

TULSA COUNTY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 47  
Friday, May 18, 1984, 9:00 a.m.  
Room 119, Administration Building  
500 South Denver Avenue, Plaza Level  
Tulsa Civic Center

MEMBERS PRESENT

Alberty, Chairman  
Martin  
Tyndall  
Walker  
Wines

STAFF PRESENT

Gardner  
Jones  
Wiles

OTHERS PRESENT

J. Edwards,  
Building Insp.

The notice and agenda of said meeting were posted in the Office of the County Clerk on Wednesday, May 16, 1984, at 10:12 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Alberty called the meeting to order at 9:08 a.m.

MINUTES:

On MOTION of TYNDALL and SECOND by MARTIN, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve the Minutes of April 13, 1984 (No. 46).

UNFINISHED BUSINESS:

Case No. 433

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1205 - Request for an exception to permit a church use in an AG District under the Provisions of Section 1680, located south of the SE corner of East 191st Street and South Lewis Avenue.

Presentation:

The applicant, John L. Bennett, Route 1, Box 136, Mounds, was not present.

Protestants: None.

Comments:

Mr. Jones informed this case was continued to give the applicant sufficient time to relocate the church. The Board said they would be willing give him up to 60 days continuance from the previous meeting.

Board Action:

On MOTION of TYNDALL and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no

Case No. 433 (continued)

"abstentions"; none, "absent") to continue Case No. 433 to the June 15, 1984 meeting.

Case No. 442

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217 - Request for an exception to permit a home occupation (auto body repair) in an RE District under the provisions of Section 1680, located south of the SE corner of East 91st Street and Main Street.

Presentation:

Stephen Carrera, 2015 South Main Street, Broken Arrow, informed he applied for a 1,200 square-foot accessory building, but he would like to reduce the size of that to 750 square feet. He is the resident at the subject tract. He was present at the meeting before the Broken Arrow Board of Adjustment and is aware that their recommendation was for denial of this application. He informed their recommendation was based on the fact that the accessory building was to be so large. There is not an accessory building on the property at this time. He is aware of the Home Occupation Guidelines. He is not currently employed anywhere, and he is not currently operating the business.

Protestants: None.

Comments and Questions:

Mr. Walker read the letter of recommendation from the Broken Arrow Board of Adjustment (Exhibit "A-1"). The Broken Arrow Board recommended denial of the application because they felt the home occupation would be incompatible with the residential surrounding neighborhood.

Mr. Alberty informed that the Board normally feels compelled to comply with the community who is going to be most affected by the use unless there are extenuating circumstances or new evidence.

Mr. Martin asked the applicant if he had reason to think that the objection that the Broken Arrow Board of Adjustment had to this matter was the size of the building that he wanted to erect. Mr. Carrera informed that one of the Board members told him that the building was too big for the area. Mr. Martin informed that it is his opinion that the concern of a neighborhood for someone who wanted to have a home occupation in a residentially zoned area where there are homes for single-family dwellings would be more than the size of a building since the use would be inconsistent with what would be allowed in the area. That would probably not be the predominant reason that an auto repair occupation would want to be considered; more than that, it would be noise and the hours of operation. Generally speaking, it would seem that the applicant is trying to make a piece of ground do something that it was not intended to do. That dwelling should be a place for people to live. There is a place in any community that is more appropriate for an auto repair shop than a home is. Mr. Martin informed he would not want his neighbor to be in auto mechanics next door to him because it has a tendency to change the character of the neighborhood. He would not like to see someone be able to do something in his home that would work to the disadvantage of his neighbors.

Case No. 442 (continued)

Mr. Wines asked the applicant if there are houses directly north and south of the subject property, and Mr. Carrera informed that there are. Mr. Wines wondered why there were no area residents present. Mr. Carrera informed there was one person present at the meeting in Broken Arrow.

