

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES (No. 7)
Tuesday, March 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
Crowley (in at 3:05 p.m.) Dubie, Chairman Walker Wines	Martin	Gardner Hubbard Jones	Edwards, County Bldg. Inspt's. Off. Hallock, County Bldg. Inspt's. Office

The notice and agenda of said meeting were posted in the Office of the Tulsa County Court Clerk on Friday, February 13, 1981, at 2:21 p.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Chairman Dubie called the meeting to order at 3:00 p.m.

MINUTES:

On MOTION of WALKER and SECOND by WINES, the Board voted 3-0-0 (Dubie, Walker, Wines, "aye"; no "nays"; no "abstentions"; Crowley, Martin, "absent") to approve the Minutes of February 17, 1981, (No. 6).

MINOR VARIANCES AND EXCEPTIONS:

Case No. 21

Action Requested:

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

Presentation:

Mr. Jones advised the Board members that this application had been continued three times due to the fact that the applicant was attempting to have the property annexed into the City of Owasso. Mr. Jones submitted to the Board a letter from the Reverend Leonard Pirtle, Pastor of the First Free Will Baptist Church of Owasso, requesting withdrawal of the application because the subject property had been annexed into the City of Owasso (Exhibit "A-1").

Protestants: None.

Board Action:

The Chair, without objection, declared the application withdrawn.

Case No. 42

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the area and frontage requirements to permit a lot-split. This property is located to the north and west of 31st Street and 137th West Avenue.

Presentation:

Mr. Jones advised the Board that, on February 3, 1981, the Sand Springs Regional Planning Commission approved a lot-split (SSRL-30) on this property, subject to the approval of this Board and, further, that on October 21, 1980, this Board had approved the variance of the area and frontage requirements to permit a lot-split. Mr. Jones explained that, when the County Health Department inspected the property, it was discovered that the entire property had to be combined because of the perk test. The applicant was not present.

Protestants: None.

Board Action:

On MOTION of WINES and SECOND by WALKER, the Board voted 3-0-1 (Dubie, Walker, Wines, "aye"; no "nays"; Crowley "abstaining"; Martin "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 on the following described property:

Beginning at the SE corner of the SW/4; thence North 330'; thence West 528'; thence South 330'; thence East 528' to the point of beginning in Section 16, Township 19 North, Range 11 East, Tulsa County, Oklahoma.

Case No. 44

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' from the City Limits of Jenks; located at 101st and Elwood.

Presentation:

Mr. Jones submitted to the Board a letter from Rodney Ray, City Manager of Jenks, stating that drilling on the subject property would not negatively impact the citizens of Jenks (Exhibit "B-1"), as well as a plot plan depicting the general location of the existing well (Exhibit "B-2").

Ted McGonigal, 124 North 6th Street, Jenks, Oklahoma, was present to address the Board and advised that he was requesting blanket approval of a waiver of the 1,320' requirement on the entire tract of land for drilling purposes.

Protestants: None.

Board Comments:

Mr. Crowley asked Rodney Ray if, in the exhibited letter, he was referring to a particular well or the entire tract of land. Mr. Ray

Case No. 44 (continued)

stated that the letter referred to the entire tract of land.

At this point, Phil Reeves, an attorney representing the applicant, arrived and submitted to the Board four photographs of the subject property and existing well (Exhibit "B-3"). Mr. Reeves briefed the Board members on the well structure itself and explained that there was a very minimal amount of noise and pollution emitted from the well. Mr. Reeves advised the Board that approximately three wells were proposed for that tract of land and that all wells would be shallow.

Board Action:

On MOTION of CROWLEY and SECOND by WINES, the Board voted 4-0-0 Crowley, Dubie, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin "absent") to approve a blanket Variance (Section 1224 (a) .3 - Oil and Gas Extraction - Use Conditions - Under the Provisions of Section 1630 - Minor Variances) to permit drilling of a well closer than 1,320' from the City Limits of Jenks, with the stipulation that all future wells are drilled in the same fashion as the existing wells, on the following described property:

TRACT I: E/2, E/2, SE/4 and SW/4, SE/4, SE/4, Section 23, Township 18 North, Range 12 East, and

TRACT II: NE/4 of NE/4 of Section 26, Township 18 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 47

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 and area requirements in an AG District to permit a lot-split; located north and east of 91st Street North and Osage Drive.

Presentation:

Mr. Jones advised the Board that, on February 18, 1981, the Tulsa Metropolitan Area Planning Commission approved two lot-splits (L-15109 and L-15110), subject to the approval of this Board. The applicant was not present.

