

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 16
Friday, December 18, 1981, 9:00 a.m.
Room 119, Administration Building
500 South Denver Avenue, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Dubie Martin, Chairman Tyndall Walker	Wines	Gardner Jones Martin	Edwards, Building Inspector's Off.

The notice and agenda of said meeting were posted in the Office of the Tulsa County Clerk on Wednesday, December 16, 1981, as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Chairman Martin called the meeting to order at 9:10 a.m.

MINUTES:

There were no minutes ready to be approved at this time.

OTHER BUSINESS:

Mr. Gardner advised that Case No. 143 concerning the drilling of oil wells close to Collinsville did not get posted properly on the agenda for this meeting. He stated that the official notices were not mailed by the Board of Adjustment even though the applicant sent some notices out. The case will be heard February 15, 1982, after it is officially publicized.

UNFINISHED BUSINESS:

Case No. 124

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1224 (a) - Oil and Gas Extraction - Under the Provisions of Section 1680 - Request for an exception to permit the drilling of an oil well in an RS District. This property is located NW of 36th Street North and Elwood Avenue.

Presentation:

Bill Bryan, 10234 South 68th East Avenue, attorney representing Delbert Barnes Drilling and Production Company, was present to address the Board. Mr. Bryan submitted a map showing the present zoning of the property (Exhibit "A-1") and a map showing the ownership of the subject area and the surrounding area (Exhibit "A-2") and a map showing the area of interest (Exhibit "A-3") and an aerial photo (Exhibit "A-4") and several photographs of the subject property (Exhibit "A-5"). Mr. Bryan advised that the subject property was annexed to the City in the late 1970's. He said that part of the 2½ acre tract lies in the City and part lies in the County.

Mr. Bryan advised that there are two ordinances that prohibit drilling oil within the City Limits of Tulsa and as such the County requires three (3) requirements for drilling. One of the three (3) requirements

Case No. 124 (continued)

is that the well be 165 feet from the property line and the well in question is only 90 feet from the property line. The applicant has contacted and filed an application with the Oklahoma Corporation Commission and is asking a special exception to the rule concerning the 165 feet.

Mr. Bryan stated that Reba Terry and Ruth Britton, owners of the surface and mineral rights are present and are in favor of the drilling. He also said that the property owners to the east had no objections to the proposal.

Board Comments:

Chairman Martin advised that he felt that the Oklahoma Corporation Commission needed to give their approval before the Board acted on the matter.

Interested Parties: (or Protestants)

Joan Harris, Route 8, Box 410, was present to address the Board and stated that she was not protesting the drilling of the well. She expressed a concern dealing with the single lane road that runs through her property that would be used for machinery and equipment to get to the subject property. She stated that this road was the only ingress and egress to the property. She said that the road was a private road and so posted. She also stated that she owns part of the road. Ms. Harris suggested that 36th Street North be used for access. Ms. Harris submitted pictures of the road in question (Exhibit "A-6").

Applicant's Rebuttal:

Mr. Bryan advised that he had checked the records and the road had never been granted. He also stated that the County is helping to maintain the road; therefore, it is probably not a private road. Mr. Bryan said that he would have no objections to using 36th Street North for access.

Comments:

Mr. Gardner advised the Board that whether the road is private or public the Board has the right to act on the industrial traffic that would be coming through a residential area. Mr. Gardner suggested that if the Board granted the exception another access could be used.

Interested Parties:

Ruth Britton, 302 West 41st Street North, was present to address the Board and said that her property adjoins Ms. Reba Terry's to the north and is in favor of the drilling.

Clyde Lofton, 5619 South 93rd East Avenue, was present to address the Board and said that a portion of the road was his. He also said that if the well was permitted, it would be in violation of the Oklahoma Corporation Commission Rules concerning the location of the well in relation to the property line.

Joe C. Baker, 363 West 41st Street North, was present to address the Board and advised that the road in question is not a private road. He advised that the street has been a dead-end street for 45 years and marked so on 41st Street. He stated that eight (8) houses are located on that street with that road being the only access to those houses.