Mr. Walker informed he sees two options for the Board. One is to follow the recommendation of the Broken Arrow Board of Adjustment, and the other is to continue this to allow Mr. Carrera an opportunity to present the smaller building back to Broken Arrow. He does not feel that the Board is prepared to go against the recommendation from Broken Arrow.

Mr. Alberty asked the applicant if he is operating the business on the property now, and Mr. Carrera informed that he is not.

Mr. Wines suggested that, if this goes back to the Broken Arrow Board of Adjustment, the Staff should try to contact some of the people in the area and have them appear.

Mr. Alberty informed the people may have felt that the action at the Broken Arrow Board of Adjustment meeting was final.

Mr. Martin does not feel that this is the logical place to have a home occupation for auto repair.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1217) to permit a home occupation (auto body repair) in an RE District under the provisions of Section 1680, on the following described property:

The South 75' of the West 275', Lot 11, Block 1, Arrow Acres Addition to Tulsa County, Oklahoma.

Case No. 445

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record- Use Units 1206/1209 - Request for a variance to allow two dwelling units (one mobile home and one frame dwelling) on a lot of record in an AG District under the provisions of Section 1670, located west of the SW corner of 161st Street and South Yale Avenue.

Presentation:

The applicant, Arnold Due, Rt. 2, Box 248, Bixby, informed they did get a lot split.

Protestants: None.

Comments and Questions:

Mr. Alberty informed this was continued from the last meeting to allow the applicant to get a lot split and readvertise for a variance of the frontage on a street.

Case No. 445 (continued)

Mr. Gardner informed the applicant needs a variance of the frontage. The applicant no longer needs the variance to allow two dwelling units on one lot now that he has two lots. The request would be a variance of the frontage to permit a lot split. The Planning Commission approved that lot split on May 16, 1984. The frontage (lot width) would be about 165' rather than 200'. Mr. Gardner suggested that approval be tied to Lot Split No. 16158.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 330-- Bulk and Area Requirements in Agriculture Districts - to permit a waiver of the minimum 200' lot width (frontage) requirement in an AG District, per Lot Split No. 16158, under the provisions of Section 1670, on the following described property:

The North 605 feet of the East 305 feet of the NE/4 of the NW/4 of the NE/4 of Section 28, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 452

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Units 1206/1209 - Request for a variance to permit two dwelling units per lot of record in an AG District under the provisions of Section 1670, located east of the NE corner of East 96th Street North and Delaware Avenue.

Presentation:

The applicant, Carolyn Teague, Rt. 1, Box 855, Sperry, informed they would like to move a mobile home on the lot for her mother to live in. They would like this to be approved as long as her mother needs it. She has checked with the Health Department and has their approval.

Protestants: None.

Comments and Questions:

Mr. Martin asked if the applicant would be comfortable with a time limit placed on the approval saying that it could be used during the time that her mother needs to live there.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Units 1206/1209) to permit two dwelling units per lot of record in an AG District under the provisions of Section 1670, subject to the mother only living in the mobile home, on the following described property:

Case No. 452 (continued)

Beginning at the SE corner of W/2 of the SE/4 of the SW/4 of Section 17, Township 21 North, Range 13 East; thence North 303'; thence West 360'; thence South 303'; thence East 360' to the Point of Beginning, Tulsa County, Oklahoma.

Case No. 453

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to allow a mobile home in an RE District under the provisions of Section 1680, located north of the NW corner of 117th East Avenue and East 71st Street North.

Presentation:

Paul A. Young, 7110 North 117th East Avenue, Owasso, Okla., informed he lives just south of where the proposed mobile home will be located. They would like this mobile home for his daughter and son-in-law to live in. It will be located on a 30-acre tract. He submitted a drawing which shows where the mobile home will be located (Exhibit "B-1"). He was present at the Owasso Board of Adjustment meeting and is aware that they rejected the application. He felt like the reason they objected to it was because they were afraid there might be additional mobile homes put on the property in the future. They had the property zoned residential about 10 years ago. The west-half of the property is light industry. The mobile home will be a new \$20,000 mobile home and will have a porch on it. None of the neighbors have any objections to this. About a block south of the property, out of 12 homes, there are 5 mobile homes already there. The area is sparsely settled--he described the development in the area. Mr. Young asked the Board if it is permissible to put a double-wide mobile home on the property without approval, and Mr. Alberty informed that is correct.