Protestants: None.

Interested Party Comments:

Arthur Teague, 119 West Ada, Sperry, Oklahoma, stated that he owned property adjoining the subject tract of land and asked what the request entailed. Mr. Jones advised Mr. Teague what the request entailed and it was established that action taken by the Board would not affect Mr. Teague's property in any way.

Board Action:

On MOTION of CROWLEY and SECOND by WALKER, the Board voted 4-0-0 Crowley, Dubie, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of

Case No. 47 (continued)

Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split on the following described property:

Tract #1: The North 143.33 feet of the South 880 feet of Lot 2 - Section 23, Township 21 North, Range 12 East, Tulsa County, Oklahoma; and

The South 12' of the North 143.33 feet of the South 880 feet of Lot 2, Section 23, Township 21 North, Range 12 East, Tulsa County, according to the recorded plan thereof; LESS oil, gas and mineral rights. Parties grantor, Charles McDonald and Carol McDonald, reserve a Life Estate in and to the said property, described above, in behalf of Josie McDonald, a widow.

Case No. 48

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 from a lease line from 165' to 90'; located at 25th Street and 135th Street North.

Presentation:

Mr. Jones advised the Board that this application had been inadvertently left off the posted agenda, but that all public hearing notices had been mailed to the involved property owners. Considerable discussion ensued as to whether the Board would or would not be in compliance with the Open Meeting Law if the case was heard today.

Robert Nichols, attorney representing the applicant, E. J. Wickham, was present to address the Board and briefly summarized the background history of the subject well. Mr. Nichols advised that, on February 17, 1981, the County Board of Adjustment granted a minor variance to permit drilling from 1,320' to 660' from the City Limits boundary and from 300' to 150' from a residence.

Protestants: None.

Board Action:

On MOTION of WINES and SECOND by CROWLEY, the Board voted 4-0-0 (Crowley, Dubie, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin "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 from a lease line from 165' to 90', and to continue the application for reaffirmation of the action to April 21, 1981, at which time Case No. 48 will be accurately and appropriately posted on the agenda, on the following described property:

All of Block 28, Industrial Heights to Collinsville, Oklahoma, (Collinsville Fence Line - Tulsa County).

UNFINISHED BUSINESS:

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 advised the Board that this application had been continued from the February 17, 1981, meeting in order to allow the applicant an opportunity to consult with the Broken Arrow City Planner and the Broken Arrow Board of Adjustment. Mr. Jones further advised that the applicant, William Mantooth, had filed an appeal before the Broken Arrow Board of Adjustment and that their meeting would not take place until March 18, 1981. Mr. Jones submitted to the Board a letter to that effect from the Broken Arrow City Planner, (Exhibit "C-1").

Protestants: None.

Remarks:

Mr. Gardner asked Mr. Mantooth if there was a mobile home on the property presently. Mr. Mantooth advised that there was and that he only needed to hook the mobile home up to utilities and install a septic system.

Board Action:

On MOTION of CROWLEY and SECOND by WINES, the Board voted 4-0-0 (Crowley, Dubie, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin "absent") to continue Case No. 26 until April 21, 1981, in order to allow the applicant to be heard by the Broken Arrow Board of Adjustment and, further, in order to provide the Board members with an aerial photograph of the surrounding area depicting the present land use.

NEW APPLICATIONS:

Case No. 38

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) request for permission to operate a light machine shop as a home occupation in an RS District, under the Provisions of Section 1680; and, a Variance (Section 440.2 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) to permit nonresident family members to work in the machine shop; located at 6708 West Third Street.

Presentation:

John Sublett, Jr., representing the applicant, A. J. VanWinkle, was present to address the Board and advised that Mr. VanWinkle was requesting permission to operate a light machine shop, which would be used for the purpose of manufacturing parts for trucks. Mr. Sublett stated that the machine shop contained three machine lathes and two milling machines and that the property was sparsely populated, with the Keystone Expressway immediately to the south and east, and that

Case No. 38 (continued)

there would be no off-street parking. Mr. Sublett also stated that the neighbors had been contacted and that there were no objections to the operation of a machine shop. Mr. Sublett explained that the request for the variance was to allow Mr. VanWinkle's two sons to be employed in the machine shop as nonresident family members due to the fact that the sons did not reside with their father in the home.

Protestants: None.

Remarks:

Mr. Gardner asked Mr. Sublett if the building was a customary accessory building and if it was in existence. Mr. Sublett replied that it was and that the structure would not be enlarged, but it would be remodeled to an extent in that it is presently an eyesore, and that Mr. VanWinkle planned on putting up metal siding.

