

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES (No. 23)
Friday, July 16, 1982, 9:00 a.m.
Room 119, Administration Building
500 South Denver, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Martin, Chairman Walker	Tyndall Wines	Gardner Jones Martin	Jack Edwards, Building Inspector's Office

The notice and agenda of said meeting were posted in the Office of the County Clerk on Tuesday, July 13, 1982, at 12:05 p.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 9:08 a.m.

MINUTES:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve the Minutes of June 18, 1982 (No. 22).

UNFINISHED BUSINESS:

Case No. 200

Action Requested:

Variance-Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the setback from 49th West Avenue from 100' to 67'. This property is located south of the SW corner of 21st Street and 49th West Avenue.

Presentation:

The applicant, Tom Archer, was not present to address the Board.

Protestants: None.

Comments:

Mr. Gardner advised that the applicant has spoken with Jack Edwards, Building Inspector, and the applicant can meet the terms of the Ordinance, but screening would be required on the two side yards adjacent to the residential area. Mr. Gardner suggested that the case be continued for one month.

The Board members requested that the Staff contact the applicant requesting that he be present for the next meeting. If the applicant is not present at the next meeting the item will be stricken from the agenda. The application will be readvertised to include the screening requirement.

Board Action:

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

Case No. 200 (continued)

"absent") to continue this item to the August 20, 1982 meeting.

Case No. 201

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agricultural Districts - Request to allow a church in an AG-R District. This property is located at the SW corner of 116th Street North and 123rd East Avenue.

Presentation:

Ron Folsom was present to address the Board representing the applicant, Jo Gibson, Rt. #3, P. O. Box 530, Collinsville, Oklahoma, 74021. Mr. Folsom submitted the plot plan (Exhibit "A-1"). The proposed parking will allow for forty (40) cars and in the future will allow 50 or more cars. The lot in question contains 4.2 acres and is approximately 208' x 633' in size. The proposed structure consists of three (3) phases with the front yard facing Highway #20. Mr. Folsom then referred to the plot plan and the setbacks as shown on the plan.

Protestants: None.

Board Comments:

Mr. Martin asked if a school and a day care center were included in the future for the church and Mr. Folsom answered in the affirmative.

Mr. Gardner advised that he had previously reviewed the plans and the parking will be on the south of the building and will be in the rear also.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions" Tyndall, Wines, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agricultural Districts) to allow a church in an AG-R District, per plot plan submitted, showing phases one and two, subject to the applicant returning to the Board with plans for the phase three portion dealing with the day care center and school facility prior to the issuance of a building permit, on the following described property:

A tract of land in the NW/4 of the NW/4 of the NE/4 of Section 8, Township 21 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as:

Beginning at the NW corner of the NE/4 of Section 8; thence South 288.73'; thence East 633.6'; thence North 288.7' to a point on the North line of Section 8; thence West 633.74' along the North line to point of beginning, LESS the North 30' for Roadway Easement.

Case No. 205

Action Requested:

Special Exception - Section 210 - Principal Uses Permitted in Agricultural Districts - Request to locate a mobile home in an AG-R District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwelling units on one lot of record. This property is located at the NE corner of 130th Street and 91st East Avenue.

Presentation:

Ricky Jones submitted a letter from the Collinsville Board of Adjustment recommending denial of the application (Exhibit "B-1") and a protest petition bearing 20 signatures (Exhibit "B-2"). Mr. Martin proceeded to read the letter recommending denial of the request.

Rose Brehm, Route 3, Box 395, Collinsville, Oklahoma, 74021, was present to address the Board requesting permission to place a mobile home on the 2½ acre subject tract. There is an existing residence on the subject tract. The mobile home will be occupied by Mrs. Brehm's daughter.

Mrs. Brehm felt that the petition was presented under false pretense stating that the applicant was requesting a rezoning to place a mobile home park on the subject property.

Protestants: None.

Board Comments:

Mr. Martin asked if there were other mobile homes in the area and Mrs. Brehm answered in the affirmative and proceeded to show their locations on the zoning map.