Protestants: None.

Comments and Questions:

Mr. Jones submitted a letter from the Owasso Board of Adjustment recommending denial of the application (Exhibit "B-2"). A copy of the minutes of that meeting were also submitted (Exhibit "B-3").

Mr. Wines asked if this property is in the floodplain, and he was informed that it is not.

Mr. Martin informed the Board is uncomfortable in going against a recommendation from the local community.

Mr. Alberty informed he feels that Owasso may not have objection to this mobile home, but they do not want to turn this area into a mobile home district.

Mr. Martin suggested that the applicant go back to the City of Owasso and ask them for an application for a year to allow an opportunity for the applicant to explore the sewage question in the area and also for the economics of his children to explore the possibilities of building a house. He feels the Owasso Board is obviously saying that they do not want to grant a permanent application even though other mobile homes

Case No. 454 (continued)

40' by 70' building put up and then tie it into the septic tank that is already on the property. When he has the money he will take the septic tank out and will eventually tear down the existing 21' by 28' building. There will be plenty of room for parking, and the traffic will be minimal. They do not cover car seats unless a customer brings a car seat into the shop--he does not want junky cars sitting around his building. They only do furniture. He wants this to be a first-class operation unlike most other upholstery shops.

Protestants: None.

Comments and Questions:

Mr. Alberty read the letter of recommendation of approval from the City of Sand Springs (Exhibit "C-3"). The minutes of that meeting (Exhibit "C-4") showed that they approved this subject to the applicant paving the parking area. They also recommended that the applicant be allowed to have a larger sign than the 32 sq. ft. Mr. Alberty asked the applicant if he requested a larger sign, and the applicant said one of the Board members asked him about that. He has not even thought about a sign yet--he does not even have the building started yet.

Mr. Alberty asked the applicant why he elected to go for a variance rather than a zoning change. Me. Westfall informed he went for a variance to expedite matters. He was told that he might have a hard time getting the property zoned commercial. The people he has talked to in Sand Springs have said that this area will all go commercial anyway--it is just a matter of time.

Mr. Gardner informed that the hardship is the fact that he has commercial zoning to the north and industrial zoning to the south. His property is unique. The property could be considered for rezoning. He informed there are several things involved in getting a piece of property rezoned. He suggested that the applicant have the property rezoned when he is in the position to do so. He feels that the Board should tie approval to what the applicant is proposing to do, his plot plan, and Health Department approval.

Mr. Alberty asked if the Board should be concerned about setbacks and access. Mr. Gardner described the setbacks that the applicant has shown.

Mr. Alberty asked the applicant about the access, and the applicant informed him that the access is to the northeast. Mr. Gardner informed that the Board could make that a condition and then when he zones and plats the property, they will work out where the access points could be.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1215) to permit an upholstery and fabric shop in an RS District under the provisions of Section 1670, subject to the plot plan, subject to Health Department approval of the septic system, and subject to the access being limited to the north on 56th Street so that other access would have to be provided when the applicant gets a zoning change, on the following described property:

Case No. 454 (continued)

Part of the Southeast Quarter of Section 34, Township 19 North, Range 11 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to wit: Beginning 260 feet West of the Northeast corner of the Southeast Quarter of Section 34, thence South 300 feet; thence West 105 feet; thence North 300 feet; thence East 105 feet to the point of beginning.

Case No. 455

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit recreational vehicle sales in a CS District under the provisions of Section 1680.

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1217 - Request for a variance of the setback requirement from the centerline of 4th Street from 50' to 25'.