Board Action:

On MOTION of CROWLEY and SECOND by WALKER, the Board voted 4-0-0 (Crowley, Dubie, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a light machine shop as a home occupation in an RS District, under the Provisions of Section 1680; and, a Variance (Section 440.2 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) to permit nonresident family members to work in the machine shop, on the condition that the structure or the site not be enlarged, and that the sons be the only employees not residing at the location given approval to work within the shop, on the following described property:

Lot 5, Block 4, Twin Cities Addition, Tulsa County, Oklahoma.

Case No. 39

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to maintain 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 - request for a variance to permit a mobile home on a lot with a residence on it; and, a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Mobile Homes - Under the Provisions of Section 1670 - Variances) request for a variance to permit a mobile home for a period of more than one year; located at 406 South 69th West Avenue.

Remarks:

Mr. Gardner directed the attention of the Board members to a memorandum (Exhibit "D-1") that had been provided prior to the meeting and explained that revisions in two sections of the Tulsa County Zoning Code were being requested at the suggestion of the County Commissioners. Mr. Gardner briefly reviewed the requested revisions for Sections 110.3 Jurisdiction and 440.6 Special Exception Uses in Residential Districts, Requirements. Specifically, Mr. Gardner explained that, if the revisions were approved by the County Commissioners, the Zoning Code would be amended to reflect deletion of the mandatory one year time-limit for mobile homes, as well

Case No. 39 (continued)

as the mandatory removal bond. With this amendment, the County Board of Adjustment could, at its own discretion, require a certain time-limit and/or removal bond if desirable on mobile home applications. The Memorandum that was provided to the Board members is exhibited herein and made a part of the Board file.

Presentation:

Mr. Jones advised the Board that, on September 27, 1979, the City Board of Adjustment approved a request for the location of a mobile home for a period of one year, removal bond required, on this same tract of land.

Jerry Jernigan, 406 South 69th West Avenue, was present to address the Board and stated that he was requesting the variance of the one-year time-limit due to the fact that his parents are seriously ill and require observation and some attendance. Mr. Jernigan advised that he felt this could best be accomplished by residing in the mobile home on the subject property. Mr. Jernigan submitted to the Board a signed, notarized account of the conversation and details that occurred on the day of the installation of the mobile home (Exhibit "D-2"), as well as a set of 8 black and white photographs (Exhibit "D-3") and a set of 6 color photographs (Exhibit "D-4") of the subject and surrounding property.

Protestants:

Thomas Lamb, 508 South 69th West Avenue, stated that he wanted the mobile home removed from the subject property due to the fact that it was located too close to his residence and was "monstrous" in size. Mr. Lamb continued by stating that, when the applicant had appeared before the City Board of Adjustment for approval in 1979, he had not attended as a protestant because Mr. Jernigan had led him to believe that the trailer would be placed toward the rear of the lot and that it would be smaller in size. Mr. Lamb stated that he would have no objection to the location of a mobile home on the lot if it had, indeed, been in conformity with the size and location as previously intended by Mr. Jernigan.

Board Comments:

Mr. Dubie asked Mr. Lamb if there were other mobile homes located in the immediate area. Mr. Lamb advised that he believed there was three within an approximate three-block area.

Applicant's Comments:

Mr. Jernigan explained to the Board that his ailing parents resided in the dwelling on the subject property and that he and his wife lived in the mobile home, which was 7' from the fence line. The setback requirement is 5' from the fence line, according to the Tulsa County Zoning Code. Mr. Jernigan advised that there were 22 mobile homes located in a mobile home park which is a short distance from the subject location, and directed the attention of the Board members to the exhibited black and white photographs. Mr. Jernigan pointed out that the exhibited color photographs depicted a garage under construction by Mr. Lamb which is located 2' & 11" from the fence line.

Board Action:

On MOTION of CROWLEY and SECOND by WINES, the Board voted 4-0-0 (Crowley, Dubie, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin "absent") to approve an Exception (Section 410 - Principal Uses Permitted in

Case No. 39 (continued)

Residential Districts - Section 440.6 - Mobile Homes) to maintain 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) to permit a mobile home on a lot with a residence on it; and, a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Mobile Homes - Under the Provisions of Section 1670 - Variances) to permit a mobile home for a period of five years, on the condition that the mobile home be occupied by a person or persons responsible for the medical/parental care of the older Jernigans and that the mobile home be in compliance with the 5' minimum side yard setback requirements, on the following described property:

Lot 12, Bruner Subdivision, Tulsa County, Oklahoma.

