

COUNTY BOARD OF ADJUSTMENT
Meeting No. 89
Tuesday, October 20, 1987, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Eller Looney, Chairman Tyndall Walker		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, October 16, 1987 at 1:00 p.m.

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

MINUTES

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of September 15, 1987 (No. 88).

Election of Officers

Mr. Alberty stated that nominations were in order for Chairman, and Mr. Walker presented the name of Ron Looney, with no further nominations being made.

On **MOTION** of **WALKER**, the Board voted 4-0-1 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; Looney, "abstaining"; none "absent") to elect Ron Looney as Chairman for the County Board of Adjustment, for a period of one year.

Mr. Walker nominated Lee Eller for Vice-Chairman, with no further nominations being made.

On **MOTION** of **WALKER**, the Board voted 4-0-1 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; Eller, "abstaining"; none "absent") to elect Lee Eller as Vice-Chairman for the County Board of Adjustment.

MINOR VARIANCES AND EXCEPTIONS

Case No. 770

Action Requested:

Minor Variance - Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206 - Request a minor variance of lot width from 200' to 128.44' in order to permit a lot split, located 10620 and 10660 South 33rd West Avenue.

Comments and Questions:

Mr. Jones informed that the lot split is being heard by this Board prior to the TMAPC hearing, in order to accommodate the applicant. He pointed out that any action taken by this Board should be made subject to TMAPC approval.

Presentation:

The applicant, Daniel Brown, Route 2, Box 440, Wagoner, Oklahoma, stated that the existing house on the property has been damaged by fire. He asked the Board to permit the variance of the lot width to allow him to rebuild the damaged house and construct an additional house next door. Mr. Brown stated that he is moving back to the Tulsa area and will live in the new house and repair the damaged building for rental use.

Additional Comments:

Mr. Looney asked the applicant if he is aware that all of the subject tract except the east 150' is in the floodplain, and he replied that he is aware of the floodplain. Mr. Brown stated that he has been advised that a 14" stemwall will be required for the new construction. He informed that the existing older house has never flooded.

Protestants: None.

Board Action:

On MOTION of ALBERTY the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Minor Variance (Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206) of lot width from 200' to 128.44' in order to permit a lot split; per TMAPC approval; finding that there are other lots in the area that are similar in size; on the following described property:

A tract of land beginning at a point N 00°51' E a distance of 2381.78' from the SW/c of Section 27, T-18-N, R-12-E, Tulsa County, Oklahoma, thence N 00°51' E a distance of 264.82', thence N 89°47'38" E a distance of 746.13', thence S 00°23'20" W a distance of 266.86', thence S 89°47'13" W a distance of 534.01', thence N 00°51' E a distance of 2.04', thence S 89°47'13" W a distance of 210' to point of beginning, containing 4.57 acres, more or less. This tract is subject to a 30' road right-of-way along the east side, Tulsa County, Oklahoma.

Case No. 771

Action Requested:

Minor Variance - Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206 - Request a minor variance of the lot width from 200' to 130', lot area from 2 acres to 1 acre, land area from 2.2 acres to 1.14 acres all in order to permit a lot split, located west of the NW/c of 181st Street and Memorial Drive.

Comments and Questions:

Mr. Jones informed that a letter (Exhibit A-1) from Mike Augustine, Bixby Planner, stated that Bixby has recommended approval of the lot split on October 12, 1987.

Presentation:

The applicant, Kenneth Gibson, 113 West Dawes, Suite 101, Bixby, Oklahoma, stated that he is representing, Kenneth Due, owner of the property in question. He informed that Mr. Due owns 10 acres and is planning to sell nine acres, while retaining the portion with the existing residence. Mr. Gibson informed that percolation tests have been obtained on both the nine acre tract and the remaining one acre lot. He pointed out that there are other lots in the area that are similar in size to the subject tract.