Variance - Section 1340 - Design Standards for Off-Street Parking Areas - Use Unit 1217 - Request for a variance of the required all-weather material for parking spaces, located at the SW corner of 4th Road and Ridge Drive.

Presentation:

The applicant, Charles W. Ayers, 7700 West 17th Street, informed the subject tract has four big trees on it. He would like to keep the recreational vehicles on the lot. He submitted a handout.

Protestants: None.

Comments and Questions:

Mr. Jones submitted a letter of approval from Sand Springs (Exhibit "D-1") and informed that the tract size is .19 acres, more or less. He also submitted the minutes from that meeting (Exhibit "D-2").

Mr. Alberty asked the applicant if he owns the whole commercial tract. Mr. Ayers described the piece of property that he owns and the surrounding area.

Mr. Alberty asked the applicant if there is a dwelling on the property, and Mr. Ayers informed there is not. He is not wanting to build a permanent building on the lot, but he would like to put a fence up at 25'. The adjoining piece of property has a fence at 25' and he would line up with it. He would like to use one of the recreational vehicles for an office if he can get a meter set.

Mr. Alberty asked the applicant how many of these vehicles he would like to display, and Mr. Ayers informed he would like to start with two.

Mr. Wines asked how many of the vehicles would fit on the lot, and Mr. Ayers informed probably 10 or 12 would fit on the lot. The lot is 132 feet long and 100 feet wide at the wide end and 35 feet wide where he will put his gate. He will never have that many units on the lot.

Case No. 455 (continued)

Mr. Alberty asked the applicant what he planned to put on the surface for cars to pull up on. Mr. Ayers informed the lot is sandy and has bermuda grass on it. He will not have very much traffic and the grass will remain (not dust surface).

Mr. Walker informed he is familiar with this area and it is in somewhat of a transition.

Mr. Alberty informed he is concerned about the setback variance. Mr. Gardner suggested that the second variance be tied to the fact that the applicant needs to use one of the trailers for an office--it is not a permanent setback.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the provisions of Use Unit 1217) to permit recreational vehicles in a CS District under the provisions of Section 1680, a variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the provisions of Use Unit 1217) of the setback requirement from the centerline of 4th Street from 50' to 25', and a Variance (Section 1340 - Design Standards for Off-Street Parking Areas - under the provisions of Use Unit 1217) of the required all-weather material for parking spaces, subject to a limit of 6 recreational vehicles and subject to the approval of the setback variance being for the temporary office use of one of the units, on the following described property:

A tract of land lying in the Northwest Quarter of the Southeast Quarter (NW/4 SE/4) of Section 10, Township 19 North, Range 11 East of the Indian Base and Meridian, according to the U. S. Government Survey thereof in Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at a point on the North line of Said NW/4 SE/4, Said Point lying 139 feet East of the intersection of Said North line and the North line of Old State Highway; thence East along Said North line of the NW/4 SE/4 a distance of 202 feet to a point lying 663.3 feet West of the Northeast corner of Said NW/4 SE/4; thence South 11°-30' West 100', more or less, to a point on the North Boundary line of the Keystone Expressway right-of-way; thence Northwesterly along said right-of-way a distance of 207.9 feet, more or less, to the point of beginning, LESS and EXCEPT any dedication for roadway purposes.

Case No. 456

Action Requested:

Variance - Section 310 - Principal Uses Permitted in the Agriculture Districts - Use Unit 1208 - Request for a variance to allow a triplex in an AG-R District under the provisions of Section 1670, located south of the SW corner of 91st Street and 193rd East Avenue.

Presentation:

The applicant, Raymond Christians, 9208 South 193rd East Avenue, Broken Arrow, informed he built this large home on the subject tract about two years ago. He built the home as a single-family dwelling with two kitchens



Case No. 453 (continued)

are there. He feels they would give him a temporary permit. Mr. Young informed he too feels that he could get a temporary permit but he is not sure that in two years his daughter and son-in-law will be able to build a home.

