

COUNTY BOARD OF ADJUSTMENT
Meeting No. 126
Tuesday, October 16, 1990, 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	Walker	Gardner Moore Richards	Dent, Building Inspection 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 Monday, October 15, 1990 at 11:32 p.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of ELLER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Looney, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** the **Minutes** of September 18, 1990 (No. 124) and September 27, 1990 (No. 125).

UNFINISHED BUSINESS

Case No. 991

Action Requested:

Use Variance to permit a welding and sheet metal shop in an AG zoned district - **Section 1670**. **VARIANCES** - Use Unit 25, located 17901 East 131st Street South.

Presentation:

The applicant, **Jim Thompson**, 7850-B South Elm Place, Broken Arrow, Oklahoma, was not present. A plot plan (Exhibit A-2) from the case file was submitted for Board review.

Comments and Questions:

Mr. Gardner advised that the Broken Arrow Board of Adjustment has recommended approval (Exhibit A-1) of the application for a period of one year, with the business ceasing or relocating at the end of that time. He stated that this Board, if inclined to support the Broken Arrow Board of Adjustment, could approve the application for one year, per conditions imposed by Broken Arrow. Mr. Gardner pointed out that, if approved, the legal description should be revised to limit the current operation to the existing building and a specific portion of the property under application.

Case No. 991 (continued)

Although the applicant was not present, it was the consensus of the Board that a decision could be rendered at this time, as a plot plan and information concerning the case were previously submitted.

Mr. Dent informed that the applicant acquired a permit for a pole barn on the subject tract, which stated that a business would not be operated in the structure; however, the sheet metal shop began operation shortly thereafter.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Looney, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Use Variance** to permit a welding and sheet metal shop in an AG zoned district for a period of one year only (beginning October 16, 1990 through October 15, 1991) - **Section 1670. VARIANCES** - Use Unit 25; per Broken Arrow Board of Adjustment; finding that the business is not compatible with the surrounding area, and will cease to operate at this location at the end of the one year period; on the following described property:

The east 400' of the south 300' of the W/2 of the SE/4, Section 1, T-17-N, R-14-E, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 992

Action Requested:

Appeal the decision of the County Inspector in not permitting a Use Unit 3 (horticultural nursery) in an RE District - **Section 1650. APPEALS FROM THE COUNTY INSPECTOR** - Use Unit 3.

Use Variance to permit the operation of a horticultural nursery in an RE District - **Section 1670. VARIANCES** - Use Unit 3, located 19200 East 96th Street, Broken Arrow, Oklahoma.

Comments and Questions:

A letter (Exhibit B-1) from the Broken Arrow Board of Adjustment was submitted.

Presentation:

The applicant, **W. B. Hamilton**, 209 East Charlotte, Broken Arrow, Oklahoma, was represented by **Marlon Dyer**, 319 West Washington, Broken Arrow, Oklahoma. Mr. Dyer informed that his client was not aware of the protests concerning the proposed business, and has decided to move the operation within a 30-day period. He requested that the use variance request be withdrawn and the remainder of the application be continued for 30 days to allow Mr. Hamilton sufficient time to relocate.

Case No. 992 (continued)

Protestants:

There were numerous protestants present, however, they did not choose to speak after Mr. Dyer make known his client's intent to remove the business.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Looney, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **WITHDRAW** a **Use Variance** to permit the operation of a horticultural nursery in an RE District - **Section 1670. VARIANCES** - Use Unit 3, located 19200 East 96th Street, Broken Arrow, Oklahoma; and to **CONTINUE** the balance of the application to November 18, 1990.

Case No. 993

Action Requested:

Variance of the required frontage on a public street or dedicated right-of-way from 30' to 0' - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located 4724 South 165th West Avenue.

Comments and Questions:

Mr. Richards stated that the Sand Springs Board of Adjustment (Exhibit C-1) has heard the request and recommended approval.