Case No. 124 (continued)

Board Action:

On MOTION of DUBIE and SECOND by TYNDALL, the Board voted 4-0-0 (Dubie, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1224 (a) - Oil and Gas Extraction - Under the Provisions of Section 1680) to permit the drilling of an oil well in an RS District, subject to the applicant obtaining an alternate use for industrial ingress and egress to the subject property well, and subject to the approval of the Oklahoma Corporation Commission; on the following described property:

Part of Lot 7, of Section 14, Township 20 North, Range 12 East, of the Indian Base and Meridian, Tulsa County, Oklahoma, to wit: Beginning at the SW corner of Lot 7; thence West 295.6'; thence North 370'; thence East 295.6'; thence South 370' to the point of beginning.

NEW APPLICATIONS:

Case No. 133

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, located at 4001 West 61st Street.

Presentation:

Ola Mae Dunn, 4003 West 61st Street, was present to address the Board on behalf of her husband. Mrs. Dunn requested permission for a mobile home to be parked on their 2½ acre tract to allow her brother to move in the mobile home and help take care of her husband who has cancer.

Protestants: None.

Board Comments:

Chairman Martin asked if there were other mobile homes in the immediate area and Mrs. Dunn said there was one mobile home a block away and two others close by.

Chairman Martin asked how long the mobile home would be needed by the applicant's brother and Mrs. Dunn did not state a particular amount of time.

Discussion ensued as to a time limit for the mobile home.

Board Action:

On MOTION of DUBIE and SECOND by WALKER, the Board voted 4-0-0 (Dubie, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "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, subject to a 5-year time limitation, and subject to Health Department approval, on the following described property:

The East 110' of Tract 10, Howard Trust. Beginning 24.35' West and 35' North of the SE corner of the SE/4; thence West 300';

Case No. 133 (continued)

thence North 335'; thence East 300'; and South 335' to the point of beginning in Section 33, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 134

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, located at 903 Willow Street.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Comments:

The Board asked if there were other mobile homes in the area and Jack Edwards, Building Inspector, said there were numerous mobile homes in the area. Mr. Edwards advised the Board that the mobile home has been at the present location for four (4) years and the applicant now wishes to move in.

Board Action:

On MOTION of DUBIE and SECOND by WALKER, the Board voted 4-0-0 (Dubie, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "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, subject to a 5-year time limitation, on the following described property:

Lot 4, Block 2, Charles Page Home Acres No. 1, to the County of Tulsa, Oklahoma.

Case No. 135

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; and a

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of 1670 - Request for a variance to permit a mobile home on a lot that has a single-family residence on it in an RS District, located at 1013 West 6th Street, Sand Springs, Oklahoma.

Presentation:

Leonard Noe, 1013 West 6th Street, was present to address the Board. Mr. Noe said that he owns 1½ acres and wishes to place a mobile home on the back 1/2 acre for his elderly mother-in-law. Mr. Noe and his family live on the front acre portion of the property. A drawing was submitted of the property in question (Exhibit "B-1").

Protestants: None.

Case No. 135 (continued)

Comments:

Mr. Gardner advised that several mobile homes have been granted in this particular area.

Board Action:

On MOTION of WALKER and SECOND by DUBIE, the Board voted 4-0-0 (Dubie, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "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, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of 1670) to permit a mobile home on a lot that has a single-family residence on it in an RS District, on the following described property:

Lot 7, Block 13, Charles Page Home Acres No. 2 Addition to the County of Tulsa, Oklahoma.

Case No. 136

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, located at 6223 North Garrison Avenue.

Presentation:

Russell Wingo, Jr., Route 8, Box 912, Claremore, Oklahoma 74017, was present to address the Board and requested permission to place a mobile home at 6223 North Garrison, which is owned by Don Craddock. Mr. Craddock's granddaughter, Lesa, is engaged to Mr. Wingo. Mr. Wingo advised that after he and Lesa get married they plan to move in the mobile home so Lesa can help take care of her grandmother who lives next door.