Discussion ensued concerning the recommendation for denial. The Board suggested that the case be continued so that the applicant can submit another petition stating her exact intentions and have her neighbors sign it. They also suggested that the application go before the Collinsville Board of Adjustment for a rehearing and submit the new petition.

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to continue this item to August 20, 1982.

Case No. 214

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts- Request for a variance of the front setback from 35' to 18' from the property line. This property is located west of the NW corner of 56th Street North and Lewis Avenue.

Presentation:

Norman Stanley, 2315 East 56th Street North, was present to address the Board requesting permission to construct a two-car garage on the subject property which requires a variance of the front setback from 35' to 18' from the property line. Mr. Stanley submitted a plot plan (Exhibit "C-1"). Mr. Stanley advised that the proposed structure is 24' x 30' in size.

Case No. 214 (continued)

Protestants: None.

Board Comments:

Mr. Gardner advised that the distance between the house and the proposed detached garage needs to be considered.

The Board was concerned about the amount of frontage from the centerline of 56th Street North and about the encroachment into the street right-of-way. Mr. Edwards, Building Inspector, advised that the applicant's house is setting back 85' from the centerline of 56th Street North which meets the Code. Discussion ensued concerning the driveway and the location of the proposed garage.

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the front setback from 35' to 10' from the property line, on the following described property:

Lot 4, Block 2, Belflower Heights Addition, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 212

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a mobile home in an RS-2 District; and a Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Request to locate a mobile home on the subject tract indefinitely. This property is located at 1628 East 76th Street North.

Presentation:

Beverly Flippin, 1416 East 73rd Street North, was present to address the Board and advised that the mobile home was previously approved for one year with a removal bond required. Ms. Flippin requested that she be permitted to locate her mobile home on the subject property as a permanent residence.

Protestants: None.

Board Comments:

Mr. Gardner advised that the County Zoning Code was written limiting the approval of a mobile home to one year with a removal bond required. Since that time, the Code has been rewritten and the Ordinance would allow the mobile home in question to be a permanent residence; therefore, the variance is no longer needed. Mr. Gardner advised that the subject property is located in the Turley area and there are several mobile homes in the area.

Mr. Walker inquired about the sanitary sewer system and Ms. Flippin advised that the mobile home is on a sewer system.

Case No. 212 (continued)

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow a mobile home in an RS-2 District indefinitely, on the following described property:

Lot 17, Block 1, Golden Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 215

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a mobile home in an RS District. This property is located north of the NW corner of 66th Street North and Peoria Avenue.

Presentation:

Betty Wilson, the applicant, was not present to address the Board.

Protestants: None.

Board Comments:

The Board members requested that the applicant be contacted to be present for the next meeting.

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to continue this item to the August 20, 1982, meeting.

Case No. 216

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to place 5 mobile homes on 5 separate lots in an RS District. This property is located at the SE corner of 58th Place and 61st West Avenue.

Presentation:

Eldon Martin, P. O. Box 48, Oakhurst, Oklahoma, 74050, was present to address the Board requesting permission to place five (5) mobile homes on five (5) separate lots in question. Mr. Martin advised that the lots are 25' wide and 160' in depth. Mr. Martin advised that he has improved the land since he purchased the property and wants to make it more profitable.

Protestants: None.

Board Comments:

Chairman Martin asked if there were other mobile homes in the area and the applicant advised that there are at least five (5) mobile homes within the 300' radius.

Case No. 216 (continued)

Discussion ensued concerning the platting of the lots and the placement of the mobile homes. Mr. Eldon Martin advised that each of the 25' lots would be fenced and the mobile homes would be skirted. Chairman Martin then asked if the mobile homes would be rented or sold and the applicant stated that they would be rented.

The Board felt that five (5) mobile homes would be too crowded on the subject tracts.

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to place three (3) mobile homes on five (5) separate lots and that there would be one mobile home located on the center tract, one mobile home located on the front tract to the left and one mobile home on the front tract to the right with the two vacant lots separating the dwellings, subject to the lots being fenced, on the following described property:

Lots 14-18, Block 2, New Taneha Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 217

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwelling units per lot of record. This property is located west of the NW corner of 45th West Avenue and West 61st Street.

