

**COUNTY BOARD OF ADJUSTMENT**  
Meeting No. 107  
Tuesday, April 18, 1989, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Alberty Looney Tyndall Walker	Eller	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, April 14, 1989 at 2:02 p.m.

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

**MINUTES**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** the **Minutes** of March 21, 1989 (No. 106).

**NEW APPLICATIONS**

**Case No. 880**

**Action Requested:**

Use Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209 - Request a use variance to allow for a mobile home to locate in a CS zoned district, located SW/c West 60th Street and South 63rd West Avenue.

**Presentation:**

The applicant, Howell Mabry, PO Box 277, Oakhurst, Oklahoma, submitted a plot plan (Exhibit C-2) and asked the Board to allow an existing mobile home to remain on his property at the above stated location. He pointed out that there are two mobiles across the street from his lot and others in the immediate vicinity. Mr. Mabry stated that he is also proposing to construct a carport on the property.

Case No. 880 (continued)

**Comments and Questions:**

Mr. Looney asked the applicant if the mobile home has been skirted and has a permanent foundation, and he replied that it is permanently in place, with tie-downs.

In response to Mr. Looney's inquiry concerning the carport, Mr. Mabry informed that it will not be attached to the mobile home and will accommodate one vehicle.

Mr. Looney asked Mr. Mabry if he has made application for a building permit, and he replied that he has not applied for a permit.

**Protestants:**

Patrick and Judy McGuire, 6012 South 63rd West Avenue, Oakhurst, Oklahoma, stated that their lots are located to the rear of the subject property. Ms. McGuire explained that they decided to purchase their present home in 1983, and at that time there were no mobile homes in the area; however, by the closing date, a mobile home was moved on the subject property. She stated that it was her understanding, after speaking with the occupant of the mobile home, that they had permission to leave the unit at this location for a three-year period. Ms. McGuire noted that she has become concerned that other mobile homes have moved in since that time, and Mr. Mabry has moved in without a permit. She pointed out that there are no other mobile homes on the block where her house is located, and voiced a concern that property values will decrease if mobiles are allowed to locate in this area. It was noted that the mobile home is not on a permanent foundation, and Mr. Mabry has alerted the public to keep off his property by painting on the front of an old building foundation which is covered with debris. Ms. McGuire stated that the property is very unsightly. Photographs were submitted (Exhibit C-1).

Margaret McDaniel, Box 279, Oakhurst, Oklahoma, stated that she owns the property to the south of Patrick and Judy McGuire, and is attempting to upgrade the area. She pointed out that mobile homes in the area will tend to depreciate the surrounding property values.

Mr. Walker asked Ms. McDaniel to state the size of her home, and she replied that she owns a two-bedroom frame house.

In response to Mr. Alberty, Ms. McDaniel stated that there is no mobile home to the west of her property. She informed that one was moved in temporarily, but it has been removed.

Mr. Gardner asked how long the area has been served by a sanitary sewer system, and Ms. McDaniel replied that the sewer has been in place approximately 10 years.

Case No. 880 (continued)

Madelyn Counts, 6312 West 60th Street, Oakhurst, Oklahoma, stated that she has lived at this location approximately 20 years, and that, prior to this time, all mobile homes in the area have been across the street. Ms. Counts asked the Board to deny the application.

**Applicant's Rebuttal:**

Mr. Looney asked Mr. Mabry if the debris in the photographs is still on his property and, if so, when it will be removed. The applicant replied that the brush is on his property and he will dispose of it within 30 days from this date. He explained that school children have been playing on his lot and the signs were painted on the old foundation to keep them off.

Mr. Looney suggested to Mr. Mabrey that he might improve his position with his neighbors if he would paint over the graffiti on the foundation and clean the debris from the lot.

Mr. Mabrey stated that a mobile home was on the lot when he purchased the property and he was not aware of the Code violation. He agreed to remove the trash and the graffiti from the old foundation wall.

Mr. Walker asked the applicant when he purchased the subject property, and he replied that he bought the lot and installed the mobile home approximately two years ago.

In response to Mr. Looney's inquiry, the applicant replied that the mobile home is set on concrete blocks.

There was Board discussion as to the corner location and the limited use for the property, due to the narrow width of the lot. Mr. Alberty stated that there are numerous mobile homes in the area; however, the appearance of this lot seems to be a cause of concern for the neighbors.

Mr. Walker stated that he perceives this area as being in transition, and feels the protestants are attempting to preserve their block. He remarked that he would support approval of the application for a one-year period to see if the mobile home use can prove to be compatible with the surrounding neighborhood.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Use Variance** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209) to allow for a mobile home to locate in a CS zoned district for a period of one year only; subject to a building permit; and subject to all debris and graffiti being removed within a 30-day period from this date; on the following described property:

Lots 1 and 2, Block 9, New Taneha Addition, Tulsa County, Oklahoma.

**Case No. 881**

**Action Requested:**

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required frontage on a public street from 30' to 0', located east of SE/c of 134th Street and South Lewis Avenue.