Mr. Alberty informed he would feel more comfortable with the applicant going back before the Owasso Board.

Mr. Martin asked if it is appropriate to move that an item be resubmitted to Owasso. Mr. Alberty informed the item could be continued with the intent that it be resubmitted.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 2-3-0 (Tyndall, Wines, "aye"; Alberty, Martin, Walker, "nay"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1209) to allow a mobile home in an RE District under the provisions of Section 1680, for a period of two years, on the following described property:

The North 150' of the South 658' of the East 150' of the S/2 of the SW/4 of the NW/4 of Section 32, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

This application is not approved due to the lack of three affirmative votes which is necessary for approval of an application.

Case No. 454

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1215 - Request for a variance to permit an upholstery and fabric shop in an RS District under the provisions of Section 1670, located at the SW corner of West 56th Street and Highway #97.

Presentation:

The applicant, Darrell Westfall, 325 West 33rd Street, submitted a picture of the lot layout (Exhibit "C-1") and a drawing of the structure similar to what he wants to put on the subject tract (Exhibit "C-2"). He told how they happened to be in this business and how the business has been growing. He also gave some history on this piece of land. The property to the north is zoned light industrial and to the south is zoned heavy industrial. To the west is zoned residential and across the street from him is zoned commercial. He bought the property two years ago and has cleaned it up. He described the businesses in the area. He feels like anything he does to the property will upgrade it. He described the roads in the area, and informed that the State has plenty of room to widen the roads if they ever desire to do that. There is one row of houses behind the subject tract, and those are the only houses in the area. They are all owned by one man and he is behind this application because it will upgrade his property as well. He knows of no one who has any objections to this application. Mr. Westfall has talked to Sand Springs and has been told that he can tie into the Sand Springs sewage system. What he plans to do is get the

Case No. 456 (continued)

in it. Two of his daughters and their husbands lived in the house. Later on his son moved into the house with his family. Mr. Christians now wants to sell the house, and in order to do so he needs to either remodel the home to sell it as a single-family home or make it into a triplex which is what it has been used for since shortly after it was built. That is what he is claiming as his hardship. Mr. Christians informed that the protestant at the Broken Arrow meeting did not really come to protest this case, but he did not think that the triplex should go in there. The building is operated as a triplex now, and there is plenty of parking.

Protestants: None.

Comments and Questions:

Mr. Alberty read a letter of recommendation from Broken Arrow (Exhibit "E-1"). The letter recommended denial of this application since no hardship was shown.

Mr. Alberty informed the hardship that the applicant mentioned is a self-imposed hardship. It is nothing that the zoning or the City imposed on him. Mr. Christians informed that he talked to Mr. Daroga about this matter. Mr. Christians feels that the City Board of Adjustment is being unfair when they deny applications that are outside the City Limits.

Mr. Alberty asked the applicant if he is operating a beauty shop on this property, and Mr. Christians informed that that is on the property next to this.

Mr. Wines asked if this is all in one house, and Mr. Christians informed that it is, but the house is about 4,000 sq. ft. in size. The house has a central entry but is divided into three sections.

Mr. Walker asked when the structure was built. Mr. Christians informed it was built about two years ago, and it was built with a kitchen and a wet bar. Mr. Christians informed he has never lived in the house, but his children have.

Mr. Gardner suggested that the Board ask the applicant if he received a building permit for a single-family house originally and when did he convert the house to a duplex, and when did he convert it to a triplex. Mr. Gardner informed that in a residential district he could have a duplex in RS by special exception. The Board could consider that instead of a triplex. A triplex is an apartment by definition and requires a hardship finding.

Mr. Christians informed he got a building permit for a single-family residence approximately two years ago. There are three kitchens in the building now.

Mr. Wines asked what differentiates between a single-family dwelling, a duplex, and a triplex. Mr. Gardner informed that by definition, three or more units is an apartment and 3 kitchens makes the subject house a triplex.