Protestants: None.

Board Comments:

Chairman Martin asked if there were other mobile homes in the area. Mr. Craddock stated that there was one mobile home 6 blocks away.

Board member Dubie asked if the subject area was surrounded by other residences and Mr. Wingo answered yes.

Mr. Jones advised the Board that other mobile homes in the subject area had been granted.

Board Action:

On MOTION of DUBIE and SECOND by TYNDALL, the Board voted 4-0-0 (Dubie, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "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, subject to the Health Department's approval and subject to a building permit being obtained, on the following described property: Lot 3, Block 1, Fairview Heights Addition to Tulsa County, Oklahoma.

Action Requested:

Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Section 320 - Accessory Uses in Agriculture Districts - Home Occupation - Request for an exception to permit the operation of a flower and gift shop in an AG District; and a

Variance - Section 440.2 (f) Home Occupations - Under the Provisions of Section 1670 - Variances - Request for a variance to permit a 4' x 8' sign in an AG District for a home occupation, located at 2910 East 15th Street.

Presentation:

Marcella Sellmeyer, 3506 South Peoria Avenue, was present to address the Board.

Protestants: None.

Board Comments:

Chairman Martin asked the applicant if she was presently operating a business at the subject location and Ms. Sellmeyer said that she had been operating her business there for approximately one month, but was not aware that she needed a home occupation permit.

Mr. Gardner advised that the home occupation regulations does not permit a sign for a home occupation in an AG District. He said that a hardship had to be proved to approve the variance for the sign.

Board member Dubie asked if the sign was already in place and the applicant answered yes.

Chairman Martin asked Ms. Sellmeyer if anyone had contacted her in protest to the sign. Ms. Sellmeyer answered no and stated that her neighbor across the street has a home occupation, but does not have a sign.

Mr. Gardner suggested that the real issue in the application is whether a sign should be permitted or not. He stated that he doubted that there would be impulse buying in this rural area, and therefore, a sign is not necessary for business. The applicant is permitted to have a 2 square-foot sign which has her name and address on it. Mr. Gardner advised that the sign which is requested requires commercial zoning. The applicant has to prove a hardship other than financial to be granted the variance.

Chairman Martin referred to a letter written by Ms. Sellmeyer's doctor stating that her physical condition is such that she could not comfortably operate a business other than one in her home.

Board member Walker suggested that a smaller sign be used.

Board member Dubie stated that he had driven past the subject property earlier in the week and never noticed the sign.

The Board was concerned that if the application was approved with a 4' x 8' sign being permitted that it may set a precedent.

Mr. Gardner advised that the doctor's letter shows a hardship, but was also concerned about a precedent being set if the application was approved.

Case No. 137 (continued)

Discussion:

Mr. Dubie stated that a one-year time limit would allow the neighbors to be exposed to the sign. If there were protests concerning the sign they could be expressed in a year when the applicant must return to have the variance approved again.

Board Action:

On MOTION of DUBIE and SECOND by TYNDALL, the Board voted 3-1-0 (Dubie, Martin, Tyndall, "aye"; Walker, "nay"; no "abstentions"; Wines, "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 320 - Accessory Uses in Agriculture Districts - Home Occupation) to permit the operation of a flower and gift shop in an AG District, and a Variance (Section 440.2 (f) Home Occupations - Under the Provisions of Section 1670 - Variances) to permit a 4' x 8' sign in an AG District for a home occupation, for a period of one year, on the following described property:

The E/2, W/2, NW/4, NE/4 of Section 20, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 138

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 two dwellings on one lot, located at 5703 West 23rd Street.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by DUBIE, the Board voted 4-0-0 (Dubie, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to continue this item to January 15, 1982, to allow for the presence of the applicant.

