

TULSA COUNTY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 25  
Friday, September 17, 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 Tyndall Walker, Acting Chairman	Martin Wines	Gardner Jones Martin	Jack Edwards, Build- ing Inspector's Office

The notice and agenda of said meeting were posted in the Office of the County Clerk on September 15, 1982, at 8:51 a.m., as well as in the Reception Area of the INCOG Offices.

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

MINUTES:

On MOTION of TYNDALL, and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to approve the Minutes of August 20, 1982 (No. 24).

STRICKEN CASES:

The Chair, without objection, struck Case No. 246 from the agenda because it was disposed of at the previous hearing.

UNFINISHED BUSINESS:

Case No. 200

Action Requested:

Variance - Section 1214.3 (b) - Use Conditions - Request for a variance of the screening requirements. This property is located south of the SW corner of 21st Street and 49th West Avenue.

Presentation:

Tom Archer, 5305 West 29th Street, was present stating that the Board approved a portion of the application previously and was continued so that the screening waiver portion could be advertised. He requested that the screening requirement be waived, or that only a portion of the property be required to be screened. The proposed use for the subject property is for rebuilding of appliances. The proposed structure for the subject property will be a metal 30' x 60' building.

Protestants: None.

Board Comments:

Mr. Gardner stated that if the screening requirement is waived that the activities of the business and storage should be placed inside the building. If outside storage is necessary he suggested that the applicant build a screening wall around that portion which is stored outdoors.

Case No. 200 (continued)

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to approve a Variance (Section 1214.3 (b) - Use Conditions) to waive the screening requirements except on the area where there might be outside storage, which would be required to be screened on the following described property:

The East 290' of the North 132.0' of the South 396.0' of the NE/4 of the NE/4 of the NE/4 of Section 17, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 241

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request for a home occupation (welding shop) in an AG District. This property is located north and east of the NE corner of Mingo Road and 156th Street North.

Presentation:

Stan Crider, Route 1, Box 593, Collinsville, Oklahoma, 74021, was present stating that his request is for a welding shop (home occupation) on the subject property. Mr. Crider stated that he has had this business for two years and intends to construct a 26' x 40' building, which will be one-half mile from his residence and will be used as his shop.

Protestants: None.

Board Comments:

Mr. Walker advised the applicant that he would be required to adhere to the home occupation regulations and Mr. Gardner proceeded to read those rules for Mr. Crider.

Mr. Walker read a letter of referral from the City of Collinsville recommending approval of the application (Exhibit "A-1").

Board Action:

On MOTION of TYNDALL and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions, Martin, Wines, "absent") to approve a Special Exception (Section 420 - Accessory Uses in Residential Districts) for a home occupation (welding shop) in an AG District on the following described property:

The N/2 of Lot 3 of Section 18, Township 22 North, Range 14 East, Tulsa County, State of Oklahoma, LESS the North 440' thereof, and all of the NW/4 of the NE/4 of the SW/4 of Section 18, Township 22 North, Range 14 East, Tulsa County, Oklahoma, LESS the North 440' thereof, according to the U. S. Government Survey thereof, containing 10 acres, more or less, according to the recorded survey.

Case No. 242

Action Requested:

Special Exception - Section 1225.3 - Use Conditions - Request to remove the screening requirements from an abutting RS Zoned District. This property is located at 4508 West 59th Street South.

Presentation:

The applicant, Stan Symanski was not present.

Ricky Jones advised that the applicant had requested that the application be continued. Mr. Gardner stated that the Staff has notified most of the protestants and interested parties in this case advising them that it would be continued. The case was continued from the previous meeting, at which time the protestants did not want the trucks coming down on 59th Street. The applicant has been investigating another means of access on the subject property and is not prepared to present his information at this time.

Protestants: None.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to continue this item to the October 15, 1982 meeting.

Tract 5 and Tract 6 in Guerrin Resubdivision of the North 1,262.7' of Block 6 in the North 713.8' of Block 5, Bozarth Acres, Tulsa County, State of Oklahoma, according to the recorded plat thereof, LESS and EXCEPT the North 125' thereof.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 250

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request for a variance of the bulk and area requirements to permit a lot-split. This property is located at the SW corner of 43rd East Avenue and East 193rd Street South.