Mr. Christians informed that before they changed the house, they called the Board and asked if it was alright for his family to live in there. They were told that that was no problem.

Case No. 456 (continued)

Board Action:

On MOTION of TYNDALL and SECOND by MARTIN, the Board voted 4-0-1 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; Wines, "abstaining"; none, "absent") to DENY a Variance (Section 310 - Principal Uses Permitted in the Agriculture District - under the provisions of Use Unit 1208) to allow a triplex in an AG-R District under the provisions of Section 1670, on the following described property:

Commencing at the Northeast Corner of Section 24, Township 18 North, Range 14 East, Tulsa County, Oklahoma; thence South along the East Section line a distance of 612.45 feet to the point of beginning; thence West a distance of 317.50 feet; thence South a distance of 142.14 feet; thence East a distance of 317.50 feet; thence North along Said East Section line, Section 24, a distance of 142.14 feet to the point of beginning. Said tract lies all in the Northeast Quarter (NE/4), Northeast Quarter (NE/4), Section 24, Township 18 North, Range 14 East, Tulsa County, Oklahoma and contains 1.04 acres, more or less, including easements of record.

Case No. 457

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1205 - Request for an exception to allow a church in an AG-R District under the provisions of Section 1680, located at the SW corner of 91st Street and 193rd East Avenue.

Presentation:

The applicant, Charles Arrington, P. O. Box 761, Broken Arrow, submitted a plot plan (Exhibit "F-1") and gave a brief history of the church. Their congregation has approximately 200 people. They purchased the subject tract which has a warehouse and a residence on it. They would like to use the existing warehouse for the sanctuary and use the residence for church offices. The tract consists of 2 1/2 acres. They will have to do interior modifications, but they do not plan to add any additions.

Protestants: None.

Comments and Questions:

Mr. Jones submitted a letter of recommendation from Broken Arrow (Exhibit "F-2"). This letter recommended approval of this application.

Mr. Martin asked the applicant if they are comfortable with the conditions that Broken Arrow has asked the Board to consider. Mr. Arrington informed they have no problem with complying with these conditions. They would like to have the use of the building once they receive the approval, and they will then try to meet the conditions. They are pressed for time and space. They will comply with whatever they need to.

Mr. Alberty asked if the property is on City sewer or a septic tank. Mr. Arrington informed that the property is on a septic tank, but it is their understanding that eventually the sewer system will go through there. There has already been a percolation test and there may be some adjustments that need to be made to the septic system itself.

Mr. Wines informed this would be subject to the Health Department's approval.

Case No. 457 (continued)

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District - under the provisions of Use Unit 1205) to allow a church in an AG-R District under the provisions of Section 1680, subject to the following conditions: (1) That the applicant comply with City/County Health Department on the septic system, (2) that they comply with Building Codes of Tulsa County, (3) that they comply with the County floodplain requirements as directed by the County Engineers, (4) that they comply with the Zoning Code parking requirements, (5) that the present building is not to be expanded or any new building constructed as long as the property is shown to be in a 100-year floodplain, (6) that a screening fence to be provided on the south and west boundaries of the property, (7) that they plat the property or obtain a plat waiver and dedicate by separate instrument necessary street and utility easements, and (8) that the church is to complete the rip-rap of the west bank of the channel, on the following described property:

The East 317.5' of the North 343' of the NE/4 of the NE/4 of Section 24, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

Case No. 458

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an Exception to allow a mobile home in an RS District under the provisions of Section 1680.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request for a variance to allow two dwelling units per lot of record in an RS District under the provisions of 1670, located south of the SW corner of 21st Street and 49th West Avenue.