Case No. 140

Action Requested:

Variance - Section 1224 (a) .3 - Oil and Gas Extraction - Under the Provisions of Section 1670 - Request for a variance to permit oil and gas wells and related storage tanks 1,320' from the City Limits of Jenks, in an AG District, located at 116th and Houston Avenue.

Presentation:

Mike Blaylock, 7030 South Yale Avenue, Suite 109, was present to address the Board representing Warbonnet Exploration, Inc. Mr. Blaylock submitted a handout containing a Mid-Continent map showing the oil well and drilling activities in the area (Exhibit "C-1"). Mr. Blaylock indicated that the yellow area is the 80 acres in question. He also submitted the

Case No. 140 (continued)

Oil and Gas Lease (Exhibit "C-2") stating that Warbonnet Exploration, Inc., has the mineral rights to the property from Wade and Pearl Johnson who also own the surface area. A letter was submitted to the Board written by Mr. Blaylock to the Johnsons requesting their consent for drilling operations (Exhibit "C-3"). The Johnsons signed the letter giving their consent to this matter. Mr. Blaylock also submitted a map of the Glenwood South Subdivision which is located west of the subject property (Exhibit "C-4"). The lots marked in green are the lots which are now occupied and the remaining unmarked lots do not have homes on them. The green dot indicates the approximate location of the proposed well with the access to and from the well shown on the map.

Mr. Blaylock advised that the publication was incorrect and stated that the proposed well is 1,320' from the City Limits of Jenks instead of 330'. He indicated that the well would be approximately 900' to 990' from the Jenks property line and from any residences that are now occupied. Mr. Blaylock also stated that they would be drilling to approximately 2,100' in depth which would take 4 to 8 weeks to complete the drilling. There are around 100 wells in the surrounding area that are producing within an 8½ square mile area.

Mr. Blaylock stated that he had a meeting with the Jenks Board of Adjustment and they had asked that the drilling rig, mud pits and pumping units be fenced off for safety reasons. He also stated that the operation would take place during the daylight hours to avoid annoying noises. He also stated that they would reclaim the land after the completion of the drilling within 8 weeks.

Protestants: None.

Board Comments:

Chairman Martin asked Mr. Blaylock how far the proposed well was from an existing producing property. Mr. Blaylock stated that immediately to the east there are 120 acres which are presently producing with approximately 3 wells on that particular lease and 10 wells located on the northwest corner.

Interested Party's Comments:

Richard Hall who works for INCOG and specifically for Jenks was present to address the Board. Mr. Hall stated that the Jenks Board of Adjustment heard Case No. 140 last night in order to make recommendations to this Board. The City Manager informed the Jenks Board that there is a City Ordinance which prohibits the drilling of oil or gas wells within the City Limits. The City Manager stated that a similar request was being challenged in District Court and the law suit will be heard in late January. He suggested that the case be continued to February 1982, when the Tulsa County Board meets so that the court challenge would be resolved.

Mr. Hall advised that the Jenks Board of Adjustment voted 3-0-0 to have the County Board continue the case to the February 19, 1982 meeting. The Jenks Board felt that even though the case is not inside the City Limits of Jenks, it is very close and could work against the City of Jenks if Jenks supported the subject proposal. However, the Jenks Board further recommended that the following restrictions be imposed if the County Board does not delay action on the case:

Case No. 140 (continued)

1. That the drilling pits and rig be fenced during the drilling,
2. that the drilling pits be reclaimed within 8 weeks after the completion of the well,
3. that the fracking be done during the daylight hours because of the noise involved, and
4. that a screening fence be put around the pump and the tanks after the completion of the well.

Board Comments:

Board member Dubie inquired about Case No. 141, and Mr. Hall stated that it was his understanding that the applicant could not obtain a lease on that site, so the Board did not act on that case. He was of the opinion that it had been withdrawn.