Presentation:

The applicant, Susan Chapman, was not present.

Protestants: None.

Staff Comments:

Mr. Gardner advised that the Planning Commission approved the lot-split, subject to this Board's approval. It has been reviewed by the Technical Advisory Committee also.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of the bulk and area requirements to permit a lot-split (L-15550), on the following described property:

Case No. 250 (continued)

The N/2, of the NW/4 of the SW/4 of the NE/4 of Section 9, Township 16 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Case No. 253

Action Requested:

Variance - Section 208 - One Single-Family Residence Per Lot of Record - Request to have two single-family dwelling units on a lot of record. This property is located at 21812 West 47th Street South.

Presentation:

Joel Henley was present to address the Board on behalf of Eva Henley, Rt. 2, Box 336, Sand Springs, Oklahoma. Mr. Henley advised that he and his brother purchased the three acre subject tract and intend to place two dwellings on the tract. He stated that he was not aware that he had to have permission to place the two dwellings on the lot. The Tulsa Health Department reviewed the lot and determined that two septic systems would be needed on the property.

Protestants: None.

Board Comments:

Mr. Alberty asked Mr. Henley if he intended to split the lot and Mr. Henley stated that he had planned to, but was informed that in an AG Zoned District the minimum lot size which could be split into two tracts is 4 acres.

Mr. Walker asked if all of the property owners within 300' of the subject property were notified. Ricky Jones stated that two names were submitted for notification purposes and the notice to the west property owner was returned. The Board felt that the case needed to be continued because notice was not provided to all property owners within 300' of the property. There were more than 2 property owners in the immediate area.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to continue this item to the October 15, 1982 meeting to allow for proper notification.

Case No. 256

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request for a variance of the frontage requirements in an AG District to permit a lot-split. This property is located south and east of 201st Street and Mingo Road.

Presentation:

D. P. Byers, 11712 South 98th East Avenue, was present requesting the variance to split the 5-acre tract into two lots, each containing approximately 2½ acres. Mr. Byers also intends to build a house on each 2½ acre tract if the application is approved. He stated that the perk tests have not been fully completed as of yet.

Case No. 256 (continued)

Protestants: None.

Board Comments:

Mr. Walker asked how wide the subject tract was and Mr. Byers stated that the tract is 165' wide and is 660' long. If the tract is split each lot will be 330' long. Mr. Walker advised that the application has been approved by the Planning Commission, subject to this Board's approval of the requested variance.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of the frontage requirements in an AG District to permit a lot-split (L-15564), subject to Tulsa City-County Health Department approval, on the following described property:

Beginning at the NW corner of the NW/4 of the NW/4 of Section 18, Township 16 North, Range 14 East; thence East 372.04' to the point of beginning; thence East 659.65'; thence South 660.34'; thence West 659.65'; thence North 660.35' to the point of beginning, in Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 248

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a special exception to locate a mobile home in an RS District; and a Variance - Section 208 - One Single-Family Dwelling On A Lot - Request for a variance to allow two mobile homes on one lot of record. This property is located at 6729 West 3rd Street.

Presentation:

The applicant, Richey Bruce Harvey was not present.

Protestants: None.

Comments:

Mr. Gardner advised that one mobile home was previously approved on the subject tract and a second mobile home is now proposed on the same tract. It appears to be a mobile home park. He suggested that the case be continued so that the applicant can be present. The Board members requested that the applicant be contacted to be present at the next meeting.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to continue this item to the October 15, 1982 meeting.

Case No. 249

Action Requested:

Variance - Section 208 - One Single-Family Residence Per Lot of Record - Request to allow a house and a mobile home on a 5-acre tract. This property is located at 12911 North 83rd East Avenue.

Presentation:

Vivian Forman, 12911 North 83rd East Avenue, Collinsville, Oklahoma, 74021, was present requesting permission to place a mobile home on the subject property. Mrs. Forman's husband has been ill and she wants someone to live in the mobile home to care for Mr. Forman while she has to be away from home. The property in question is a 5-acre tract.

Protestants: None.

Discussion:

Discussion ensued as to the location of the subject property on the map. The legal description which had been submitted to the Staff was found to be incorrect; the Board advised Mrs. Forman that she needed to go to the County Assessor's Office for the correct legal description because it included too much property.

