

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 56
Tuesday, January 15, 1985, 1:30 p.m.
Room 119, Administration Building
Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|---------------------------------------|-----------------------|------------------------------|--------------------------------|
| Alberty Tyndall Walker Wines | Martin | Gardner Jones Phillips | Edwards, Building Inspector |

The notice and agenda of said meeting were posted in the Office of the County Clerk on Wednesday, January 9, 1985 at 8:52 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Tyndall called the meeting to order at 1:30 p.m.

MINUTES:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE the Minutes of December 18, 1984.

UNFINISHED BUSINESS:

Case No. 521

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1217—Request an exception to permit automobile sales in a CS zoned (pending) district; and a

Variance—Section 1217.30—Automotive and Allied Activities—Request a variance to permit open air storage within 300' of an R district, located at 4339 West 61st Street.

Presentation:

The applicant, Bill Ballard, 4339 West 61st Street, Tulsa, Oklahoma, was not present.

Protestants: None

Comments and Questions:

Mr. Jones informed that the case was continued from December 18, 1984 to allow time for the case to be heard by the TMAPC. On January 9, 1985, TMAPC recommended approval, subject to approval by the City Commission.

Case No. 521 (continued)

Mr. Gardner reminded the Board that the zoning was approved on the basis of a prior approval which was never included in the remapping done in 1970. There is a grocery store on the subject property, which is not in use.

There was discussion about the frontage requirements and the screening requirements.

Mr. Gardner suggested that the case could be continued and the applicant can advertise for relief from the screening requirements, if he desires to do so.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to CONTINUE Case No. 521 until February 19, 1985.

NEW APPLICATIONS:

Case No. 525

Action Requested:

Variance—Section 207—Street Frontage Required—Use Unit 1206—Request a variance of the required street frontage from 30' to 0' to permit a lot-split in an AG zoned district, located S. of SW/c of 86th Street North and Yale Avenue.

Presentation:

The applicant, Andrew Flynn, 1202 South 141st East Avenue, Tulsa, Oklahoma, submitted a letter requesting a continuance (Exhibit "A-1"). A plat waiver is pending.

Protestants: None

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to CONTINUE Case No. 525 until February 19, 1985.

Case No. 526

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1209—Request an exception to permit a mobile home in an RS zoned district, located at 6529 North Trenton.

Presentation:

The applicant, Justin Rowe, 7415 North Victor, Tulsa, Oklahoma, informed that he wants to put a mobile home on the subject property.

Case No. 526 (continued)

There is a burned-out house on the property at the present time, which will be removed. He presented pictures to the Board and described his plans. There are other mobile homes in the area. The subject property is 80' x 256'. He is leasing the property from a friend and hopes to buy land within a year.

Protestants: None

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1209) to permit a mobile home in an RS zoned district; subject to a one-year removal contract; and subject to Health Department approval and a Building Permit; on the following described property:

Lot 3, Block 4, Phillips Farm Addition, Tulsa County, Oklahoma.

Case No. 527

Action Requested:

Variance—Section 208—One Single-Family Dwelling Per Lot of Record—Use Unit 1209—Request a variance to permit two (2) dwelling units (mobile homes) per lot of record in an AG zoned district, located W. of SW/c of 126th Street North and Memorial.

Presentation:

The applicant, Robert Hicks, P. O. Box 306, Collinsville, Oklahoma, has owned the subject property for over three years. He submitted a plat of survey (Exhibit "B-1") and explained that he began a project on the subject property in June. He installed two meters on the Rural Electric System, and has contracted the Rural Water District to run water to the property. He installed one mobile home on the subject property in June and was denied a permit for the second mobile home. He informed that his tract of land is 10 acres (1360.70' x 330.65'). The mobile homes will be placed on the northern end on a tract that is approximately 342.5' x 330.1', according to the plot plan (Exhibit "B-2"). He submitted an Individual Sewage Disposal System Inspection Report (Exhibit "B-3") and explained that the property failed the percolation test, but the lagoon installed does comply with the Health Department standards for a four bedroom living unit. He submitted a plot plan showing the mobile home locations and the lagoon (Exhibit "B-4"). Mr. Hicks explained that he plans to live in one of the mobile homes until he can build a four bedroom home on the subject property. The other mobile home is for his daughter. If she cannot occupy the mobile home (due to potential relocation), it will be rented. He stated that the project is delayed due to an automobile accident on August 13, 1984, which injured his back. As a result of that wreck, he has been unemployed since that time. He submitted three pictures of the subject property (Exhibit "B-5").

Case No. 527 (continued)

Comments and Questions:

Mr. Alberty asked Mr. Hicks if he intends to install more mobile homes in the future. Mr. Hicks explained that the property was bought to be a homesite and a recent divorce has adjusted those plans. He still intends to build his home there and raise farm animals. There will be no more mobile homes added.

Mr. Gardner asked the applicant to explain to the Board about the creek that cuts across the property. The mobile homes will be approximately 140' to 180' north of the creek. The lagoon, which is south of the mobile homes, is approximately 90' north of the creek, and there is approximately 2' to 3' difference in the elevation.

Mr. Wines asked if there are other homes in the area. Mr. Hicks explained that there are mobile homes immediately to the east and west of the subject property. Across 126th Street North, there is a house attached to an airplane hanger, and to the northeast there is a site built home. Airman Acres is to the west of the subject property. To the south and east, there are open fields.