**Presentation:**

The applicant, Ken R. Bruce, 925 West H Street, Jenks, Oklahoma, stated that his property is accessed by a private gravel road which has been in use for approximately 15 years. He asked the Board to reduce the required frontage on a public street to zero. It was noted by the applicant that a 30' access easement has been filed of record, and a private road is maintained by the property owners.

**Comments and Questions:**

Mr. Tyndall asked if the property is located within the Jenks fence line and, if so, why the Jenks Board of Adjustment did not make a recommendation. Mr. Bruce replied that he is not sure if the property is located within the fence line, but Jenks did not choose to make a recommendation.

In response to Mr. Looney, the applicant stated that he has owned 20 acres since 1977, but has sold all of his property except nine acres. He informed that some land was sold in 1988 and a three-acre tract was sold in 1989.

Mr. Alberty remarked that neither Mr. Bruce's nine-acre tract, or the two parcels he sold, have access to a public street.

Mr. Gardner pointed out that the 30' easement would not be adequate to build a road that would comply with County standards.

There was discussion as to the fact that there are two different widths of roadway easement, and Mr. Alberty stated that he is not sure the Board has sufficient information concerning the property. He remarked that it appears a subdivision is being created without the requirements of a subdivision plat.

Mr. Jones explained that the County ordinarily does not want to accept maintenance of any road that does not comply with County standards. He, too, noted that an original parcel of land cannot be split more than four times, so if the original 80 acres was split into 20-acre tracts, the holders of those properties could not split them again into smaller lots. He stated that it appears this property has been split more than four times.

Case No. 881 (continued)

It was noted by Mr. Gardner, that the hardship in this case is self-created, and the applicant will be able to sell the property if he so desires, but will not be issued a building permit without frontage on a public street, or relief from this Board. He informed that it appears that numerous interior lots are being created with no street access.

Mr. Alberty asked the applicant what precipitated this Board action, and he replied that he has spoken with Ron Fields, County Building Inspection, concerning a building permit, and is attempting to go through the necessary steps.

Mr. Looney remarked that it is obvious that numerous illegal lots have been created since the initial dividing of the property. He asked Mr. Gardner if the Board is to consider only the properties that were divided before 1980, and he replied that those owners of parcels in existence and filed of record in the clerks office before 1980 will be issued a building permit. He pointed out that all lots created since that time must meet all Code requirements.

Mr. Fields informed that subdivision regulations were enacted around 1960.

**Board Action:**

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **DENY** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the required frontage on a public street from 30' to 0'; finding that the applicant failed to present a hardship for the variance request; and finding that numerous interior lots have been created (by subdividing and resubdividing of the applicants property), which do not have the required frontage on a public street; on the following described property:

The east 590', S/2, SE/4, NW/4, Section 8, T-17-N, R-13-E, Tulsa County, Oklahoma.

**Case No. 882**

**Action Requested:**

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required frontage on a public street from 30' to 0', located east of SE/c 134th Street and South Yale Avenue.

**Presentation:**

The applicant, Steve Bredesen, 9230 South 87th East Avenue, Tulsa, Oklahoma, stated that his application is essentially the same as the preceding case. He explained that his property, which abutts Mr. Bruce's land on the west, was recently purchased with the intent of installing a mobile home.

Case No. 882 (continued)

**Comments and Questions:**

Mr. Alberty asked the applicant if he has the title to the property, and he replied that he is purchasing the property on contract for deed. Mr. Alberty remarked that a clear title probably can not be obtained if an attorney completes a title opinion.

Mr. Looney asked the applicant if his intent is to live in the mobile home on a permanent basis, and he replied that he is planning to sell the house where he presently resides and live in the mobile home.

Mr. Alberty stated that Mr. Bredesen's variance request is identical to the previous application filed by Mr. Bruce, and recommended denial of the application.

**Protestants:** None.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **DENY** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the required frontage on a public street from 30' to 0'; finding that the applicant failed to present a hardship for the variance request; and finding that the subject tract is one of numerous lots that has been created (by subdividing and resubdividing interior properties), which does not have the required frontage on a public street; on the following described property:

The east 200' of the west 730', S/2, SE/4, NW/4, Section 8, T-17-N, R-13-E, Tulsa County, Oklahoma.

**Case No. 883**

**Action Requested:**

Variance - Section 207 - Street Frontage Required - Section 1206 - Request a variance of the required frontage on a public street from 30' to 0', located south of SW/c 151st Street and South 26th West Avenue.

**Presentation:**

The applicant, Kenneth Pickering, 6510 Summit Drive, Tulsa, Oklahoma, requested by letter (Exhibit D-1) that Case No. 883 be withdrawn.

**Comments and Questions:**

Mr. Jones informed that approximately one-third of the case had been processed when it was discovered that the applicant was not in need of the relief requested. He suggested that a portion of the filing fee, in the amount of \$100, be refunded.

Case No. 883 (continued)

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **WITHDRAW** Case No. 883, as requested by the applicant, and **REFUND** fees in the amount of \$100.

