

COUNTY BOARD OF ADJUSTMENT
Meeting No. 86
Tuesday, July 21, 1987, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Eller Walker	Tyndall 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 Thursday July 16, 1987 at 3:57 p.m.

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

MINUTES:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** the Minutes of June 16, 1987 (No. 85).

UNFINISHED BUSINESS

Case No. 725

Action Requested:

Use Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1227 and 1215 - Request a use variance to allow for an automobile salvage and resale shop in an AG and AG-R zoned district, located east of SE/c Coyote Trail and 209th West Avenue.

Presentation:

The applicant, Ms. Richard Thompson, Route 3, Box 255, Sand Springs, Oklahoma, was not present.

Comments and Questions:

Susan Morgan, Assistant District Attorney, informed that Mr. Richard Thompson has been charged with a misdemeanor for the continued operation of the salvage business after a cease and desist order (Exhibit A-1) was issued by the County Building Inspector.

Case No. 725 (continued)

Protestants:

O. W. Thompson, Route 3, Box 255, Sand Springs, Oklahoma, stated that he is the father of Richard Thompson, and remarked that the junk is scattered for approximately 1/4 mile on the property. He pointed out that 6 or 7 months have passed since the previous hearing and the junk is still on the property.

Mr. and Mrs. Paul Moffit, Route 3, Box 254-A, Sand Springs, Oklahoma, stated that it is an inconvenience to the protestants when they take off work to attend the meeting and the case is continued to another time. They pointed out that the applicant was not present at a previous hearing, which was held a few months ago.

Mr. Gardner suggested that the Board could request that Staff inform the applicant that this case will be heard at the next meeting even if a representative or the applicant is not present.

Mr. Alberty assured the protestants that, if this case is continued today, action will definitely be taken on the operation of the automobile salvage and resale shop at the next meeting.

Board Action:

On MOTION of ELLER the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to CONTINUE Case No. 725 until August 18, 1987, and instructed Staff to notify the applicant by phone, as well as registered mail, that the case will be heard, with or without representation, at that time.

NEW APPLICATIONS

Case No. 748

Action Requested:

Special Exception - Section 310 - Principal Use Permitted in Agriculture Districts - Use Unit 1224 - Request a special exception to allow for the continued use of a quarrying business along with accessory structures, all in an AG zoned property, located east of SE/c of 129th East Avenue and 121st Street South.

Presentation:

The applicant, Bill Edmondson, 7202 South 232nd East Avenue, Broken Arrow, Oklahoma, stated that he was before the Board two years ago to acquire permission to remove dirt from a leased parcel of land at the above stated location. Mr. Edmondson informed that he has leveled approximately 10 acres of the 40 acre tract, and would like to be allowed 5 years to complete the operation. He stated that he is required to abide by the elevation contract (maximum cut 19') and has posted a \$12,000 bond with the Mining Commission. The applicant informed that soil is also being removed from the adjoining property. An aerial photograph (Exhibit B-1) was submitted.

Case No. 748 (continued)

Comments and Questions:

Mr. Alberty asked the applicant the time required to remove the dirt from the entire 40 acres, and he replied that, due to the depressed economy, he is not sure when the operation will be completed.

Protestants: None.

Board Action:

On **MOTION** of **ELLER** the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Use Permitted In Agriculture Districts - Use Unit 1224) to allow for the continued use of a quarrying business along with accessory structures, all in an AG zoned property; per previous plans submitted; subject to approval from the Health Department, Department of Mines, County Engineer and Building Inspector; subject to applicant providing Staff with a copy of the current 5 year lease on the property; subject to only septic system being used (no lagoon), if system is required; for a period of 5 years only; on the following described property:

E/2, E/2, NW/4 of Section 4, T-17-N, R-14-E, Tulsa County, Oklahoma.

Case No. 749

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1209 - Request a use variance to allow for the continued use of a mobile home in a CS zoned district, located NW/c of 193rd East Avenue and 101st Street South.

Presentation:

The applicant, Jim Arnold, Route 2, Box 114, Broken Arrow, Oklahoma, asked the Board to allow his mobile home to remain at the present location.

Comments and Questions:

Mr. Alberty asked the applicant if the mobile home is hooked up to utilities, and Mr. Arnold answered in the affirmative.

Mr. Gardner pointed out that the mobile home would be allowed by right in the AG zoned district located to the south.

Protestants: None.