Chairman Martin asked the applicant if he had any further comments. Mr. Blaylock stated that Case No. 141 had been withdrawn. Chairman Martin also asked the applicant if he would have any objections to the case being continued. Mr. Blaylock advised that there is a one-year lease on the property and asked that the variance be granted now. Mr. Blaylock advised that the court decision involves a case inside the City Limits of Jenks and stated that the proposed well is outside the City Limits. He also stated that if the variance were granted, a wood fence would be used for screening.

Board Action:

On MOTION of TYNDALL and SECOND by DUBIE, the Board voted 4-0-0 (Dubie, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to approve a Variance (Section 1224 (a) .3 - Oil and Gas Extraction - Under the Provisions of Section 1670) to permit oil and gas wells and related storage tanks 1,320' from the City Limits of Jenks, in an AG District, subject to the following limitations and conditions stated by the Jenks Board of Adjustment:

1. That the drilling pits and rig be fenced during the drilling,
2. that the drilling pits be reclaimed within 8 weeks after the completion of the well,
3. that the fracking be done during the daylight hours because of the noise involved, and
4. that a screening fence be put around the pump and the tanks after the completion of the well;

on the following described property:

The W/2, NE/4, SE/4, NW/4; and the E/2, NW/4, SE/4, NW/4, of Section 35, Township 18 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 141

Action Requested:

Variance - Section 1224 (a) .3 - Oil and Gas Extraction - Under the Provisions of Section 1670 - Request for a variance to permit oil and gas wells and related storage tanks 330' from the City Limits of Jenks in an AG District located north and east of 111th Street and Elwood Ave.

Board Action:

Without objection, the Chair withdrew this item at the request of the applicant.

Action Requested:

Interpretation - Section 1660 - Request the Board determine that the mobile home park existed on the property prior to zoning control September 15, 1980; and a

Variance - Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwellings - Under the Provisions of Section 1670 - Variances - Request for a variance to allow an additional eight (8) spaces to the park, located northwest of Highway #51 and 214 West Avenue.

Presentation:

Coy Ward, 3107 Maple Drive, Sand Springs, Oklahoma, 74063, was present to address the Board representing his father, Clifford Ward. Mr. Ward submitted a document (Exhibit "D-1") which he felt proved that his father had a legal nonconforming mobile home park. The document contains an aerial photo., applications and agreements for water services, canceled checks showing when Clifford Ward purchased the two homes on the subject property, a letter from the County Building Inspector's Office stating Mr. Ward's intent was to develop a mobile home park, and a loan to build 4 pads for mobile home spaces... Mr. Ward also submitted the lagoon plans (Exhibit "D-2").

Mr. Ward stated that soil percolation tests were done which did not prove to be very favorable and as a result, Mr. Ward decided on the lagoon system. The lagoon plans were drawn up and completed May 14, 1980, to include 6 mobile homes and one house. Mr. Ward advised that in September 1980, he had to cover up his lagoon system since several rules were changing at the State level. Also, on September 15, 1980, the County zoning control was implemented.

Clifford Ward was also present at the meeting and answered questions for the Board.

Protestants: None.

Board Comments:

Mr. Gardner stated that the information that Mr. Ward has presented establishes the fact that the western 10 acres of the subject property was intended to be a mobile home park, and that he expended money for that purpose prior to County zoning control. Mr. Gardner advised the Board that if they agreed with Mr. Ward's statements they could make an interpretation based upon the findings that it is a nonconforming use on that portion of his property. He also advised the Board that Mr. Ward does not need the variance if the Board finds that there is no question about Mr. Ward's desire to make the subject property a rental income area to be used as a mobile home park.

Mr. Jack Edwards, a County Building Inspector, advised the Board that he inspected the western 10 acres of the subject property several years ago. Only after eight new mobile home pads were placed on the subject property after September 5, 1980, did Mr. Edwards ask Clifford Ward to hold up because he would be in zoning violation. Mr. Edwards stated that those mobile homes have just been setting there since July.