Case No. 41

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to place a mobile home in an RS District - Under the Provisions of Section 1680; located at 2131 South 63rd West Avenue.

Presentation:

Sandra Sue Richardson, 2125 South 63rd West Avenue, was present to address the Board and advised that the proposed mobile home will be 8' x 35' and would replace a two-bedroom residence that had burned previously. Ms. Richardson further advised that the mobile home would be used for rental purposes and that utilities and services were existing.

Protestants: None.

Board Comments:

Mr. Wines asked Ms. Richardson if there were other mobile homes in the area. Ms. Richardson replied that there were three additional mobile homes in the area and that two of those belonged to her and were used for rental purposes.

Mr. Crowley asked Ms. Richardson if the house that burned had been used for rental purposes. Ms. Richardson replied that it had been.

Board Action:

On MOTION of CROWLEY and SECOND by WALKER, the Board voted 4-0-0 (Crowley, Dubie, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin "absent") to continue Case No. 41 until April 21, 1981, in order for the applicant to readvertise for a variance of the one-year time limitation.

Case No. 43

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) request for permission to locate a mobile home in an RS District; located at 6021 South 64th West Avenue.

Case No. 43 (continued)

Presentation:

Debbie McClendon, P. O. Box #402, Oakhurst, Oklahoma, was represented by her mother, who advised the Board that the placement of the mobile home would be temporary due to the fact that her children were looking for a piece of property to purchase on which the mobile home could be located permanently. Ms. McClendon's mother submitted to the Board a plot plan of the subject tract of land (Exhibit "E-1").

Protestants: None.

Board Comments:

Mr. Walker asked if there were other mobile homes in the area. Ms. McClendon's mother advised that there was one directly across the street and that there were many others in the area.

Board Action:

On MOTION of WALKER and SECOND by WINES. the Board voted 4-0-0 (Crowley, Dubie, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to locate a mobile home in an RS District, and to continue any consideration for a bond requirement to April 21, 1981, at which time a time-limit for the mobile home will also be considered, on the following described property:

Lot 16 and 17, Block 9, New Taneha Addition to Tulsa County, Okla.

Case No. 45

Action Requested:

Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1670) request for permission to locate a mobile home in a CS District; located at 6217 West 60th Street.

Presentation:

Latha Bryant, P. O. Box 60, Oakhurst, Oklahoma, was present to address the Board.

Protestants: None.

Board Action:

On MOTION of CROWLEY and SECOND by WALKER, the Board voted 4-0-0 (Crowley, Dubie, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin "absent") to approve a Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1670) to locate a mobile home in a CS District, on the following described property:

The East 1/2 of Lot 2, Lot 8, Block 4, New Taneha, Tulsa County, Oklahoma.

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-2 District - Under the Provisions of Section 1680; and, a Variance (Section 440.6 (b) - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) request for a variance to permit a mobile home on a lot that has a residence on it; and, a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670) request for permission to place a mobile home on a lot that already has a residence on it. This property is located at 6035 North Lewis Avenue.

Presentation:

Mr. Jones advised the Board that, on February 21, 1980, the City Board of Adjustment granted an exception and a variance to allow a mobile home on this property for a period of one year (Case No. 10898).

Kathleen Gilliam, 6035 North Lewis, was present to address the Board and advised that her niece resided in the mobile home and preferred that the mobile home remain on the family property.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by CROWLEY, the Board voted 4-0-0 (Crowley, Dubie, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin "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-2 District - Under the Provisions of Section 1680; and, a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670) to place a mobile home on a lot that already has a residence on it; and, a Variance (Section 440.6 (b) - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) to permit a mobile home in an RS-2 District without a time limitation, on the following described property:

Lot 9, Block 1, Rodden Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

County Inspector Requests an Interpretation of the Zoning Map (CZM-45).

Presentation:

Mr. Jones advised that the County Inspector's Office was requesting that the Board make an interpretation that any RS-1, RS-2, or RS-3 zoning classification on the County Comprehensive Zoning Maps be recognized as RS Districts and that the Board grant the authority for those maps to be changed to reflect such interpretation consistent with the County Zoning Code.

Request from County Inspector: (continued)

Board Action:

On MOTION of CROWLEY and SECOND by WALKER, the Board voted 4-0-0 (Crowley, Dubie, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin "absent") to interpret that any RS-1, RS-2, or RS-3 zoning in the County shall be recognized as RS zoning and, further to grant the authority to correct those Comprehensive Zoning Maps to reflect same.

There being no further business to come before the Board, the Chair adjourned the meeting at 5:08 p.m.

Date of Approval April 21, 1981


Chairman