use Conditions - Under the Provisions of Section 1630 - Minor Variances) request for a variance to permit drilling 60' from a residence, at 8900 Block of North Harvard Avenue.

Presentation:

Mr. Jones submitted to the Board a letter from James A. Pulliam, owner of the residence of which the well will be drilled 60' from, stating that he had no objections to the well being drilled at that location (Exhibit "D-1").

J. R. Friedman, P. O. Box 35956, a consultant engineer for Brenner Oil and Gas Corporation, was present to address the Board and advised that the correct measurement was 65' rather than 60' stated in the Case Report. Mr. Friedman advised that there was oil production to the east, north, and southeast. Mr. Friedman detailed the drilling process which would be used for this well, as well as all safety precautions and equipment which will be used.

Protestants: None.

Board Action:

On MOTION of WINES and SECOND by MARTIN, the Board voted 3-0-0 (Martin Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve a Variance (Section 1224 (a).3 - Oil and Gas Extraction - Use Conditions - Under the Provisions of Section 1630 - Minor Variances) to permit drilling 65' from a residence, with the stipulation that a minimum of 50' of surface casing be used, that a master gate or valve be used, and subject to all Oklahoma Corporation Commission guidelines and regulations, on the following described property:

Case No. 36 (continued)

The S/2, N/2, NE/4, SE/4 of Section 20, Township 21 North,
Range 13 East, Tulsa County, Oklahoma.

Case No. 40

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; and, a Variance (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 lot that has a residence on it; and, a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) request for a variance to permit the mobile home for a period of more than one year, located at 2222 South 59th West Avenue.

Presentation:

C. R. Hawkins, 3716 South 63rd West Avenue, was present to address the Board and submitted a plot plan (Exhibit "E-1"). Mr. Hawkins advised the Board that he had a daughter with two children that needed a place to reside and that he would like to locate a mobile home on the subject tract of land which measures 147' x 300'.

Protestants: None.

Board Comments:

Mr. Martin asked Mr. Hawkins if there were other mobile homes in the area. Mr. Hawkins replied that there was one directly across the street, as well as several others near the property.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Dubie, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS District; and, a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Variances) to permit a mobile home on a lot that has a residence on it; and, a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to permit the mobile home for a period of five (5) years, removal bond required, on the following described property:

Lot 1, Block 7, of Second West Tulsa View Acres Subdivision,
Tulsa County, Oklahoma.

OTHER BUSINESS:

County Inspector Requests an Interpretation as to What Classification is Needed for a "Hot Air Balloon Club"

Remarks:

Mr. Gardner advised the Board members that Staff had not yet received sufficient information on this item of business and suggested that it be continued.

County Inspector Request: (continued)

Board Action:

The Chair, without objection, continued this item of business until such time that sufficient information is received.

There being no further business to come before the Board, the Chair declared the meeting adjourned at 3:44 p.m.

Date Approved _____

3/17/81

Ed Rubie

Chairman