**Case No. 884**

**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 of Record - Use Unit 1209 - Request a special exception to allow for mobile home in an RS zoned district, located 1542 East 71st Street North.

**Action Requested:**

The applicant, Mike Presnell, 1542 East 71st Street North, Tulsa, Oklahoma, requested permission to install a single-wide mobile home on a tract that has an existing double-wide mobile.

**Comments and Questions:**

In response to Mr. Looney's question, the applicant stated that the property is served by the City sewer. He informed that there is a third mobile home in place on the lot to the east of the subject property.

Mr. Looney asked the applicant if the mobile home will be his permanent residence, and he answered in the affirmative.

Mr. Tyndall inquired as to the occupants of the other two residences on the property. Mr. Pressnall stated that his mother lives in the double-wide mobile home and the old house, which has not been occupied for the past 25 years, is used for a storage building. He informed that the house does not have plumbing and is not habitable.

**Protestants:**

Jeff Kirkham, 1727 East 73rd Street North, Tulsa, Oklahoma, stated that he conversed with residents across the street to determine their concerns, if any, with this application, and found that none of the property owners received a hearing notice. He pointed out that Golden Hills Addition has been contending with extensive mobile home use in the area for several years, and it seems that the trend has been somewhat reversed, with the denial of several applications in the recent past. Mr. Kirkham submitted photographs (Exhibit A-1) of one mobile home in the area that is in bad repair. He suggested that the mobile home in question could be set up in the nearby mobile home park.

Case No. 884 (continued)

Mr. Tyndall asked Mr. Kirkham if the mobile home in the photograph is located in the Golden Hills Addition, and he answered in the affirmative.

Phyllis Yeldell, 6907 North Trenton, Tulsa, Oklahoma, stated that she owns five acres across the street from the existing trailer, and is concerned that trash may accumulate on the property, since there is already trash along the fence of the vacant lot.

Mr. Looney asked Ms. Yeldell if there are any mobile homes in the area, other than the two that have been mentioned, and she replied that there are no others in the block.

Lillian Rogers, 7021 North Trenton, Tulsa, Oklahoma, stated that she lives across the street from the proposed location for the mobile home, and pointed out that three mobile homes located in the small area would not be compatible with the residential neighborhood.

**Additional Comments:**

Mr. Jones pointed out that it is the responsibility of the applicant to supply Staff with an accurate list of names and mailing addresses for property owners within a 300' radius of the property under application. He stated that Mr. Pressnall supplied three names for notification.

**Applicant's Rebuttal:**

Mr. Pressnall informed that his relatives have lived on the property in question for 60 years. He remarked that he supplied INCOG with names of property owners on both sides and in front of the lot in question, and was under the impression that only these owners would be affected by the application.

**Additional Comments:**

After Board discussion concerning the limited number of notices sent out, Mr. Walker stated that protestants have appeared before the Board on a regular basis in an attempt to police the area. He pointed out that additional notices would probably bring additional protests.

Mr. Alberty remarked that he could not support the placement of a third building on the property.



Case No. 884 (continued)

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "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; and to **DENY** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow for a mobile home in an RS zoned district; finding that the applicant failed to present a hardship for the variance request, and that an additional mobile home in the area would be excessive; on the following described property:

W/2 of Lot 1, Block 9, Golden Hills Addition, Tulsa, County, Oklahoma.

**Case No. 885**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for an existing mobile home in an RS zoned district, located 107 North 72nd West Avenue.

**Presentation:**

The applicant, Dora Snowden, 107 North 72nd West Avenue, Tulsa, Oklahoma, informed that she recently moved a mobile home on her property and that there was obviously a protest filed. She explained that she has contacted all neighbors within a 300' radius and they have signed a petition of support (Exhibit B-1) for the application. Ms. Snowden stated that she asked the salesman at the mobile home sales lot if she would need a permit, and he told her that there would be no problem if there are other mobiles in the area.

**Comments and Questions:**

Mr. Alberty asked Ms. Snowden if the nearby creek floods her property, and she replied that it has flooded once in the 15 years she has owned the property. She stated that the mobile home will be elevated 4' to guard against the possibility of future flooding problems.

Mr. Jones informed that the extreme north portion of the tract may be located in the regulatory floodway.

In response to Mr. Looney's inquiry, the applicant replied that the mobile will be tied down and set on a permanent foundation.

Case No. 885 (continued)

Board Action:

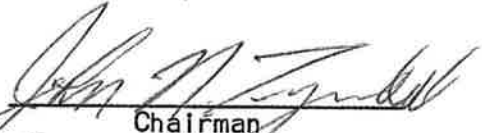
On **MOTION** of TYNDALL, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to APPROVE a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for an existing mobile home in an RS zoned district; subject to applicant acquiring a 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 neighborhood or violate the spirit and intent of the Code; on the following described property:

The north 44.3' of the west 270', LESS the west 20' of Block H and the south 75' of the west 270' of Block Z, Farm Colony Addition to Tulsa County, Oklahoma.

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

Date Approved

5/16/89

  
Chairman  
*(Acting Chairman)*