

COUNTY BOARD OF ADJUSTMENT
Meeting No. 85
Tuesday, June 16, 1987, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Eller Tyndall Walker	Looney	Gardner Jones Moore	Ron Fields, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Friday, June 12, 1987 at 2:19 p.m.

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

MINUTES:

On **MOTION** of ELLER, the Board voted 4-0-0 (Alberty, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the Minutes of May 19, 1987 (No. 84).

UNFINISHED BUSINESS

Case No. 739

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of 85th West Avenue from 50' to 28' to allow for the construction of a garage, located at 5116 South 85th West Avenue.

Presentation:

The applicant, Brenda English, was present, but waived the right to address the Board.

Comments and Questions:

Mr. Gardner informed that this case was continued from the previous meeting to allow Staff to view the property in question. He stated that the property to the east of the subject tract is not developed, therefore, only 1/2 of the required right-of-way for 85th West Avenue was dedicated and it all came off the applicant's side. Mr. Gardner pointed out that the actual corner (paved area) is rounded and there is adequate visibility, which was one of the concerns of the protestant at the prior meeting. He stated that the road is

Case No. 739 (continued)

curved (paved) in such a manner that it is very close, and may actually touch the applicants property. Mr. Gardner pointed out that there is approximately 7' to 8' between the garage and the mobile home at the nearest point, and if the applicant is required to move the garage back 10' the existing poles on the west will all have to be moved. He pointed out that the porches of two houses to the north were setback 33' from the centerline of 85th West Avenue. A drawing was submitted (Exhibit A-1).

Mr. Alberty asked if the Zoning Code allows averaging in such a situation, and Mr. Gardner informed that if that method is used, the setback would be approximately 41 1/2'.

Mr. Walker remarked that he has viewed the sight and is not inclined to approve the garage at the proposed location. He stated that he would be in favor of granting some relief, but not the requested amount.

Mr. Alberty also voiced a concern with granting full relief of 28' to the applicant.

Board Action:

On **MOTION** of WALKER the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of 85th West Avenue from 50' to 38' to allow for the construction of a garage; finding the hardship demonstrated did not justify the 28' of relief requested, but 38' (one panel removed) would approach the average; and finding that the lot is sufficient in size to allow construction of a garage at another location; on the following described property:

Beginning at the NE/c of the E/2, SW/4, NE/4, thence west 300', south 140', east 300', north 140' to the Point of Beginning, Section 36, T-19-N, R-11-E, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 741

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS zoned district.

Variance - Section 208 - One Single Family Dwelling per Lot - Use Unit 1209 - Request a variance to allow for 2 dwellings (1 house, 1 mobile) on one lot of record, located west of the NW/c 97th West Avenue and West 57th Street.

Case No. 741 (continued)

Presentation:

The applicant, Marcia Keith, Route 6, Box 214, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1), and asked the Board to allow her to locate a mobile home on a 2 1/2 acre tract at the above stated location. She informed that her mother has a home on the property, which will be 150' from the proposed location for the mobile. Ms. Keith stated that the abutting property is vacant.

Comments and Questions:

Mr. Alberty asked the applicant if she will reside in the mobile home, and she answered in the affirmative.

Mr. Alberty inquired if the existing dwelling is to the east of the proposed location for the mobile home, and Ms. Keith replied that the house is located to the east. She informed that there are numerous mobile homes already in the area.

Protestants: None.

Board Action:

On **MOTION** of ELLER the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS zoned district; and to **APPROVE** a **Variance** (Section 208 - One Single Family Dwelling per Lot - Use Unit 1209) to allow for 2 dwellings (1 house, 1 mobile) on one lot of record; subject to Building Permit and Health Department approval; finding a hardship imposed on the applicant by the size and depth of the tract; finding that there are numerous mobile homes in the neighborhood, and that the granting of the requests will not be detrimental to the area; on the following described property:

Lot 4, Block 1, Buford Colony Third Addition, Tulsa County, Oklahoma.

Case No. 742

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an AG-R zoned district, located south of SE/c of 249th West Avenue and West 41st Street.

Presentation:

The applicant, Chester Veteto, 1415 Downs, Woodward, Oklahoma, submitted a location map (Exhibit C-1), and explained that he is planning to place a 14' by 60' mobile home on a 2 1/2 acre lot at the above stated location. He informed that a garage, previously used as a dwelling, is existing on the tract, but will be converted back to a garage when the mobile home is installed. Mr. Veteto stated that utility hookups are already on the property. He

Case No. 742 (continued)

stated that he intends to rock the exterior and the mobile home will have the appearance of a house.

