

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES (No. 19)
Friday, March 19, 1982, 9:00 a.m.
Room 119, Administration Building
500 South Denver Avenue
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Martin Walker Wines	Dubie Tyndall	Compton Gardner Martin	J. Edwards, Building Inspector's Office

The notice and agenda of said meeting were posted in the Office of the Tulsa County Clerk on Tuesday, March 16, 1982, at 8:48 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Chairman Martin called the meeting to order at 9:05 a.m.

MINUTES:

On MOTION of WALKER and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, Tyndall, "absent") to approve the Minutes of February 19, 1982, (No. 18).

UNFINISHED BUSINESS:

Case No. 154

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in an Agriculture District - Request for a variance to allow four mobile homes on one lot in an AG District located north and east of 126th Street North and 143rd East Avenue.

Presentation:

The applicant was not present to address the Board.

Mr. Martin read a letter from the applicant requesting that the case be continued for two months (Exhibit "A-1").

Protestants:

John D. McHenry, Rt. 2, Box 269, was present to address the Board stating that the neighbors do not want a mobile home park in that particular area. He also stated that the applicant had problems with his septic tank which he prolonged in repairing.

Leah McHenry, Rt. 2, Box 269, was present to address the Board stating that the neighborhood is trying to improve the area by not allowing more than 1 mobile home per two (2) acres.

Board Comments:

Mr. Gardner suggested that the case be continued so that the lot-split application can be heard by the Planning Commission first and to give the applicant a chance to present his case.

Case No. 154 (continued)

Mr. Martin suggested that the case be continued and that the protestants come back at that time to present their complaints.

Board Action:

On MOTION of WINES and SECOND by WALKER, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, Tyndall, "absent") to continue this case to the May 21, 1982 meeting.

Case No. 159

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Request permission for oil and gas extraction in an AG-R District; and, a

Variance - Section 1224 (a) .3 - Use Conditions - Request for a variance of the setback requirements from 300' from a residence to 200' from a residence located east of the northeast corner of 111th East Avenue and 166th Street North.

Presentation:

B. G. Whorton, P. O. Box #168, was present to address the Board representing Cole Exploration Company, Inc., and advised that one of the land owners of the subject property was present supporting the application.

Protestants: None.

Board Comments:

Mr. Martin read a letter from the Collinsville Board of Adjustment recommending that the application be approved (Exhibit "B-1").

Mr. Wines advised the applicant that if he were to drill within 200' of any residence that he would need their approval.

Board Action:

On MOTION of WINES and SECOND by WALKER, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, Tyndall, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to permit oil and gas extraction in an AG-R District, and a Variance (Section 1224 (a) .3 - Use Conditions) of the setback requirements from 300' from a residence to 200' from a residence on the following described property:

The West 264; of the NE/4, SE/4, SW/4 of Section 8, Township 22 North, Range 14 East, and the East 198' of the West 1782' of the South 659.5' of the SW/4, Section 8, Township 22 North, Range 14 East, ALL being in Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Request for permission to permit oil and gas extraction in an AG-R District; and, a

Variance - Section 1224 (a) .3 - Use Conditions - Request for a variance of the setback requirement from 300' to 30' from a residence located at 11515 East 179th Street North and 11617 East 179th Street North.

Presentation:

Cleo Dane Cearley, 11515 East 179th Street North, Collinsville, Oklahoma, 74021, was present to address the Board representing himself and the joint applicant, Kay Bayouth, Jr., 11617 East 179th Street North. Mr. Cearley advised that the Collinsville Board of Adjustment voted unanimously to approve the application. Mr. Cearley and Mr. Bayouth are proposing to drill one well on each subject tract.

Protestants and Interested Parties:

Tom Tannehill, 1918 East 51st Street, Suite 2 West, attorney representing Jim Wolfe, was present to address the Board. Mr. Wolfe, who owns the bulk of the lots within this subdivision was before the Board in January and was denied his request to drill oil and gas wells. Mr. Tannehill advised that if the request is granted that the lots will decrease in value. He advised that Mr. Wolfe would not be able to sell his property as single-family dwellings if this request was approved because of the decrease in the property value.