Board Action:

On MOTION of TYNDALL and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to approve a Variance (Section 208 - One Single-Family Residence Per Lot of Record) to allow a house and a mobile home on a 5-acre tract, on the following described property:

The N/2 of the SE/4 of the NW/4 of the SW/4 of Section 36, Township 22 North, Range 13 East, Tulsa County, Oklahoma approximately located at 12911 North 83rd East Avenue, Collinsville, Oklahoma.

Case No. 251

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture Districts - Request to allow three (3) mobile homes along with one existing mobile home; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow a total of four mobile homes on one lot of record. This property is located at 5910 South 155th West Avenue.

Presentation:

James Dusina, 607 West 31st Street, Sand Springs, Oklahoma, 74063, was present and requested permission to place three (3) mobile homes on the subject tract where there is currently one mobile home. The subject tract is 2½ acres in size and discussion ensued as to splitting the lot in half.

Protestants:

Jack Norton, Rt. 3, Box 168, Sand Springs, Oklahoma, was present stating that he was opposed to the placement of four (4) mobile homes on the subject property. He also expressed a concern about the sewage problem. He felt that there would be a great impact on the immediate area if the four mobile homes were permitted.

Case No. 251 (continued)

Comments:

Mr. Gardner stated that the Staff would have no concern if a total of two (2) mobile homes were permitted on the subject property, but if more were permitted it would appear as a mobile home park.

Mr. Alberty asked why four mobile homes were proposed and Mr. Dusina stated that he lives in the existing mobile home, his son plans to place one mobile home on the property, and two mobile homes would be used for rental purposes. Mr. Alberty stated that he would be supportative of the two mobile homes, but would not be in favor of the proposed four. Mr. Dusina stated that he had checked with the Health Department concerning the placement of the four mobile homes on the property and there was no problem with lateral lines or the amount of space to place the mobile homes on the lot.

Board Action:

On MOTION of TYNDALL and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts) to allow one mobile home along with one existing mobile home; and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow a total of two (2) mobile homes on one lot of record, on the following described property:

The N/2, N/2, SW/4, SE/4, SW/4 of Section 32, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma.

Discussion:

Jack Edwards, Building Inspector, advised that a building permit is required of the applicant.

Case No. 252

Action Requested:

Variance - Section 208 - One Single-Family Residence Per Lot of Record - Request to allow one mobile home along with an existing single-family dwelling and a travel trailer to be used as a residence. This property is located at 11204 South Elgin Avenue.

Presentation:

Ed Street, 11204 South Elgin Avenue, was present requesting permission to place a mobile home and a travel trailer on the 2½ acre subject property which presently has a residence on it. The travel trailer will be used for an additional bedroom for the mobile home to accommodate an individual who has polio and will be cared for by the Street family. Mr. Street purchased the property from Mr. Joe Bradley who currently resides in the single-family dwelling. Mr. Bardley also owns property located to the south of the subject property where he intends to move when his house is completed. Mr. Street intends to build a four bedroom home on the subject property in the future and will remove the mobile homes. The existing single-family residence will then be used for rental purposes.

Protestants:

Deborah Burrows, 11420 South Elgin Avenue, was present and submitted a protest petition signed by five (5) property owners in the area (Exhibit

Case No. 252 (continued)

"B-1"), and two (2) letters in protest to the application (Exhibit "B-2"). She stated that the property owners in the subject area are in protest to the length of time which the Jenks Board recommended for the application. She stated that if the application is approved permitting the mobile home on the property, it would decrease property values and would set a precedent in the area. There was a concern that the subject property would not be approved by the Health Department on account of the poor soil condition in that area.

Applicant's Rebuttal:

Mr. Street advised that the property was previously approved by the Health Department for a septic system. The tract will be perked once again for approval. Mr. Street stated that there was sufficient room on the tract for lateral lines. He also intends to move the large mobile home and place the small travel trailer behind it where it cannot be seen from the road.

Board Comments:

Mr. Walker read a referral letter from the Jenks Board of Adjustment (Exhibit "B-3") recommending approval for a period of five years to permit the mobile home use and if another home is constructed on the property that the mobile home use cease.

