

COUNTY BOARD OF ADJUSTMENT
MINUTES (No. 10)
Tuesday, June 23, 1981; 3:00 p.m.
Room 119, Administration Building
500 South Denver Avenue
Tulsa Civic Center

<u>MEMBERS PRESENT</u>	<u>MEMBERS ABSENT</u>	<u>STAFF PRESENT</u>	<u>OTHERS PRESENT</u>
Crowley, Vice-Chairman Martin Walker Wines	Dubie	Gardner Hubbard Jones	Edwards, Building Inspector's Office Raymond, District Attorney's Office

The notice and agenda of said meeting were posted in the Office of the Tulsa County Clerk on Monday, June 22, 1981, at 9:32 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Vice-Chairman Crowley called the meeting to order at 3:01 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 May 19, 1981, (No. 9) as amended on Page 2, Case Number 67, Presentation "..., but not more than 75' from a residence..." to read "..., but more than 75' from a residence..." (deleting "not").

MINOR VARIANCES AND EXCEPTIONS:

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Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the lot area from 2 acres to 1.033 acres in an AG District. This property is located in the 13200 block North on Cincinnati Avenue.

Presentation:

Mr. Jones advised that, on June 17, 1981, the Tulsa Metropolitan Area Planning Commission approved a lot-split (L-15215) subject to the approval of this Board.

The applicant, Mary Louise Church, 303 West 49th Street, was present; however, she did not address the Board.

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 a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) of the lot area from 2 acres to 1.033 acres in an AG District to permit a lot-split (L-15215), on the following described property:

A tract of land in the NW/4 of the SW/4 of the NW/4 of Section 36, Township 22 North, Range 12 East, Tulsa County, Oklahoma; beginning 10' South of the NW/4 of the SW/4 of the NW/4 of Section 36, Township 22 North, Range 12 East, Tulsa County, Oklahoma for a point; thence South 300'; thence East 200'; thence North 300'; thence West 200'; to the point of beginning, LESS the West 50'.

NEW APPLICATIONS:

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) request for permission to rebuild and restore antique automobiles as a home occupation.

Presentation:

Mr. Jones submitted to the Board the following items:

- . A notice of violation served on Larry Fausset, 6505 West Cameron from the County Inspector (Exhibit "A-1");
- . a letter from Margaret S. Stolzer, 7111 West Cameron, listing the names of 14 protestants who had attended the cancelled June 16, 1981, meeting of the Board of Adjustment to protest the Case (Exhibit "A-2");
- . a letter of protest from Roy Ross Cottrill, 6505 West Brady Place (Exhibit "A-3");
- . an initial letter of protest from Margaret S. Stolzer, dated June 13, 1981, (Exhibit "A-4");
- . a letter of protest from Mr. and Mrs. James E. Palmer, 6508 West Cameron, dated June 11, 1981, (Exhibit "A-5");
- . a letter of protest from Kirby Counce, Secretary of District 10, Vision 2000, dated June 10, 1981, (Exhibit "A-6");
- . a petition of protest signed by 45 area residents (Exhibit "A-7");
- . a memorandum from Jack Edwards to Reese Edwards, both of the County Inspector's Office, dated April 9, 1981, advising that a field check had been performed and stating the findings of that field check (Exhibit "A-8");
- . an aerial photo of the subject property (Exhibit "A-9");
- . Comprehensive Zoning Map No. 35 of the subject property (Exhibit "A-10");
- . an Atlas Map of the subject property (Exhibit "A-11").

Larry Fausset, 6505 West Cameron, was present to address the Board and submitted a plot plan (Exhibit "A-12"), a list of the value of seven of the cars (Exhibit "A-13"), and twelve color photographs depicting the cars on the property (Exhibit "A-14"). Mr. Fausset advised that there was a four-car garage on the rear of the property that had been there when he purchased the property, as well as a two-car garage next to the residence. Mr. Fausset stated that at one time he had eight inoperable cars situated in the back yard and the side yard. Mr. Fausset explained that he had purchased the cars from John F. Lawhon in order to obtain only one car because the one car could not be obtained unless he purchased the other eight. Mr. Fausset stated that, since that time, six of the eight cars had been moved off the premises. Mr. Fausset advised that he presently has seven rare, collector's cars, two everyday cars, two cars that belong to his son, and one car that belongs to his daughter (both of whom reside on the property) on the premises. Mr. Fausset explained that all autos on the property were presently operable, licensed, titled, and insured.