Presentation:

The applicant, Thelma S. Lowery, 4708 West 27th Street, informed the subject tract is her parents' property and it consists of one-acre. The property is all fenced, and she would like to put a mobile home on the back 1/2 acre. She has been to the Health Department and has had a percolation test done and has been to the utility companies. She has ordered a mobile home that is under construction. It has a pitched roof with wood siding and is 14' by 80'. They now live in a one-bedroom house. She has two children. There are other mobile homes in the immediate area. She described the surrounding area and informed that they are surrounded by businesses. There is a piece of property in the area that has two mobile homes on it. She has permission from the people next door to the subject property to bring the mobile home in across their property. They would like this granted permanently. She informed that the property will be left to her in her parents' will--it will be hers eventually. She realizes that she needs to get a building permit.

Protestants: None.

Board Action:

On MOTION of TYNDALL and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses

Case No. 458 (continued)

Permitted in Residential Districts - under provisions of Use Unit 1209) to allow a mobile home in an RS District under the provisions of Section 1680, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1209) to allow two dwelling units per lot of record in an RS District under the provisions of Section 1670, subject to Health Department approval and the issuance of a Building Permit, on the following described property:

The South one-acre of the East five acres of the NE/4 of the NE/4 of the NE/4 of Section 17, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 447

Action Requested:

Reconsideration of Case #447 approved by County Board of Adjustment on April 13, 1984.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request for a variance to permit three dwelling units (3 mobile homes) per lot of record in an AG District under the provisions of Section 1670;

OR

Variance - Section 207 - Street Frontage Required - Use Unit 1209 - Request for a variance of the required street frontage from 30' to 0' in an AG District under the provisions of Section 1670, located at the SW corner of 106th Street North and Memorial Drive.

Presentation:

The applicant, Lloyd F. Leach, 7842 North 88th East Avenue, Owasso, was present.

Protestants: None.

Comments and Questions:

Mr. Jones informed that at the last meeting the Board approved three dwelling units per lot of record. The map in the case report at the last meeting was wrong--it appeared that the tract had frontage both on Memorial and 106th Street North. The new map shows that the property is actually west of Memorial--it just has frontage on 106th Street and not Memorial. This fact does substantially change the case.

Mr. Gardner informed that the applicant would need the variance of frontage on a dedicated street. He asked if this was readvertised. Mr. Jones informed that they felt the previous advertisement would be sufficient since there were no protestants. Mr. Jones informed that, according to the City's policy, the Board can take up any action one meeting later without it being readvertised.

Mr. Alberty asked if the Board should be concerned about an easement on one side. Mr. Gardner informed that since they are creating three properties, they should make approval subject to a mutual access easement so that if he ever sold them in the future, they would all have access. The applicant does not need a lot split because each tract is over 2 1/2

Case No. 447 (continued)

acres in size.

Mr. Leach informed that the current abstract (warranty deed) shows a 30-foot easement down the west side of the property.

Mr. Gardner informed that the mutual access easement needs to be filed so that it is part of the record.

Mr. Jones informed that this should be per Health Department approval.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to amend the previous actions on this case to approve the variance of the frontage requirement on a dedicated street (Section 207) subject to the filing of a 30-foot mutual access easement along the west boundary of the lots with the County Clerk.

Comments:

Mr. Walker clarified that this is an additional motion and that the previous requirements also still stand.

Case No. 363

Action Requested:

Consideration of plot plan and building for Case Number 636 approved by the Tulsa County Board of Adjustment on June 24, 1983.

Presentation:

LaVurn Pitts, P. O. Box 4292, submitted his plot plan and building plan (Exhibit "G-1") and explained them. There will be more than adequate parking--there is one space for every 40 sq. ft. of the sanctuary space.

Comments and Questions:

Mr. Jones informed that the Board heard and approved church use on the subject tract with the condition that the applicant return to the Board to let the Board approve his plot plan and building.

Mr. Edwards informed he has had an opportunity to review the plans and he has no problems with them.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to accept the detail plans submitted for Case No. 363.

There being no further business, the Chair adjourned the meeting at 10:35 a.m.

Date Approved

June 15, 1984

Wayne Alberty  
Chairman