Presentation:

Daniel Ward, Rt. 1, Box 332 B, Sapulpa, Ok., was present to address the Board requesting permission to locate two dwelling units on the subject property. Mr. Ward advised that he could not obtain a lot-split because of the location of lateral lines on the property and the tract would not meet Health Department approval. Mr. Ward advised that perc tests have been done and the subject property meets the Health Department regulations.

Protestants: None.

Comments:

Mr. Gardner felt that the Health Department would allow the applicant to hook onto the same septic field for the two dwellings, but would not allow a lot-split or a separate septic system. The request can be approved without obtaining a lot-split as long as the Health Department requirements are met. Mr. Edwards, Building Inspector, has no problems with the proposal.

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwelling units per lot of record, subject to Tulsa City-County Health Department's approval, and that the dwelling be located on the west-half of the lot, on the following described property:

Case No. 217 (continued)

The East 200 feet of a Tract of land being more particularly described as: Beginning 3,035 feet West and 30 feet North of the SE corner of Section 33, Township 19 North, Range 12 East of the Indian Base and Meridian; thence West 300 feet; thence North 340 feet; thence East 300 feet; thence South 340 feet to the point of beginning, according to the U. S. Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 218

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two mobile homes on one lot of record. This property is located south and east of the SE corner of 47th Street and 221st West Avenue.

Presentation:

Ricky Jones submitted a letter of protest from Kenneth W. East. Mr. Martin proceeded to read the letter to the Board (Exhibit "D-1").

Mr. and Mrs. Larry Davis, Rt. #2, Box 306-A, Sand Springs, Oklahoma, 74063, was present to address the Board requesting that two mobile homes be permitted on the subject tract. The mobile home that the Davis' reside in was previously approved by the Board. The second mobile home has recently been placed on the subject property for Mrs. Davis' brother to reside in because of a financial hardship involved.

Protestants:

Don Herrington, 2202 S. Madison Avenue, developer of the Herrington Acres Addition, was present to address the Board. Mr. Herrington advised that a portion of the addition was designed for new houses which are located across from the subject property. The new homes are valued up to \$100,000. There is no objection to permitting the first mobile home, but the second mobile home would set a precedent in the area.

Kenneth W. East, attorney, 2727 East 21st Street, was present to address the Board representing several of the property owners in the area. Mr. East submitted a petition bearing approximately 37 names (Exhibit "D-2") and approximately 17 photographs of the subject property and surrounding properties (Exhibit "D-3"). Mr. East advised that the applicant does not have adequate room for a lot-split. There is inadequate sewage treatment or septic system on the subject property. Mr. East felt that if the application were approved, it would devalue the property in the area and it would set a precedent to permit two mobile homes on one lot of record.

Board Comments:

Mr. Gardner advised that a hardship is required dealing with the peculiarity of the land or some other unusual circumstances other than a financial hardship. The Board did not feel that a hardship existed.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to DENY a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two mobile homes on one lot of record, but to allow the applicant up to 6 months to vacate the premises of the second mobile home, on the following described property:

7.16.82:23(7)

Case No. 218 (continued)

Lot 5, Block 2, Herrington Acres Addition, Tulsa
County, Oklahoma.

Case No. 219

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request for a duplex use in an RS District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow one single-family residence and one duplex on one lot of record. This property is located at 7210 West Cameron Avenue.

Presentation:

Clyde Morris, 7210 West Cameron Avenue, was present to address the Board requesting permission to construct a duplex on the subject lot which contains 1.83 acres including the easements. Mr. Morris' residence is presently located on the subject tract and he is requesting that a duplex also be permitted on the tract. Mr. Morris advised that he filed for a lot-split and later found that both lots would not meet the Health Department's perc test. If duplex use was not granted, the applicant requested that another single-family dwelling be permitted on the subject lot.

Protestants: None.