Board Action:

Mr. Alberty asked the applicant if the garage is occupied at this time, and he replied that it is used only for storage.

Mr. Walker inquired if the septic system has been checked, and Mr. Veteto replied that it was approved at the time of installation in 1962.

Board Action:

On **MOTION** of WALKER the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1209) to allow for a mobile home in an AG-R zoned district; subject to existing storage building being converted back to its original use as a garage; subject to Building Permit and Health Department approval; on the following described property:

The south 220' of the north 2008' of the west 500' of the NE/4 of Section 29, T-19-N, R-10-E, Tulsa County, Oklahoma, less the west 25' for Right-of-Way.

Case No. 743

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS zoned district, located 1427 East 71st Street North.

Presentation:

The applicant, Billie Reyburn, 701 North Sheridan, Tulsa, Oklahoma, asked the Board to allow the placement of a 14' by 70' mobile home on a vacant lot. He informed that there is a mobile home across the street from the proposed location and several in the general area.

Comments and Questions:

Mr. Alberty asked the applicant if the mobile home will be hooked up to City water and sewer, and he answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of ELLER the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted

Case No. 743 (continued)

In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS zoned district; subject to Building Permit and Health Department approval; finding that there are numerous mobile homes in the area, and the granting of the special exception request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code; on the following described property:

The E/2 of Lot 9, Block 7, Golden Hill Addition, Tulsa County, Oklahoma.

Case No. 744

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS zoned district, located 4412 South 41st West Avenue.

Presentation:

The applicant, Diane Breshears, 2126 West 49th Street, Tulsa, Oklahoma, stated that she is proposing to locate a mobile home on property that she will purchase if this application is approved. She asked the Board to allow her to install the mobile home at the above stated location.

Comments and Questions:

Mr. Alberty inquired if there is a dwelling on the property, and Ms. Breshears replied that the only building on the property is a 30' by 30' storage barn.

Mr. Alberty asked if the property is served by City water and sewer, and the applicant answered that a septic system is in place, as are the City utility hookups for the previous dwelling that was removed.

Protestants:

Earl Chesney, Route 4, Sapulpa, Oklahoma, stated that he owns rental property across the street from the proposed mobile home location. He informed that there are no other mobiles in the area and voiced a concern that property values will be adversely affected if the application is approved.

Dennis Hutchings, 4416 South 41st West Avenue, Tulsa, Oklahoma, stated that he owns property to the south of the subject tract. He pointed out that property in the area has recently been reassessed and values doubled. He noted that the area is well kept and that the mobile home will be detrimental to the neighborhood.

Bob Pugh stated that he is speaking for Teresa Haynes, who lives one block west of the property in question. He informed that Ms. Haynes feels that the placing of this mobile home in the area will set a precedent and others will follow.

Case No. 744 (continued)

Applicant's Rebuttal:

Ms. Breshears stated that the mobile home will be skirted and well kept. She informed that the property has been in the family for many years and she would like to live there and raise her family.

Mr. Alberty pointed out that the Board is not prejudiced against mobile home use, but explained that many property owners are very concerned about mobile homes being introduced into the neighborhood and possibly reducing property values.

Board Action:

On **MOTION** of TYNDALL the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS zoned district; finding that there are no other mobile homes in the residential area and that the granting of the variance request would be detrimental to the neighborhood and violate the spirit and intent of the Code; on the following described property:

Lot 4, Bridges Park 2nd Addition, Tulsa County, Oklahoma.

Case No. 745

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS zoned district, located 3824 South 51st West Avenue.

Comments and Questions:

Mr. Jones submitted to the Board a letter of protest (Exhibit D-2) from C. L. Rice.

Presentation:

The applicant, C. Wayne Johnson, 5026 South 32nd West Avenue, Tulsa, Oklahoma, was represented by his wife, Mary Johnson, who asked the Board to allow a mobile home to be placed on her parents property. She informed that her parents are deeding her a one acre tract in the southwest corner of the land which was previously owned by her grandfather. Ms. Johnson stated that her property will have access on 53rd Street and 39th Street. A location map (Exhibit D-1) was submitted.

Comments and Questions:

In response to Mr. Alberty's question concerning other mobile homes, Ms. Johnson answered that there are several mobiles in the area.