Protestants:

Calvin Guthridge, 6543 West Cameron, stated that he was concerned over the appearance of the neighborhood if a home occupation of this type was approved. Mr. Guthridge explained that the pictures submitted by Mr. Fausset did not depict the property as so often seen by area residents and that the property more closely resembled a junk yard.

Shirley Harrall, 6568 West Brady Place, stated that she was quite concerned over the possibility of the area developing a higher crime rate in regard to robbery with an expensive hobby such as Mr. Fausset's in a somewhat rural setting that has little protection.

David Hicks, 6709 West Cameron, stated restoring and selling automobiles seemed more to him to be an actual profit-making business and not what was considered a home occupation.

Considerable discussion ensued in regard to existing restrictive covenants and how Board action might affect those covenants, parking restrictions, the length of time inoperable vehicles might remain on the property.

Jewell Woodford, 330 North 65th West Avenue, stated that she faced the cluttered property at all times and that she did not care to have the home occupation approved.

Karl Gideon, 6450 West Edison Avenue, advised that he was interested in protecting the neighborhood from this type of operation and felt that, if approved, it would decrease the value of other property in the area and be detrimental to the addition.

Applicant's Comments:

Mr. Fausset stated that he felt the sudden gain of the nine cars which he had to purchase in order to obtain one is what generated the complaint.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 3-1-0 (Crowley, Walker, Wines, "aye"; Martin "nay"; no "abstentions"; Dubie "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to rebuild and restore antique automobiles as a home occupation subject to the following conditions: (1) The number of vehicles to be worked on be limited to four in order to permit them to be enclosed in the existing four-car garage; (2) the mobile home on the property be moved and maintained near the existing garage if it is, indeed, an accessory item to the home occupation; (3) all vehicles involved in the home occupation and all work to be done in relation to the home occupation be performed in an enclosed structure; (4) to run with this owner only; (5) for a period of one year, at the end of which time the applicant would be required to re-apply for the home occupation; and (6) subject to all Home Occupation Rules and Regulations, all on the following described property:

Lot 3, Block 1, Tingley Acres Addition to the County of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680) request for permission to place a mobile home in an RS District. This property is located at 917 West 10th Street.

Presentation:

Mr. Jones advised that a memorandum from the City-County Health Department (Exhibit "B-1") has been received by the Board of Adjustment on June 17, 1981, indicating that the lot was suitable for the proposed use.

Joel Henderson, 917 West 10th Street, Sand Springs, Oklahoma, was present to address the Board and advised that, within a six-block radius, there were probably no less than 12 or 15 mobile homes and that the nearest one was located approximately 100 feet from the subject location.

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 an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680) for permission to place a mobile home in an RS District, for a period of five years, no removal bond required, on the following described property:

Lot 15, Block 27, Charles Page Home Acres No. 4, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680) request for an exception to permit 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 that has an existing residence on it. This property is located at 804 Terrace Drive.

Presentation:

Mr. Jones advised the Board that a memorandum from the City-County Health Department (Exhibit "C-1") had been received by the Board of Adjustment Office on June 15, 1981, indicating that the lot was suitable for the proposed use.

Clarence Ward, Route #2, Box #422, Sand Springs, Oklahoma, was present to address the Board and advised that the subject property was approximately 1 1/2 acres and that there were mobile homes in the area.

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 an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680) to permit 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 that has an existing residence on it, for a period of five years, no removal bond required, on the following described property:

Lot 5A, Block 11 of the Replat and Resubdivision of Lot 8, Block 10, Lots 4, 5, and 6, Block 11, and Lot 1, Block 12, Charles Page Home Acres No. 2, a subdivision in Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1670) request for a variance of the frontage requirements from 200' to 165' in an AG District. This property is located west of Harvard Avenue and 161st Street.

Presentation:

Daniel Brown, Route 2, Box 440, Wagoner, Oklahoma, was present to address the Board and submitted a plot plan (Exhibit "D-1").

Protestants: None.

Board Comments:

Mr. Walker asked Mr. Brown what the size of the subject tract was. Mr. Brown replied that it was five acres and that a building permit could not be obtained unless he had 200' of frontage.

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 1670) of the frontage requirements from 200' to 165' in an AG District, on the following described property:

The E/2 of the W/2 of the W/2 of the SE/4 of the SE/4 of Section 20, Township 17 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma: and

The W/2 of the W/2 of the W/2 of the SE/4 of the SE/4 of Section 20, Township 17 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma.