Board Action:

On **MOTION** of **WALKER** the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Use Variance** (Section 710 - Principal Uses Permitted In

Case No. 749 (continued)

Commercial Districts - Use Unit 1209) to allow for the continued use of a mobile home in a CS zoned district; finding that the mobile home has been at the present location for a period of three years and has proved to be compatible with the area; and finding that the mobile home would be allowed by right on the AG zoned property to the immediate south; on the following described property:

A tract of land located in the SE/4, SE/4, Section 24, T-18-N, R-14-E, in Tulsa County, State of Oklahoma, and more specifically described as follows: Beginning at the SE/c, SE/4, SE/4 of said Section 24; thence west 208.75'; thence north 523.86'; thence east 208.75'; thence south to the Point of Beginning and containing 2.51 acres, more or less, and less the road right-of-way of the south and the east, Tulsa County, Oklahoma.

Case No. 751

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a use variance to allow for office use in an RS zoned district, located 7138 North Peoria Avenue.

Presentation:

The applicant, Paul Capps, 1822 North Xenophon, Tulsa, Oklahoma, was represented by Maxine Capps of the same address. Ms. Capps informed that the original house burned and was replaced by a wood building that has the appearance of a mobile home. She stated that the building has previously been rented for apartment use, but plans are now being finalized to rent the structure to a Realtor who is selling HUD properties. Ms. Capps pointed out that the circle drive provides sufficient parking for four vehicles. She stated that it is not her intention to attempt to rezone the property, since it has been in the family for many years, and her sister and nephew still live there.

Interested Parties:

Vonnie Turner, 7105 North Peoria, Tulsa, Oklahoma, stated that he is not opposed to office use, but was curious as to the type of office that would be operating on the property.

Mr. Gardner pointed out to Mr. Turner that, if this application is approved, the property will be restricted to office use only, with no retail or other type business being permitted.

Protestants: None.

Case No. 751 (continued)

Board Action:

On **MOTION** of ELLER the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211) to allow for office use in an RS zoned district; finding that there are multiple zoning classifications in the vicinity and office use will be compatible with the area and in harmony with the Code; on the following described property:

Beginning 50' west and 316' north of the SE/c, SE/4, SE/4, NE/4, thence west 252' to the railroad right-of-way, thence north 195', east 250', south 195' to the Point of Beginning, Section 36, T-21-N, R-12-E, Tulsa County, Oklahoma.

Case No. 752

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 south of Highway 64; west of 161st East Avenue.

Presentation:

The applicant, Ethel Durossette, Route 2, Box 118, Haskell, Oklahoma, asked the Board to approve a mobile home in an RS zoned district. Ms. Durossette stated that her grandson will reside in the mobile.

Comments and Questions:

Mr. Alberty inquired if there are other mobile homes in the area, and the applicant replied that one is located across the street from the property in question.

Mr. Alberty asked if the mobile will use a septic tank for sewage disposal, and the applicant informed that a septic tank will be installed. She informed that Bixby supplies water to the area.

Mr. Alberty inquired if the mobile will be a temporary use, and Ms. Durossette replied that it will be a permanent dwelling for her grandson.

Protestants: None.

Board Action:

On **MOTION** of ELLER the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "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 Health Department approval and Building Permit; finding that there are other mobile homes in the neighborhood and the use will not be detrimental to the area; on the following described property:

Case No. 752 (continued)

Lots 5 and 6, Block 34, Leonard Addition, Tulsa County, Oklahoma.

Case No. 753

Action Requested:

Special Exception - Section - 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 Dwelling Unit per Lot of Record - Use Unit 1209 - Request a variance to allow for two dwelling units (1 house, 1 mobile home) on one lot of record, located 14318 East 58th Street North.

Comments and Questions:

Mr. Alberty informed that the Board has received a letter from Commissioner Lewis Harris, with a letter of protest (Exhibit C-1) from a nearby property owner enclosed.

Presentation:

The applicant, Carol Coffman, 14318 East 58th Street North, Owasso, Oklahoma, informed that her boyfriend lives in the mobile home which was approved by the Board and has been on her property for one year. She pointed out that the rent helps her out financially and he also helps with the upkeep of the property. Ms. Coffman requested that the mobile home be allowed to remain at the present location.

Comments and Questions:

Mr. Alberty asked if there is a home on the property, and the applicant replied that she lives in the home.

In response to Mr. Eller's question regarding the size of the mobile home, the applicant stated that the mobile is 12' by 56', and will be skirted and tied down if her requests are approved.

Mr. Eller inquired if the mobile home is hooked up to a septic tank with lateral lines, and Ms. Coffman replied that the septic system is properly installed and has been checked.

Mr. Eller asked if the sewer drains into the ditch, and the applicant replied that it does not, but a french drain is needed to drain the standing rainwater. Ms. Coffman informed that the weeds are tall at this time because her lawnmower is being repaired.

Mr. Eller inquired if the weeds can be cut and the necessary repairs made to the mobile within the next two weeks if this case is approved, and the applicant answered in the affirmative. A petition of support (Exhibit C-2) was submitted.