Case No. 745 (continued)

Interested Parties:

C. L. Rice, 3720 South 51st West Avenue, Tulsa, Oklahoma, stated that he does not oppose the location of the mobile home on the west portion of the tract, with access on 39th Street. He informed that he is opposed to an entrance on 51st Street.

Board Action:

On **MOTION** of **ELLER** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS zoned district; subject to mobile home use being restricted to one acre in the SW/c of the tract; on the following described property:

The west 208.71' of the south 208.71' of Lot 4, Parks Acres Addition, Tulsa County, Oklahoma.

Case No. 746

Action Requested:

Variance - Section 208 - One Single-Family Dwelling per One Lot of Record - Use Unit 1209 - Request a variance to allow for two dwelling units on one lot of record (1 house, 1 mobile home), located 12601 East 122nd Street North.

Presentation:

The applicant, Melba Holmes, Route 2, Box 94, Collinsville, Oklahoma, submitted a drawing (Exhibit E-1), and asked the Board to allow a mobile home to be located on her property. She stated that there is one existing house on the five acre tract. The applicant informed that rural water and electricity are available.

Comments and Questions:

Mr. Alberty inquired if there are other mobile homes in the area, and Ms. Holmes replied that there is one mobile across the street and several in the area.

Mr. Alberty asked the applicant who will occupy the mobile home, and she replied that she will live in the existing dwelling and her son will live in the mobile and assist with the maintenance.

Board Action:

On **MOTION** of **WALKER** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per One Lot of Record - Use Unit 1209) to allow for two dwelling units on one lot of record (1 house, 1 mobile home); subject to Building

Case No. 746 (continued)

Permit and Health Department approval; finding that there are numerous mobile homes in the area; and finding that the tract is large enough to divide into two lots, which would allow both dwelling units by right; on the following described property:

The west 330' of the east 2244' of the north 660.0' of the south 1320' of the NE/4 of Section 5, T-21-N, R-14-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the US Government Survey thereof.

Case No. 747

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1227 - Request a use variance to allow for a salvage operation in an RS zoned district, located west of 113th West Avenue, north of 12th Street.

Comments and Questions:

Mr. Jones informed that a letter (Exhibit F-1) recommending denial of the application was received from the City of Sand Springs.

Presentation:

The applicant, Esther Harger, 1105 Valley Drive, Sand Springs, Oklahoma, stated that she does not want a salvage operation, but asked the Board to permit her to rebuild a few vehicles. She informed that she did not elect to rezone the property to allow salvage, because that is not her intent. Ms. Harger pointed out that there is a salvage yard directly across the street from her home. The applicant informed that she owns the two lots to the south of her home.

Comments and Questions:

Mr. Alberty asked if there is someone in the family that does restorations, and Ms. Harger answered in the affirmative. She informed that her son does the painting and her husband takes care of the mechanical repairs.

Mr. Alberty asked the applicant if her husband operates a business on the subject property, and she stated that he operates a business at 1204 Keystone Expressway.

Mr. Alberty inquired as to the amount of vehicles that will be on the property at one time, and Ms. Harger replied that there will be approximately 10 vehicles at her home.

Mr. Alberty asked Ms. Harger if the restoration work will be performed in the garage on her property, and she answered in the affirmative.

Case No. 747 (continued)

Mr. Jones informed the Board that Staff received a letter (Exhibit F-2) from the Sand Springs Board of Adjustment regarding violations of the salvage operation across the street from Ms. Harger's home. Mr. Jones stated that he told a representative of the Sand Springs office that this Board may determine to transfer the letter on to the County Building Inspector's office.

Mr. Walker remarked that he is familiar with the area and that Ms. Harger's home is the nicest home on the street. He stated that he is in support of the use variance.

Ms. Harger pointed out that she has applied for a salvage license, but was told that she would have to acquire a variance or go through a rezoning process.

Mr. Gardner asked the applicant if the restoration of one car might require parts from several vehicles, and Ms. Harger stated that this is true and the old cars will be removed as soon as they are no longer needed.

Mr. Alberty remarked that the Board is very sensitive to the referrals from the surrounding communities, but the restoration process will be less intense than the salvage use across the street.

Mr. Eller inquired if the applicant has a license to sell used cars, and she answered in the affirmative.