Board Comments:

Mr. Gardner advised that the Health Department will not approve the use if there is a separate septic system on separate tracts. Mr. Gardner also advised that if the applicant keeps the dwellings under the same ownership then there may be sufficient area. Mr. Gardner advised the Board that they need to determine if the duplex is appropriate for the subject area.

Applicant's Rebuttal:

Mr. Morris advised that he plans to install another septic tank system on the property. He also stated that he had talked to his neighbors about the proposal and they had no objections. He then stated that he intends to keep the dwellings under one ownership.

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) for duplex use in an RS District; and to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow for two (2) dwellings on one lot of record and that both dwellings be single-family dwellings, subject to the Health Department's approval and to remain under single ownership, on the following described property:

The East 252.5' of the North 325' of Block 6, Farm Colony Subdivision, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, EXCEPT a 30' strip of the east side dedicated for street purposes, and LESS and EXCEPT all of the oil and gas and other minerals previously reserved.

Case No. 220

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a mobile home in an RS District; and a Variance - Section 207 - Street Frontage Required - Request for a variance of the 30' requirement of frontage on a street. This property is located at 4732 South 65th West Avenue.

Presentation:

Rich Hardesty, 3750 South 32nd West Avenue, was present to address the Board requesting permission to place a mobile home on the subject tract. Mr. Hardesty advised that he intends to build his own home on the subject property in the near future.

Protestants: None.

Board Comments:

Mr. Alberty advised that the Zoning Ordinance requires a minimum of 30' of frontage on a street and the applicant does not have adequate frontage. It appears that the applicant has a dedicated roadway to the west.

Mr. Martin asked if the mobile home is presently on the subject property and Mr. Hardesty answered in the affirmative.

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow a mobile home in an RS District; and a Variance (Section 207 - Street Frontage Required) of the 30' requirement of frontage on a street, for a period of five (5) years, on the following described property:

The North 495' of the West 264' of the SE/4 of the NE/4 of the SE/4 of Section 30, Township 19 North, Range 12 East, according to the Recorded Plat thereof; also known as:
Beginning at a point on the Northwest corner of the SE/4, NE/4, SE/4 of Section 30, Township 19 North, Range 12 East; thence due South along the West Boundary of the SE/4, NE/4, SE/4 of Section 30, for 495'; thence due East for 264'; thence due North for 495' to a point on the North border of the SE/4, NE/4, SE/4 of Section 30; thence due West for 264' to the point of beginning, in Tulsa County, State of Oklahoma, according to the United States Government Survey.

Case No. 221

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to place a mobile home in an RM District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for two dwellings on one lot of record. This property is located at 7426 West 17th Street.

Presentation:

Ricky Jones advised the Board that he had talked to a representative from the Sand Springs Board of Adjustment. They heard the case on July 13, 1982, and recommended approval of the application.

7.16.82:23(9)

Case No. 221 (continued)

Mrs. Robert McClaflin, 3601 South Nogales Avenue, was present to address the Board requesting permission to place the mobile home on the subject property, which consists of 2½ acres. The McClaflin's house and barn are also located on the subject property.

Protestants: None.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to place a mobile home in an RM District; and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) for two dwellings on one lot of record, on the following described property:

Tract 30, Lot 6, Billingtons Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 222

Action Requested:

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Request for a variance of the 20% and 750 square feet, with 400 square feet already existing in order to construct a 1,107 square-foot pole barn. This property is located at 4506 South 41st West Avenue.

Presentation:

Lawrence Hitchcock, 4506 South 41st West Avenue, was present to address the Board requesting permission to construct a pole barn to be used for his personal storage and for his personal use. Mr. Hitchcock advised that he presently has a 400 square-foot garage on his property which he has used for storage and has had no place to park his cars. He intends to transfer his personal storage items to the proposed pole barn so that he will have a place to protect his cars.

Protestants: None.