Mr. Wolfe addressed the Board advising that a property owner within the subdivision commenced to drill a well in violation of the law. He requested that the action be stopped because the owner did not have the Board's approval.

Board Comments:

Mr. Martin advised that Mr. Wolfe's application was denied because it was not specific concerning the location of the proposed wells.

Mr. Wines suggested that the applicants and other property owners within the subdivision should work together and file a joint application. Mr. Wines asked if two wells could be drilled without being closer than 300' from each other and Mr. Cearley advised that it could be done.

Board Action:

On MOTION of WINES and SECOND by WALKER, the Board voted 2-1-0 (Martin, Wines, "aye"; Walker, "nay"; no "abstentions"; Dubie, Tyndall, "absent") to continue this case to the April 16, 1982 meeting.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 165

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Request for a variance of the minimum lot area requirement to allow a lot-split located at 102 East 91st Street North.

Presentation:

Frank Baumgarten, P. O. Box #34, Sperry, Oklahoma, 74073, was present to address the Board stating that he has received permission from the Tulsa City-County Health Department for the septic system and approval from the Planning Commission for the lot-split.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, Tyndall, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts) of the minimum lot area requirement to allow a lot-split (L-15382) on the following described property:

Beginning at a point which is 116' directly South and 400' directly West of the NE corner of the NE/4 of the SE/4 of Section 23, Township 21 North, Range 12 East; thence a distance of 160' directly South; thence 200' directly West; thence 200' directly East to the point of beginning.

NEW APPLICATIONS:

Case No. 156

Action Requested:

Special Exception - Section 320 - Accessory Uses in Agriculture Districts - Request for a home occupation in an AG District; (fence company). This property is located at 8711 East 137th Street North.

Presentation:

David Willis, 8711 East 137th Street North, was present to address the Board requesting a home occupation for a fence company. Mr. Willis advised that it would not be a full-time operation, but would be a hobby-type of business.

Protestants: None.

Board Comments:

Mr. Gardner inquired about the materials being stored outside and Mr. Willis advised that there would be very few times that any of the material would be stored on the property.

Mr. Walker asked about the signs which would be used and Mr. Willis stated that they are magnetic signs which are attached to his truck for advertising.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, Tyndall,

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Case No. 156 (continued)

"absent") to approve a Special Exception (Section 320 - Accessory Uses in Agriculture Districts) to permit a home occupation (fence company) in an AG District, subject to all home occupation regulations on the following described property:

A 2.51 acre tract of land in the East-Half of the SW/4 of Section 25, Township 22, North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows, to wit:

Beginning at a point 659.44' due West and North 0°-5'-6" East a distance of 663.21' from the Southwest corner of said E/2, SW/4 of Section 25, Township 22 North, Range 13 East, due East a distance of 329.71' to a point North 0°-5'-3" East a distance of 331.61' to a point due West a distance of 329.71' to a point South 0°-5'-6" West a distance of 331.61' to the point of beginning.

Case No. 164

Action Requested:

Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Request for permission to locate a mobile home in an RE District located at 12932 South 152nd East Avenue.

Presentation:

Mr. Martin read a letter from the Broken Arrow Board of Adjustment (Exhibit "C-1") requesting that the case be continued to the April 16, 1982 meeting. Mr. Martin advised that there were several protesting the application and suggested that it be continued.

Board Action:

WINES made a MOTION and WALKER SECOND it to continue this item to April 16, 1982.

Discussion:

Ms. Foster's mother advised the Board that she needs Laura's help in caring for her elderly mother and mother-in-law. She advised that the mobile home would only be at the subject location for one year.

Laura Foster, 115 West Ithica Place, was present to address the Board and stated that her mother is in desperate need of her help. She added that the percolation tests were run and all of the utilities are ready to be hooked up.

Protestants: There were several people in the audience protesting the application.

Discussion ensued as whether to hear the case or continue it to the next meeting.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, Tyndall, "absent") to continue this item to April 16, 1982.

Case No. 167

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request for a variance to allow storage of oil field equipment, pipe, rods, and related equipment in an RS District located at 614 South 65th West Avenue.