Board Action:

On **MOTION** of **WALKER** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1227) to allow for vehicle restoration in an RS zoned district; subject to a maximum of 10 cars being stored on the lot at any point in time; subject to all work being performed inside the garage; finding that a salvage yard is in operation across the street from the subject property, and that the request, as restricted by the Board, will not be detrimental to the area; on the following described property:

Lot 2, Block 24, Charles Page Home Acres Four, Tulsa County, Oklahoma.

Board Action:

On **MOTION** of **ELLER** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **DETERMINE** to **FORWARD** the letter from Sand Springs Board of Adjustment, concerning violations of the salvage operation across from the Harger residence, to the County Building Inspector's office.

Case No. 750

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1220 - Request a special exception to allow for a pari-mutuel horse race track in an AG zoned district, located south of the SW/c of 15th and Yale.

Presentation:

The applicant, Pat Lloyd, Box 4735, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1), and stated that he is manager of Expo Square. He explained that pari-mutuel horse racing, now awaiting approval by the State, is planned to run concurrently with the 1988 Tulsa State Fair and will continue for a 14 day period. Mr. Lloyd submitted an official certificate of votes (Exhibit G-2) taken by the residents of Tulsa County, which favored the racing. He stated that Expo Square is a self supporting facility and operates on a budget of approximately 6 million dollars per year. Mr. Lloyd pointed out that the proceeds from the pari-mutuel horse racing will allow them to make much needed improvements, and related activities will open up a significant number of employment opportunities for county residents. The applicant informed that the racing event will favorably impact the community at large, as well as Expo Square. The horse racing activities will begin 6 days prior to the fair and will occur at the former site of the Tulsa Speedway. He noted that the 1/2 mile oval will be extended to a 5/8 mile configuration and the grandstand seating will be modified to scale down from 13,000 seats to seating for 8,600 patrons. Mr. Lloyd noted that the two easternmost barns will be relocated to the north and another new barn will be added to accommodate racing stock. The applicant advised that the water park patrons have been using the speedway parking, which will no longer be available, as the racing activities will now utilize this area. Mr. Lloyd informed that the livestock trailer parking will be relocated to another part of the complex. He noted that a certain portion of racing patrons will be those persons that are currently attending the fair, and shuttles are being provided for those customers parking away from the fairgrounds. The applicant stated that some hotels include shuttle transportation in their customer packages.

Comments and Questions:

Mr. Albery asked if a feasibility study has been conducted, and Mr. Lloyd replied that such a study is under way.

Mr. Albery remarked that he finds the horse racing to be far more compatible with the area than the former auto races.

Mr. Eller advised that he is supportive of the application.

Protestants:

Juanita Rippey stated that she lives adjacent to the fairgrounds and informed that her basic objection to horse racing is cruelty to the

Case No. 750 (continued)

animals. She informed that gambling, prostitution and an increase in crime follows this type of activity. Ms. Rippy asked that there be humane supervision for the horses.

Board Action:

On **MOTION** of ELLER the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1220) to allow for a pari-mutuel horse race track in an AG zoned district; per plan submitted; on the following described property:

Commencing at the SE/c of Section 9, T-19-N, R-13-E, Tulsa County, Oklahoma, thence north 285' along the east line of said section; thence west 60' parallel to the south line of said section to a point of beginning on the east line of the Universal Recreation, Inc., lease; thence continuing west parallel to said south line approximately 150' to a point, said point being northeast of the water park facilities in the immediate area; thence in a northwesterly direction approximately 400' to a point, said point being 640' north and 400' west of the SE/c of said section, said point also being 17' north and 20' east of the NE/c of the wave pool building; thence west 400' parallel to the south line of said section; thence north 35' parallel to the east line of said section to a point on the north line of said lease; thence west 200' parallel to the south line of said section; thence north 310' parallel to the east line of said section; thence west 166' parallel to the south line of said section; thence north 360' parallel to the east line of said section; thence west 215' parallel to the south line of said section; thence north 260' parallel to the east line of said section; thence west 275' parallel to the south line of said section; thence north 501' along the east edge of an existing access road parallel to the east line of said section; thence east 708' parallel to the south line of said section; thence north 317' parallel to the east line of said section; thence east 205' parallel to the south line of said section; thence south 325' parallel to the east line of said section; thence east 683' parallel to the south line of said section to a point on the west right-of-way line of Yale Avenue; thence south 1813' along the west right-of-way line of Yale Avenue parallel to the east line of said section to the Point of Beginning containing 46.03 acres, more or less, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:05 p.m.

Date Approved

July 21, 1987
Wayne Alberty
Chairman