Action Requested:

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 that has a residence on it; and, an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) request for an exception to permit a mobile home in an RS District. This property is located at 913 Valley Drive, Sand Springs, Oklahoma.

Presentation:

Mr. Jones advised the Board that a memorandum from the City-County Health Department (Exhibit "E-1") had been received by the Board of Adjustment Office on June 17, 1981, indicating that the property was suitable for the proposed use.

Arthur Cox, 913 Valley Drive, was present; however, he did not address 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 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670) to permit a mobile home on a lot that has a residence on it; and, an Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RS District, for a period of five years, no removal bond required, on the following described property:

Lot 14, Block 9, Charles Page Home Acres No. 2 Addition to the County of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) request for an exception to permit a mobile home in an RS District. This property is located at 615 South 65th West Avenue.

Presentation:

Kelly Thomason, 7501 South Juniper Street, Broken Arrow, Oklahoma, was present to address the Board and advised that there was one other mobile home in the area directly to the west and that the requested mobile home would be located on a 10-acre tract of land. Mr. Thomason stated that the mobile home would be brand new.

Protestants: None.Board Comments:

Mr. Martin asked Mr. Thomason if he had received approval of the septic system use from the City-County Health Department. Mr. Thomason replied that he intended to receive Board of Adjustment approval before he had a perc-test performed on the property, but that he had been in contact with the Health Department regarding a perc-test.

Brief discussion ensued as to whether the location of the property was in a floodplain and what would be required in the way of a building permit if it was in a floodplain district.

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 - Under the Provisions of Section 1680) to permit a mobile home in an RS District, for a period of five years, subject to approval of the septic system by the Tulsa City-County Health Department and subject to the applicant obtaining proper permits from the County Building Inspector's Office, no removal bond required, on the following described property:

A part of the SE/4 of the SE/4 of Section 6, Township 19 North, Range 12 East of the Indian Base and Meridian, described as follows: Beginning at the SE corner of the said described above land; thence West 776.5'; thence North 561'; thence East 776.5'; thence South 561' to the point of beginning.

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) request for a variance of the size of the accessory building from 750 square feet to 1,800 square feet in an RS District. This property is located at 444 East 61st Street North.

Presentation:

Mrs. H. E. Lemons, 444 East 61st Street North, was present to address the Board and advised that her husband was a mechanic and did quite a bit of work at the subject property, in addition to having three sons

that worked on their cars. Mrs. Lemons also stated that the family owns three horses, had two boats they wished to store, and a tractor they wished to store. She explained that the proposed accessory building would be for family use only and would not be used for a business. Mrs. Lemons advised that the subject property was 2 1/2 acres and had a rental house located on it in addition to the residence and a small barn toward the rear of the lot. Mrs. Lemons stated that construction on the building had commenced, noting that the concrete slab floor had been put in and the building frame had been erected.

Protestants:

David Nelson, representing Mr. and Mrs. Oscar French in the capacity of legal counsel, stated that Mr. and Mrs. French owned 7.2 acres on which was located their residence and three rent houses. Mr. Nelson advised that construction of an accessory building of that size would be detrimental to the property of Mr. and Mrs. French and that it was his understanding that Mr. and Mrs. Lemons intended to operate a commercial business out of the accessory building once it was completed.

Mrs. French advised that the accessory building which was being constructed was approximately 40 feet from her residence and that the reflection of the sun of the metal sides and tin roof was blinding. Mrs. French further advised that there were no other accessory buildings or structures in the immediate area comparable in size to the one being constructed by the Lemons', other than the Turley Children's Home.

Applicant's Comments:

Mrs. Lemons advised that the height of the building probably seemed to be so excessive to Mrs. French in that the building was located on the peak of a hill.

Board Comments:

Considerable discussion ensued as to justification of a hardship, the character of the surrounding area, and whether or not that character of the area was such that an accessory building of this type would not be detrimental to the area.

Remarks:

Jack Edwards, County Building Inspector's Office, stated that he was of the opinion that there were other structures in the area comparable in size to the requested accessory building and suggested that the Board members might want to view the property and surrounding area.

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 continue Case Number 75 until July 21, 1981, in order to allow for the Board members to view the property and surrounding area.

There being no further business to come before the Board, the Chair adjourned the meeting at 5:01 p.m.

Date Approved

July 21, 1981

Ed Leubie

Chairman

6.23.81:10(8)