Case No. 142 (continued)

Board member Walker inquired about the density allowed in a mobile home park. Mr. Gardner said that the applicant is asking for an additional 8 spaces so he must have a total of 12 or more spaces on the subject property. Mr. Coy Ward advised that there would be 14 dwelling units altogether with each lot being approximately 70' x 130'. Mr. Ward stated that they would like to see a total of 2 houses and 14 mobile homes on the subject property. Mr. Ward also advised that his father has the neighborhood's consent to place the mobile homes on this tract.

Board member Dubie said that he did not have any objection to the application, but did not want a precedent being set with a variance to start a mobile home park. He also advised that if the eastern portion, or any more mobile homes were placed on this property it needed to be rezoned. The diagram on the exhibit was numbered to show the 15 delineated lots.

Board Action:

On MOTION of WALKER and SECOND by DUBIE, the Board voted 4-0-0 (Dubie, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to accept the 15 lots as delineated on "Exhibit D-1" and approve those lots as existing nonconforming use for a mobile home park prior to September 15, 1980, and to deny a Variance (Section 310 - Principal Uses Permitted in the Agriculture District) to permit mobile home dwellings in an AG District, on the following described property:

The W/2, W/2, SE/4, SE/4 of Section 10, Township 19 North,
Range 10 East, Tulsa County, Oklahoma.

OTHER BUSINESS:

Communication Concerning Case No. 116:

Action Requested:

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Request for a variance of the size of an accessory building from 750 square feet to 1,200 square feet in an RS District.

Presentation:

Floyd Simpson, 7101 North Peoria Avenue, was present to address the Board. Mr. Simpson stated that he had put up a building which he understood from the contractor to be 30' x 40', but found out later that it was 40' x 42'. Mr. Simpson stated that he did not know for sure whose fault it was. Mr. Simpson said that when he received the building permit, it was wrong.

Jack Edwards, Building Inspector, advised that the applicant made an application for a 30' x 40' out-building garage. Mr. Edwards stated that he denied the application because he knew that Mr. Simpson would have to come before the Board. Mr. Edwards said that he wrote the applicant a letter allowing him to build a 30' x 25' building which is 750 square feet. Later Mr. Simpson brought the application before the Board and asked to build a 30' x 40' building and proceeded to lay his slab... When the Building Inspectors went to the subject property to inspect the framing they found out that it was larger than 30' x 40'. Mr. Edwards advised the Board that if they allow the extra size, then he needs another building permit from the Building Inspector's Office.

Case No. 116 (continued)

Protestants: None.

Board Comments:

Chairman Martin asked if the building was presently in place and the applicant answered yes. Chairman Martin asked Mr. Edwards if there was any other problem posed with this application other than the paper work needing to be corrected and Mr. Edwards said that there was not unless Mr. Simpson starts a business at this location. Chairman Martin then asked the applicant the purpose of the building and Mr. Simpson stated that it was for storage purposes and is not intended for commercial use.

Board Action:

On MOTION of DUBIE and SECOND by WALKER, the Board voted 4-0-0 (Dubie, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the size of an accessory building to be 1,680 square feet (40' x 42') in an RS District, provided the building is not used for business purposes; on the following described property:

Lot 7, Block 7, Golden Hills Addition, in Tulsa County, Oklahoma.

Request for a Refund of Fees in Case No. 129.

Mr. Jones advised that Coy Ward is requesting a refund of the \$50 application fee from the Board from the November 20, 1981 hearing.

Mr. Gardner stated that the money has been spent on maps and other things. He said that if any part of the fee was to be refunded it would possibly be \$25 which would have been based on whether the Board would have acted on the application the 1st time it was heard.

Board Action:

On MOTION of TYNDALL and SECOND by DUBIE, the Board voted 3-1-0 (Dubie, Martin, Tyndall, "aye"; Walker, "nay"; no "abstentions"; Dubie, "absent") that the request for a refund be denied.

There being no further business, the Chair adjourned the meeting at 11:15 p.m.

Date Approved _____

February 19, 1982

William G. ...

Chairman