Mr. Albery asked when Mr. Bradley would be moving from the subject property into his new home and Mr. Street stated that he should be in his new home by the first of January 1983.

Jack Edwards advised that only one dwelling is permitted on the 2½ acre tract according to the Zoning Ordinance without a variance.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 3-0-0 (Albery, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to approve a Variance (Section 208 - One Single-Family Residence Per Lot of Record) to allow one mobile home along with an existing single-family dwelling and a travel trailer to be used as a residence for a period of one year, and during that time the applicant may wish to make application to the Planning Commission to properly divide the subject property, on the following described property:

Beginning at a point on the Northeast corner of the W/2 of the NE/4 of Section 36, Township 18 North, Range 12 East; thence 228' West; thence 244' south to the point of beginning; thence West 232'; thence South 472'; thence East 232'; thence North 472' to the point of beginning, containing 2.51 acres, more or less.

Case No. 255

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow a mobile home in an RS District; and a Variance - Section 208 - One Single-Family Residence Per Lot of Record - Request to allow two dwellings on one lot of record. This property is located at 714 North Industrial Street, Sand Springs, Oklahoma, 74063.



Case No. 255 (continued)

Presentation:

Lillian York, 714 North Industrial Street, Sand Springs, Oklahoma, 74063, was present requesting permission to place a mobile home on the subject property which presently has a dwelling on it. She stated that her mother lives in the house and she intends to live in the mobile home to care for her elderly mother.

Protestants: None.

Comments:

Ricky Jones advised that he had talked to the Sand Springs City Planner, who stated that a letter was forthcoming stating that the Sand Springs Board of Adjustment has recommended approval of the application, subject to the Health Department approval.

Mr. Walker asked if there were other mobile homes in the subject area and Mrs. York answered in the affirmative.

Discussion ensued concerning the septic system and Mrs. York advised that there would be 2 systems and she intends to have the two systems connected.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Martin, 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 208 - One Single-Family Residence Per Lot of Record) to allow two dwellings on one lot of record, on a temporary basis, so long as the applicant's mother resides in the single-family residence on the subject property, subject to Tulsa City-County Health Department approval of the applicant connecting the septic system to the present septic system, on the following described property:

Lot 1, Block 17, Charles Page Home Acres No. 2, Resub. PRT. Block 10-12, Tulsa County, City of Sand Springs, Oklahoma.

Case No. 257

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow a mobile home in an RS District. This property is located at the NW corner of 68th Street North and North Trenton Avenue.

Presentation:

Ray Bates, 6330 North Utica Avenue, was present representing the current owner of the property, Mr. and Mrs. Bernard Fernen, and the proposed buyer of the subject property, Everett Meyers. Three (3) photographs of the mobile home were submitted (Exhibit "C-1"). Mr. Meyers intends to live in the mobile home and will enforce the foundation, skirt the structure, add a porch to the front and rear of the mobile home and will eventually build a storage building and fence the lot. The mobile home will be an asset to the subject area. The reason that the mobile home is presently on the lot is because it was specially ordered and was delivered earlier than expected and was placed on the subject property. Bob Meyers, 1554 North New Haven, one of Everett Meyer's sons, was also present to address the Board.

Case No. 257 (continued)

Protestants:

Charles Atkins, 6739 North Trenton Avenue, was present representing many property owners in the area who oppose the approval of the application. Mr. Atkins submitted a protest petition, containing approximately 24 signatures of property owners in the subject area (Exhibit "C-2"). Mr. Atkins stated that if the mobile home is permitted, property values will decrease in the subject area. Many of the homeowners have put a great effort in upgrading that area. He stated that there are presently too many mobile homes in the surrounding area. Mr. Atkins advised that a mobile home park is located within one mile of the tract in question.

Board Action:

On MOTION of TYNDALL and SECOND by ALBERTY, the Board voted 2-1-0 (Alberty, Tyndall, "aye"; Walker, "nay"; no "abstentions"; Martin, Wines, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow a mobile home in an AG District, on the following described property:

The East 1/2 of Lot 14, Block 10, Golden Hill Addition in the City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the Chair adjourned the meeting at 11:10 a.m.

Date Approved October 15, 1982

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Chairman