Board Comments:

Mr. Martin asked if the proposed pole barn would be used as a business and Mr. Hitchcock advised the Board that it would not be for commercial purposes.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions) of the 20% and 750 square feet, with 400 square feet already existing in order to construct a 1,107 square-foot pole barn, and that the additional accessory building not exceed the 1,107 square feet as applied for, and that it not be used as a business but for personal use only, on the following described property:

The South 134 feet of Lot one (1), Block one (1), Yargee Homesite Addition, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

Case No. 223

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture Districts - Request for oil and gas extraction; and a Variance - Section 1224 (a) - Use Conditions - Request to drill and locate storage tanks within 200' of a residence. This property is located at 116th Street North and 117th East Avenue.

Presentation:

Ricky Jones submitted a letter from the Collinsville Board of Adjustment recommending approval of the application (Exhibit "E-1"). Mr. Martin proceeded to read the letter.

B. G. Whorton, P. O. Box 168, Inola, Oklahoma, 74036, was present to address the Board requesting permission to drill two additional wells at the subject location. The Board previously approved the drilling of wells on the approximate 65-acre subject property. He advised that the first application failed to include the necessary variance for the storage facility for the tanks.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts) for oil and gas extraction; and a Variance (Section 1224 (a) - Use Conditions) to drill and locate storage tanks within 200' of a residence, on the following described property:

The SE/4 of the SW/4, LESS the West 264' of the South 659.6' and the NE/4 of the SW/4 of the SW/4 and the E/2 of the SE/4 of the SW/4 of the SW/4, all in Section 8, Township 22 North, Range 14 East, Tulsa County, Oklahoma.

Case No. 224

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Agriculture Districts - Request to allow manufactured housing in an AG District; and a Variance - Section 430 - Bulk and Area Requirements in the Agriculture Districts - Request for a variance to permit five (5) dwelling units per acre in a subdivision setting (not including streets). This property is located south of the SE corner of 131st Street and 129th East Avenue.

Presentation:

Ricky Jones submitted a letter from the Broken Arrow Board of Adjustment recommending denial of the application (Exhibit "F-1"). Mr. Martin proceeded to read the letter.

C. W. Wilkinson, 3500 West El Paso, Broken Arrow, Oklahoma, 74012, was present to address the Board and advised that the request has been amended to only five (5) dwelling units per acre.

Don Graham, the developer of the subject property, 1103 South 79th East Avenue, was present to address the Board and submitted a preliminary site plan (Exhibit "E-2"). This application for rezoning to RS which was approved on June 14, 1982, will allow placement of pre-manufactured dwellings on individual lots within the subdivision. Mr. Graham advised that

Case No. 224 (continued)

the net area contains 63 acres and would allow the development of 325 individual units. A modification in the RS zoning requirements is needed to allow a reduction of the minimum lot area per dwelling unit. A request for a deviation of the front and rear yard setback lines is also sought.

Protestants:

Al Jennings was present to address the Board representing some of the residents in the subject area who are in opposition to the application. Mr. Jennings referred to a protest petition that was signed by 500 individuals which was submitted at the rezoning meeting.

Duane Wright, an attorney, was present to address the Board on behalf of homeowners in the surrounding area. Mr. Wright advised that the application has been before the Planning Commission, Broken Arrow Board of Adjustment and various other boards and it has been denied at all of them.

Board Comments:

The Board members felt that the application should be handled through rezoning and not by special exception.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Agriculture Districts) to allow manufactured housing in an AG District; and a Variance (Section 430 - Bulk and Area Requirements in the Agriculture Districts) to permit five (5) dwelling units per acre in a subdivision setting (not including streets) on the following described property:

The S/2, NW/4, LESS and EXCEPT beginning at the NW corner of the S/2, NW/4; thence East 955'; thence South 456'; thence West 955'; thence North 456' in Section 9, Township 17 North, Range 14 East, Tulsa County, Oklahoma.

Case No. 225

Action Requested:

Variance - Section 207 - Street Frontage Requirements - Request for a variance of the requirement of a 30' minimum of frontage on a public street or dedicated right-of-way. This property is located south and east of 101st Street and South Garnett Road.