Case No. 753 (continued)

Protestants:

Barbara Trawick, 14315 East 58th Street North, Tulsa, Oklahoma, informed that she lives across the street from the applicant and that she, along with three other neighbors, wrote the protest letter which was enclosed with the letter from Commissioner Harris. Ms. Trawick stated that the lawn has not been mowed since the applicant has lived on the property and the present renter leaves children unattended during the day.

Mr. Gardner inquired if there are other lots in the area with more than one dwelling, and Ms. Trawick replied that there are no lots in the area with both a house and a mobile home. She pointed out that she does not object to the mobile home being on the lot if the grass is mowed and the property is in good repair, but does object to the tall grass, dogs running loose and the three children being left unattended.

Applicant's Rebuttal:

Ms. Coffman stated that she does not know who the three neighbors are that wrote the letter, because all of the neighbors signed her petition of support except one. She explained that she has only one dog and one child, but her boyfriend's two children were visiting for approximately two weeks. Ms. Coffman stated that his children are 10 and 11 years old and were supervised by a nearby neighbor. She informed that Ms. Trawick has called the police on several occasions to investigate her and other neighbors.

Additional Comments:

Mr. Alberty stated that there is obviously a neighborhood dispute in progress, but the Board can only act on land use matters.

Mr. Eller remarked that he has viewed the property and would consider approval of the application if Ms. Coffman will mow the grass and install skirting and tie downs within a 30 day period.

Ron Fields, Building Inspection Department, informed that his office will properly monitor the situation if approved.

Board Action:

On **MOTION** of **ELLER** the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Special Exception** (Section - 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 Dwelling Unit per Lot of Record - Use Unit 1209) to allow for two dwelling units (1 house, 1 mobile home) on one lot of record for a period of one year only; said approval being contingent upon the property in question being mowed and the mobile home being skirted and tied down within a 30 day period from this date (July 21, 1987); on the following described property:

Case No. 753 (continued)

A part of the SE/4 of Section 4, T-20-N, R-14-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, described as follows to-wit: Beginning at a point, said point being 656' north of the south line and 330.83' west of the east line of the SE/4 of Section 4, T-20-N, R-14-E, thence north and parallel with the east line of said SE/4 a distance of 330' to a point; thence west and parallel with the south line of said SE/4 a distance of 330.83' to a point; thence south and parallel with the east line of said SE/4 a distance of 330' to a point; thence east and parallel with the south line of SE/4 a distance of 330.83' to the point of beginning, containing 2.506 acres more or less. Less the north 25' of the above described property for roadway and utility purposes, Tulsa County, Oklahoma.

Case No. 754

Action Requested:

Variance - Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1206 - Request a variance to allow for two (2) dwellings on one (1) lot of record.

Variance - Section 330 - Bulk and Area Requirements In Agriculture Zoning - Use Unit 1206 - Request a variance of the rear yard setback from 40' to 20' to allow for a dwelling unit (modular home), located 1501 South Osage, Skiatook, Oklahoma.

Presentation:

The applicant, John Bradford, 1501 South Osage, Skiatook, Oklahoma, asked the Board to allow the placement of a modular home on a 1.3 acre tract. Mr. Bradford explained that he resides in the existing house on the property and is planning to move the modular home in for his son. He informed that he has visited with his neighbors and they are in support of the application.

Comments and Questions:

Mr. Alberty asked if the modular home will have a septic system, and the applicant informed that the property in question is served by Skiatook water and sewer.

Protestants: None.

Board Action:

On MOTION of ELLER the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to APPROVE a Variance (Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1206) to allow for two (2) dwellings on one (1) lot of record; and to APPROVE a Variance (Section 330 - Bulk and Area Requirements In Agriculture Zoning - Use Unit 1206) of the rear yard setback from 40' to 20' to allow for a dwelling unit (modular home); subject to Building Permit and Health Department approval; finding a hardship imposed on the applicant by the size of the

Case No. 754 (continued)

tract, and the fact that the lot is of sufficient size to split into two separate lots, with each lot having sufficient area to permit a dwelling; on the following described property:

Beginning at the NW/c of Government Lot 4, Section 26, T-22-N, R-12-E, thence south 200', east 300', north 200', west 300' to the Point of Beginning, Tulsa County, Oklahoma.

Case No. 755

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1224 - Request a special exception to allow for the continued use of quarrying (soil excavation) and to allow for related accessory uses (office) in an AG zoned district, located 13600 East 121st Street South.

Presentation:

The applicant, Pat Jones, Route 1, Box 504, Broken Arrow, Oklahoma, was represented by Larry Jones. He informed that he is the owner of the land at the above stated location and is requesting permission to continue the removal of dirt from the property. An excavation plan (Exhibit X-1) was submitted.