Additional Comments:

Mr. Tyndall asked the applicant to state the lot size of the properties to the west of the subject tract, and he replied that there are six five acre tracts with narrow frontages to the west of Mr. Due's property.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Variance** (Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206) of the lot width from 200' to 130', lot area from 2 acres to 1 acre, land area from 2.2 acres to 1.14 acres all in order to permit a lot split; subject to TMAPC approval; finding that there are other lots in the area that are similar in size to the lot in question; on the following described property:

The E/2, E/2, SW/4, SE/4, Section 36, T-17-N, R-13-E, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 768

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 District, located 917 West 4th Street.

Comments and Questions:

Mr. Looney read a letter (Exhibit B-1) from the City of Sand Springs, which informed that their Board of Adjustment has heard this case and recommend approval, subject to the installation of skirting and tie downs; and subject to the applicant being in compliance with all other required building codes.

Presentation:

The applicant, Wesley Fairchild, 419 Ridge Drive, Sand Springs, Oklahoma, stated that he is proposing to remove three older houses from the property in question, and install a new mobile home. A letter of support (Exhibit B-2) was submitted.

Additional Comments:

Mr. Looney asked Mr. Fairchild if he will occupy the mobile home, and he answered in the affirmative.

In response to Mr. Looney's inquiry as to availability of utilities, the applicant informed that water and sewer hookups are available.

Protestants: None.

Board Action:

On MOTION of ALBERTY the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "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 District; subject to skirting and tie downs being installed; subject to compliance with all Building Code requirements; and subject to Building Permit and Health Department approval; finding that there are numerous mobile homes located in the area; on the following described property:

East 100' of Lot 21, Block 19, Charles Page Home Acres II Addition, Tulsa County, Oklahoma.

Case No. 769

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1209 - Requests a use variance to allow for a mobile home in a CS District for security reasons.

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217 - Request a special exception to allow for automotive and allied activities in a CS District, located 7525 North Peoria Avenue.

Presentation:

Rhodillah Harlow, 108 East Maple, Skiatook, Oklahoma, stated that she is the owner of a building that has been leased to an individual who is operating a garage on the premises. She stated that the lessee specializes in transmission repair, does some painting and restoring of old automobiles and builds three wheel cycles. Ms. Harlow informed that the owner of the business lives in one portion of the building for security reasons. She stated that the application requests a mobile home on the property for security purposes, but the owner has now decided to continue to live in one end of the building. Ms. Harlow stated that she did not know the operation of the garage was not permitted in the CS District, and asked the Board to allow its continued operation.

Comments and Questions:

Mr. Looney asked the applicant if the northeast two thirds of the tract is in a floodplain, and she replied that it has never flooded and that she was not aware that the property is located in a flood area.

Mr. Looney inquired if the building is serviced by a sanitary sewer, and the Ms. Harlow answered in the affirmative.

Mr. Jones stated that the building in question might have been constructed prior to the drawing up of the floodplain maps. He pointed out that the use variance could be withdrawn if the operator of the business does not need the mobile home. Mr. Jones stated that CS zoning does not permit any type of single-family dwelling, and automobile painting may also be in violation of environmental requirements.

Ms. Harlow informed that the operator of the business told her that he does not paint at this time, but is more of a transmission specialist.

Ron Fields, Building Inspection, stated that, if the Board is inclined to approve the application, the approval should be subject to an Occupancy Permit and the mixed use question can be addressed before that permit is issued.

Case No. 769 (continued)

Mr. Alberty asked the applicant how long the garage has been in operation, and Ms. Harlow replied that the three year lease was signed during the summer of 1987. Mr. Alberty remarked that, due to the location of the garage across from the single-family homes, he cannot see that the use is compatible with the surrounding area.

Interested Parties:

Betty Lay, 1536 East 75th Street North, Tulsa, Oklahoma, stated that she lives in the area and there is a bar across the street and to the south of the garage. She pointed out that there is quite a lot of rowdy activity in the area during the evening hours.

Additional Comments:

Mr. Alberty voiced a concern with outside storage around the garage, and Mr. Tyndall commented that a time requirement could be placed on the garage operation, if the Board is inclined to approve the use.

Mr. Eller asked Ms. Harlow if the operator of the business is licensed to sell automobiles, and she replied that she does not know if he has a license.

Mr. Fields reiterated that the mixed occupancy in the same building may be a violation of the Code.