Presentation:

Ricky Jones submitted a letter from the Broken Arrow Board of Adjustment recommending approval of the application with the condition that the applicant build the house 1-foot above the 100-year floodplain elevation (Exhibit "G-1"). Mr. Martin read the letter aloud.

Fred Lundy, Rt. 4, Box 154, Okemah, Oklahoma, 74859, was present to address the Board requesting permission to place the mobile home above the 100-year floodplain. The variance is requested so that the street could be widened if needed. Mr. Lundy advised that the road was deeded to the County of Tulsa previously. He also stated that he and one of his neighbors have agreed to maintain the road.

Case No. 225 (continued)

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 207 - Street Frontage Required) of the requirement of a 30' minimum frontage on a public street or dedicated right-of-way, subject to the condition imposed by the Broken Arrow Board of Adjustment that the applicant build the house 1-foot above the 100-year floodplain elevation, and subject to the applicant and his neighbor maintaining the road, on the following described property:

Tract No. 6, also known as the NW/4 of the SE/4 of the NW/4 and the N/2 of the SW/4 of the SE/4 of the NW/4 of said Section 29, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma.

Case No. 226

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for two dwellings on one lot of record. This property is located south of the SE corner of 121st Street and 145th East Avenue.

Presentation:

Ricky Jones submitted a letter from the Broken Arrow Board of Adjustment recommending approval of the application, contingent upon the applicant applying for rezoning and a lot-split within the next two months (Exhibit "H-1"). Mr. Martin proceeded to read the letter to the Board.

Mrs. Bob Garrison, Rt. 5, Box 318, Broken Arrow, Oklahoma, 74012, was present to address the Board requesting permission to locate two dwellings on one lot of record. The Garrisons intend to build a second house on the subject property. Mrs. Garrison's mother-in-law presently resides on the subject property.

Protestants: None.

Board Comments:

Mr. Gardner advised that the subject tract is large enough for two (2) dwelling units to be located on the property with a minimum of two acres each. Mr. Gardner also suggested that a lot-split be applied for on this property.

Mr. Alberty asked where the dwellings are, or would be located, and Mrs. Garrison advised that her mother-in-law's house is located in the middle of the subject property and the proposed house would be located back to the east of the existing house.

Discussion ensued concerning the approval of the application and that the applicant apply for a lot-split. The applicant was advised that she can get her building permit and start construction on the proposed house.

Case No. 226 (continued)

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) for two dwellings on one lot of record, subject to the applicant filing for a lot-split to split the property within 90 days, subject to the Tulsa City-County Health Department approval, that the application be continued to October 15, 1982, concerning the lot-split, on the following described property:

The South 330' of the W/2, W/2, NW/4 of Section 3, Township 17 North, Range 14 East, Tulsa County, Oklahoma, containing five (5) acres, more or less.

Case No. 227

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow mobile homes in an RS District. This property is located at the SW corner of 75th Place North and North Victor Avenue.

Presentation:

Harold Apple, was present to address the Board on behalf of the applicant, Allie Belle Allen, 2242 East Pine Street. Mr. Apple advised that Ms. Allen, who is very elderly, intends to sell the lots. If the application is approved, Mrs. Allen intends to permit the new owners to locate mobile homes on the lots in question.

Protestants:

Jim Byers, 1712 East 75th Place North, was present to address the Board in protest to the application. He advised that the lots in question are small and would only permit a small mobile home to be located on them.

C. P. Fielding, 1647 East 75th Street North, was present to address the Board stating that there are several mobile homes in the area to the south and west. He was in opposition to permitting more mobile homes in the subject area.

Mrs. C. L. Robinette, 7445 North Victor Avenue, was present to address the Board protesting the applicant, fearing that it would devalue the property in the immediate area.

James Stotts, 1646 East 75th Place North, was present to address the Board in protest to the application because the proposed mobile home park would devalue the property.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow mobile homes (Mobile Home Park) in an RS District, on the following described property:

Lots 1, 2 and 3, Block 1-A, Golden Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the Chair adjourned the meeting at 12:00 noon.

Date Approved Aug. 20, 1982

Chairman