Protestants:

Jerry Thomas, 2766 South 116th East Avenue, Tulsa, Oklahoma, informed that he is present on behalf of his brother, Donald L. Thomas. He submitted a letter from his brother stating his protest (Exhibit "B-6"). Mr. Thomas informed the Board that Mr. Hicks told the surrounding residents that two mobile homes would be installed on each 2 1/2 acre tract. The surrounding homeowners are opposed to this. A lagoon would have to be installed on each 2 1/2 acres. Donald Thomas intends to build his home on the front 2 1/2 acres of his property, which is parallel to Mr. Hicks' property to the west. The existing lagoon is adjacent to Mr. Thomas' future homesite and has decreased the value of his property. The other homeowners in the area purchased their land with the understanding that it was zoned for one single-family dwelling unit per lot, and they would like for it to stay that way. Mr. Thomas' parents live in a mobile home on the middle 2 1/2 acres of his property and a lagoon was installed on that property which will service his future home as well. Mr. Thomas opposes more than one mobile home per lot of record and mobile homes for rental property.

Virgil Zielke, 7515 East 126th Street North, presented pictures to the Board and explained that Mr. Hicks has three large unsightly utility poles placed on the front of his property. He informed that the water level is too high in Mr. Hicks' lagoon. Mr. Hicks has installed only one utility meter for two dwellings, which is prohibited. The residents in this area have been friendly neighbors and Mr. Hicks came in saying nobody could tell him what to do with his own property. The neighbors feel he has been belligerent and unfair. He stated that his main protest is against the rental of the second mobile home. He informed that Mr. Hicks offered a Midwest City phone number to the surrounding residents, which leads them to believe that he will not be living on the subject property.

Case No. 527 (continued)

Peggy Seslo, 7709 East 126th Street North, informed that she talked to Mr. Hicks and was informed that he would be living in Midwest City. He told her that he intends to rent the mobile homes. She does not feel that he will be able to maintain rental property from Midwest City. There are no other lots in the area with two dwelling units.

Curtis Robinson 7711 East 126th Street North, owns the east adjacent property. He intends to build a home on his property. Mr. Robinson is opposed to two dwelling units per lot of record. He is concerned that if Mr. Hicks is granted this request, he will continue to bring applications before the Board for the other two, pursuant to this approval. This would create a mobile home park. He is opposed to rental property in this neighborhood.

William Fleming, 7720 East 126th Street North, informed that Mr. Hicks has not been diplomatic in dealing with the feelings of the surrounding property owners. The neighborhood went to the Water Department to protest Mr. Hicks' use of two mobile homes on one lot of record. His concern is that Mr. Hicks will not abide by the law unless he is required to.

Applicant's Rebuttal:

Mr. Hicks informed that the neighbors in the adjacent area were uncooperative with his efforts to become a good neighbor. He explained that there were residents living on an adjacent property without a septic system for nearly 18 months. During that time, no complaints were filed. He informed that Mr. Fleming fires automatic and semi-automatic weapons for five to twenty minutes at a time. These weapons can be heard for great distances and scares the farm animals around the community. Mr. Fleming works on these weapons, so this is a regular occurrence. On one occasion, one of his mobile homes was shot into with an automatic weapon (possibly unrelated to Mr. Fleming's work). He reiterated the fact that he does intend to live in one of the mobile homes, and his daughter will live in the other should she decide to stay in this area. If she does not, then he will rent the second mobile home.

Additional Comments:

Mr. Wines discussed the importance of providing legal access to properties which may be sold out of the family in years to come.

Mr. Alberty stated that this case has become a personality conflict, and informed the protestants that if Mr. Hicks so desired, he could acquire three lot splits and place one mobile home on each of four lots. There was discussion about the options.

Mr. Gardner informed that one mobile home per lot of record is allowed by right in an AG District if the lot size is two or more acres. Mr. Hicks can pursue lot splits, if he likes, but no application for such has been made to date.

Case No. 527 (continued)

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE a Variance (Section 208—One Single-Family Dwelling Per Lot of Record—Under the provisions of Use Unit 1209) to permit two dwelling units (mobile homes) per lot of record in an AG zoned district; subject to the second mobile home being restricted to a five year time limitation; and subject to a Building Permit and Health Department approval; per plot plan submitted; on the following described property:

E/2, E/2 of Lot 2 of Section 2, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 528

Action Requested:

Use Variance—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1209—Request a use variance to permit a mobile home in a CS zoned district; and a

Variance—Section 208—One Single-Family Dwelling per Lot of Record—Request a variance to allow two dwelling units (1 house, 1 mobile home) per lot of record, located on the SE/c of 49th West Avenue and 41st Street.

Presentation:

The applicant, Lonna Sue Poplin, 11806 East 16th Street, Tulsa, Oklahoma, 74128, submitted a plot plan (Exhibit "C-1") and informed that her parents want her to live near them. Her father owns the subject property and has had a shop on the property for 22 years. The lot is 4.7 to 5 acres. She has not had the sewage approved for the two acres she will be living on. She presented pictures and described them.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE a Use Variance (Section 710—Principal Uses Permitted in the Commercial Districts—Under the provisions of Use Unit 1209) to permit a mobile home in a CS zoned district; and a Variance (Section 208—One Single-Family Dwelling Per Lot of Record) to allow two dwelling units (1 house, 1 mobile home) per lot of record; subject to a Building Permit and Health Department approval; per plot plan submitted; on the following described property:

N/2 Tract 2, Yargee Acres, an addition to Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:52 p.m.

Date Approved _____



Chairman

1.15.85:56(7)