Presentation:

The applicant, **Clifford Mead**, 6134 South 126th West Avenue, Sapulpa, Oklahoma, stated that he is proposing to move a house to the vacant tract, which will be hooked up to all utilities and used for residential purposes.

Additional Comments:

Mr. Alberty inquired as to road access, and the applicant informed that there is an access road to the property. He submitted a copy of the Right-of-Way Easement (Exhibit C-2) and stated that the access point is on the south side of the tract.

Mr. Fields informed that the easement is filed of record.

Mr. Alberty pointed out that Sharon Kercheval is holder of the easement, and the applicant stated that she is his niece.

In regard to the outcome of litigation concerning the dispute over the easement, Mr. Fields stated that the lawsuit judgment was concerning the Kercheval property to the south, and the judgment was in favor of the Kerchevals.

Mr. Alberty pointed out that only roads that are dedicated and accepted will be maintained by the County, and the applicant replied that Ms. Kercheval stated at the Sand Springs Board of Adjustment meeting that she will bring the road up to County specifications.

Case No. 993 (continued)

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eiler, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a Variance of the required frontage on a public street or dedicated right-of-way from 30' to 0' - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6; subject to conditions imposed by the Sand Springs Board of Adjustment; and subject to Right-of-Way Easement being filed of record; on the following described property:

W/2, SE/4, NW/4, SE/4, less the north 56' and less the east 30', Section 30, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 994

Action Requested:

Special Exception to permit a mobile home as a dwelling - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 8129 West 61st Street South.

Presentation:

The applicant, **Travis Wilcher**, 8129 West 61st Street, Tulsa, Oklahoma, requested permission to locate a mobile home on the subject property. He informed that he is proposing to make this his permanent address, and added that there are numerous mobile homes in the immediate area.

Comments and Questions:

Mr. Alberty asked if a creek crosses the property in question, and the applicant answered in the affirmative. Mr. Wilcher pointed out that his property is not located in the floodplain.

In response to Mr. Alberty, the applicant stated that a septic system will be installed for sewage disposal.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eiler, Tyndall, Looney, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a Special Exception to permit a mobile home as a dwelling - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; subject to a Building Permit and Health Department approval; finding that there are other mobile homes in the area, and the placement of the mobile home at this location will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

SE/4, SE/4, SE/4, SE/4, except south 25' and east 25' thereof for street, Section 36, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 995

Action Requested:

Special Exception to permit a mobile home as a dwelling -
Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -
Use Unit 9, located 3305 South 65th West Avenue.

Presentation:

The applicant, **Charles Patterson**, Route 4, Box 320-B, Sapulpa, Oklahoma, requested permission to install a mobile home on vacant property located in Berryhill Acres Addition. He informed that the soil has passed the percolation test for installation of a septic system. The applicant stated that his parents have a house on property to the north of the lot in question.

Comments and Questions:

In response to Mr. Alberty, the applicant stated that there are numerous mobile homes in the area. Mr. Alberty remarked that there were several protesting property owners in attendance at the 1985 hearing for a mobile home at this location. Mr. Patterson submitted a plot plan (Exhibit D-1) and explained that he has changed the location of the mobile from the top of the hill to the bottom. He pointed out that it will be barely visible to other homeowners in the area, and there have been no objections to the application.

Mr. Alberty asked how the property will be accessed, and the applicant stated that his parents have a circle drive, and he will park in their parking area and have a walkway down to the mobile home.

In response to Mr. Gardner, the applicant stated that the mobile home will be skirted and tied down.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Looney, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a Special Exception to permit a mobile home as a dwelling - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -** Use Unit 9; subject to a Building Permit and Health Department approval; and subject to the mobile home being skirted and tied down; finding that the mobile home will be barely visible from the street, and the granting of the application will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 2, Block 2, Berryhill Acres Addition, Tulsa, County, Oklahoma.

There being no further business, the meeting was adjourned at 1:57 p.m.

Date Approved

Nov. 20, 1990

Wayne Alberty
Chairman

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