Comments and Questions:

Mr. Alberty inquired as to the amount of time needed to complete the dirt removal, and he replied that he is contemplating a time period of approximately five years. He informed that he is coordinating his operation with the dirt removal operation on the abutting property, with the hill being cut down to the same height (maximum of 19').

Protestants: None.

Board Action:

On MOTION of WALKER the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1224) to allow for the continued use of quarrying (soil excavation) and to allow for related accessory uses (office) in an AG zoned district; per plan submitted (19' maximum cut from existing grade); subject to approval of Health Department, Department of Mines, County Engineer and the Building Inspector; subject to a septic system (no lagoon), if required; for a period of 5 years; on the following described property:

The W/2, W/2, NE/4, Section 4, T-17-N, R-14-E, Tulsa County, Oklahoma.

Case No. 756

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a use variance to allow for a sales office in an RS zoned district.

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 of Record - Use Unit 1209 - Request a variance to allow for two dwelling units (2 mobiles) on one lot of record, located 1 1/2 mile north of Highway 51, on Old Keystone Road.

Presentation:

The applicant, Alan Ringle, PO Box 247, Broken Arrow, Oklahoma, represented the engineer for the owners of the property, Martin-Allison. He informed that nearby Keystone Manor Suburban Acres II is developed except for 8 or 10 lots and Keystone Manor Suburban Acres is also developed, with the exception of a large tract which was left for what was thought to be commercial. Mr. Ringle noted that the property was actually blanket zoned and asked the Board to allow two mobile homes to be placed on this vacant tract. He stated that one mobile will be used as an office for the marketing of the unsold lots, and the second mobile will be used as a dwelling for the salesperson.

Comments and Questions:

There was discussion as to the size of the lot in question and Mr. Alberty pointed out that the lot appears to be approximately three or four times as large as the other lots in the addition.

Protestants:

Several protestants in the audience remarked that they are confused as to the location of the property in question and how many units will be placed on the lot.

Mr. Gardner informed that prior to 1980 the area in question was not zoned and the mobile homes would have been allowed by right, but in 1980 the property was given an RS classification and permission from this Board is now required for mobile homes in an RS Zone. He pointed out that it is customary for a unit in a development to be used as an office until all sales are completed.

Archie Sechrest, 1500 South Main, Sapulpa, Oklahoma, inquired if the sales office is temporary, and if so, how long it will be at the present location. Mr. Sechrest stated that he has found Mr. Allison's word to be very unreliable and that the time period for the sales office should be spelled out.

Case No. 756 (continued)

Mr. Alberty asked Mr. Sechrest if Mr. Allison is the developer of the subdivision, and he answered in the affirmative.

Applicant's Rebuttal:

Mr. Ringle stated that the owner has approximately 60 lots to sell, and asked the Board to allow the sales office to remain on the property until these lots have been disposed of. He pointed out that Bill Martin is now a partner of the former developer and Mr. Martin is a very reliable person.

Board Action:

On **MOTION** of **ELLER** the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) to allow for a sales office in an RS zoned district; 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 of Record - Use Unit 1209) to allow for two dwelling units (2 mobiles) on one lot of record; subject to the two mobile homes being removed from the subject property at the end of a two year period; finding that the proposed use is compatible, and that there are many mobile homes located in the surrounding area; on the following described property:

Lot 1, Block 3, Keystone Manor Suburban Acres Addition, Tulsa County, Oklahoma.

Case No. 759

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217 - Request a use variance to allow for automobile repair and small engine repair in an RS zoned district, located 403 - 405 North Ridge Drive.

Presentation:

The applicant, Bob Easley, 816 West 4th Street, Sand Springs, Oklahoma, requested by letter (Exhibit D-1) that Case No. 759 be withdrawn.

Comments and Questions:

Mr. Jones informed that Staff has received a letter (Exhibit D-2) from the Sand Springs Board of Adjustment recommending denial of the application.

Protestants:

There were several protestants from the Sand Springs area present for the hearing.

Case No. 759 (continued)

Board Action:

On MOTION of ELLER the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to WITHDRAW Case No. 759, as requested by the applicant.

OTHER BUSINESS

Case No. 759

Action Requested:

The applicant, Bob Easley, requested by letter (Exhibit D-1) that he be granted a refund of filing fees for Case No. 759.

Comments and Questions:

Mr. Jones informed that Case No. 759 has been fully processed, except for the hearing portion, and recommended that fees in the amount of \$25.00 be refunded to the applicant.

Board Action:

On MOTION of ELLER the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to REFUND a portion of the filing fee in the amount of \$25.00; finding that the entire case has been processed, except for the hearing portion.

There being no further business, the meeting was adjourned at 3:00 p.m.

Date Approved

8-18-87

Wayne Alberty
Chairman