Presentation

Ollie Gresham, 4815 South Harvard Avenue, Suite 534, was present to address the Board and advised that the 9.4 acre tract contains two mobile homes, a house, an electric motor repair shop, and several accessory buildings. There is nonconforming light industrial use to the north, with residences and a grocery store located to the east, with vacant land to the south, and residences to the west. Mr. Gresham advised that a privacy fence would be erected on the east side of the property restricting the use of the storage area to the northwest corner of the tract.

Protestants:

Judy Ford, 437 South 65th West Avenue, was present to address the Board and submitted 7 pictures of the subject property (Exhibit "D-1"). Ms. Ford referred to a letter signed by 45 neighbors who also protest the application. Ms. Ford expressed a concern dealing with the noise level and the increase in traffic which would result. She was also concerned that there would be a decrease in value if the application was approved.

Board Comments:

Mr. Martin read a letter from Terry Young (Exhibit "D-2") requesting that the case be denied.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, Tyndall, "absent") to deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts) to allow storage of oil field equipment, pipe, rods, and related equipment in an RS District, on the following described property:

A part of the SE/4 of the SE/4 of the SE/4 of Section 6, Township 19 North, Range 12 East, Tulsa County, Oklahoma, described as follows:

Beginning at the SE corner; thence West 776.5'; thence North 561'; thence East 776.5'; thence South 561' to the point of beginning.

Case No. 168

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to permit a church in an RS District; and, a

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request for a variance to allow travel trailer sales in an RS District located at the SW corner of 41st Street and 43rd West Ave.

Presentation:

Eddy Kelch, 4699 South Rockford Avenue, was present to address the Board and displayed several pictures of the subject property and surrounding areas. The subject property contains 1 1/3 acres and is 205' x 296'. He advised that his new \$100,000 home is also located on the subject property which would be an asset to the subject area. Mr. Kelch advised that there would be no more increase in traffic than the present traffic conditions.

Protestants:

Roy Hallford, 4102 South 43rd West Avenue, was present to address the Board and advised that he did not want the residential neighborhood to become a business area.

Mrs. Otis M. Baker, 4315 West 41st Street, was present to address the Board in protest and was concerned with the increase in traffic.

David Morrison, 522 South 39th West Avenue, was present to address the Board in protest.

Mike McHenry, 4357 West 41st Street, was present to address the Board stating that his property is a very costly historical tract of land which he does not want devalued. He also stated that he wants to keep the neighborhood in a residential nature.

Mrs. Francis Lloyd, 4301 West 41st Street, was present to address the Board in protest concerning the inadequacy of parking spaces allotted for the church building.

Board Comments:

Mr. Gardner advised that a church building is required to be placed on a minimum of one (1) acre of ground according to the Zoning Code and requires Board approval as a special exception.

Mr. Gardner asked the applicant if his house was on a septic tank system and Mr. Kelch answered in the affirmative. Mr. Gardner then stated that a residence on a septic system has to have a minimum of 1/2 acre for a residence. If the lot were to be split, there would not be sufficient room for all of the uses on the subject property since the applicant has less than 1 1/2 acres of land.

Mr. Walker asked how big the church building was and Mr. Kelch advised that it is to be 30' x 70'. Mr. Walker also inquired about the parking spaces needed and Mr. Kelch stated that there would be no more than 20 to 25 vehicles there at any one time.

Case No. 168 (continued)

Board Action:

On MOTION of WINES and SECOND by WALKER, the Board voted 2-1-0 (Martin, Wines, "aye"; Walker, "nay": no "abstentions"; Dubie, Tyndall, "absent") to deny a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit a church in an RS District, on the following described property.

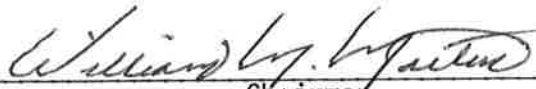
On MOTION of WINES and SECOND by WALKER, the Board voted 3-0-0 (Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, Tyndall, "absent") to deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts) to allow travel trailer sales in an RS District, on the following described property:

The West 205.9' of Lot 1, Bridges Park Addition, Tulsa County, Oklahoma.

There being no further business, the Chair adjourned the meeting at 11:20 a.m.

Date Approved

April 16, 1982



Chairman