Mr. Alberty asked Mr. Fields if he has inspected the building in question, and he replied that he has not.

Board Action:

On **MOTION** of **ELLER** the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** a **Use Variance** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209) for a mobile home in a CS District for security reasons, to November 17, 1987, in order to allow the operator of the garage sufficient time to apply for an Occupancy Permit and allow the Building Inspector to make a determination on the issue of mixed occupancy; and to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow for automotive and allied activities in a CS District; for the duration of the present three year lease; subject to Occupancy Permit; and subject to no outside storage; on the following described property:

The west 125' of Lot 7, Block 2, Golden Hill Addition, Tulsa County, Oklahoma.

Case No. 772

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request an 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 2 dwellings on 1 lot of record, located 1536 1/2 East 75th Street North.

Presentation:

The applicant, Betty Lay, 1536 East 75th Street North, Tulsa, Oklahoma, asked the Board to allow her to park a mobile home on her cousin's property at the above stated location. She informed that all utilities are available and the mobile will be placed behind the existing dwelling. Ms. Lay pointed out that there are numerous mobile homes in the area.

Protestants: None.

Board Action:

On MOTION of ALBERTY the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "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 Building Permit and Health Department approval; finding that there are numerous mobile homes in the area and the granting of the requests will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The west 150' of Lot 2, Block 3, Golden Hill Addition, Tulsa County, Oklahoma.

Case No. 773

Action Requested:

Special Exception - Section 420 - Accessory Uses In Residential Districts - Use Unit 1217 - Request a special exception to allow for automotive repair and related uses as a home occupation in an RS District, located 4347 South 49th West Avenue.

Comments and Questions:

Mr. Jones stated that Mr. Gayton made application for a home occupation in April of this year, which was denied by the Board. He stated that the applicant acquired an attorney, and has filed the present application. He pointed out that the Board will have to determine if the area has changed significantly, or if there is something different in this application that was not presented at the prior hearing.

Mr. Looney requested that the applicant state the difference between this application and the one (Case No. 731) previously heard by the Board in April.

Case No. 773 (continued)

Presentation:

The applicant, Gregorio Gayton, 4347 South 49th West Avenue, Tulsa, Oklahoma, stated that the property across the street from the subject tract has been rezoned and a building is under construction. He asked the Board to approve an automobile repair business which he is proposing to operate on his property.

Additional Comments:

Mr. Fields informed that a laboratory will be located across the street from the subject property.

A letter (Exhibit X-1) from Jack Edwards concerning the application was submitted to the Board.

Mr. Jones pointed out that the IL, IR and IM zoned property shown on the map to the west of 49th West Avenue, was zoned AG until March of 1987. He stated that the Board will have to determine if the rezoning of the property across the street will significantly affect the RS property on the east side of 49th West Avenue. He pointed out that the IR zoning serves as a buffer for the single-family development to the east.

There was Board discussion as to whether or not this is essentially the same case previously heard by the Board.

Mr. Alberty stated that he can see no change in the land use and the applicant is requesting the same use as he requested in the previous application.

Protestants:

Mr. and Mrs. Jess Conner, 4349 South 49th West Avenue, Tulsa, Oklahoma, were present, but did not address the Board.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **STRIKE** Case No. 773; finding that this application is the same as the one previously denied by the Board on April 21, 1987.

Case No. 774

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 5915 South 69th West Avenue.

Case No. 774 (continued)

Presentation:

The applicant, Harold McClintock, 4829 South Nogales, Tulsa, Oklahoma, requested permission to demolish an existing house and replace it with a mobile home. He informed that an elderly relative is living in the old house and will also occupy the mobile home. He informed that all utility hookups are presently in place on the property. A plot plan (Exhibit C-1) was submitted by the applicant.

Comments and Questions:

Mr. Looney asked if there are other mobile homes in the area, and the applicant replied that there are several mobiles in the neighborhood.

Board Action:

On MOTION of TYNDALL, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "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 Building Permit and Health Department approval; finding that there are other 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 and the Comprehensive Plan; on the following described property:

Lots 28 and 29, Block 52, Taneha Addition, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:34 p.m.

Date Approved

11-18-87


Chairman