

**COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 143
Tuesday, April 21, 1992, 1:30 p.m.
County Commission Room
Room 119
County Administration Building**

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Looney Tyndall Walker Eller		Gardner Jones Moore	Glenn, Building Insp.

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, April 20, 1992, at 1:16 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of March 17, 1992 (No. 142).

UNFINISHED BUSINESS

Case No. 1067

Action Requested:

Variance of the required lot width from 200' to 132' to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 23418 West Coyote Trail.

Presentation:

The applicant, **Jerry Carter**, was not present.

Comments and Questions:

Mr. Jones advised that this application was continued from the last meeting to allow Mr. Carter to advertise for additional relief. He informed that, due to an error in determining the type of relief needed, there was not sufficient time to comply with the 15-day notice requirement. He stated that the applicant has been notified of the delay, and suggested that Case No. 1067 be continued to May 19, 1992.

Protestants:

None.

Case No. 1067 (continued)

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **CONTINUE** Case No. 1067 to May 19, 1992.

Case No. 1072

Action Requested:

Variance of the required 30' of frontage on a public street or right-of-way to permit 4 lots - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6, NE/c of Highway 169 and 161st Street North.

Presentation:

The applicant, **Jeanette Mattingly**, PO Box 2395, Tulsa, Oklahoma, stated that there was a concern at the prior Board of Adjustment meeting that one of the four proposed lots would not have sufficient building space outside the flood area. She submitted a new plat of survey (Exhibit A-1), and explained that the property has now been divided into three lots (4-acre, 5-acre and 8.8-acre), all of which will have adequate building space out of the flood zone. Ms. Mattingly informed that they were going to attempt to solve the road access problem, and found that Highway 169 is in the flood zone at this location. She stated that arrangements have been made to install an emergency access road on abutting land to provide ingress and egress during periods of flooding. She noted that the road will not be used except for an emergency access. A flood hazard review (Exhibit A-2) and an easement (Exhibit A-3) providing emergency access were submitted.

Interested Parties:

Don Clapsaddle, Collinsville, Oklahoma, stated that he has power of attorney to execute a legal document to permit the owners of the subject property to build and maintain an emergency road on abutting property. He pointed out that there are only a few days during the year that an emergency access road will be needed. Mr. Clapsaddle stated that the agreement will be filed of record.

Case No. 1072 (continued)

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a public street or right-of-way to permit 3 lots - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6; per revised plat of survey submitted; subject to the primary road and the secondary emergency access road being private roads, with no County maintenance; finding that the reduction of the number of lots to three provided sufficient building space outside the flood zone; on the following described property:

Tract A: The east 264.0' of the S/2, SW/4, NE/4 Section 16, T-22-N, R-14-E of the IBM, Tulsa County, Oklahoma. A road easement is reserved over the south 60.0' thereof, containing 4 acres, more or less.

Tract B: The west 330' of the east 594' of the S/2, SW/4, NE/4 Section 16, T-22-N, R-14-E of the IBM, Tulsa county, Oklahoma. A road easement is reserved over the south 60', and a utility easement over and under the north 20' of the south 80' thereof, containing 5 acres, more or less.

Tract C: That part of the S/2, SW/4, NE/4 Section 16, T-22-N, R-14-E of the IBM, Tulsa County, Oklahoma, lying east of US Highway 169 right-of-way, and south 60' and a utility easement over and under the north 20' of the south 80' thereof, containing 8.83 acres, more or less.

NEW APPLICATIONS

Case No. 1075

Action Requested:

Special Exception to permit a mobile home in an RS zoned district - **Section 310. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located 512 North Industrial.

Comments and Questions:

Mr. Alberty stated that the Board has received a letter (Exhibit B-1) from the City of Sand Springs stating that they did not take action on Case No. 1075.

Case No. 1075 (continued)

Mr. Jones explained that the former planner at Sand Springs stated that they did not want to hear the case; however, the new planner requested that all information concerning the application be sent to her office. He stated that the case was put on their agenda, but the applicant was not aware of the hearing date and did not appear.

Presentation:

The applicant, **Jeffrey Davis**, Route 5, Box 450, Sand Springs, Oklahoma, submitted photographs (Exhibit B-2) and stated that the lot in question is 200' by 200'. Mr. Davis informed that he is proposing to install a mobile home on the tract, which will be used as his residence. He noted that there are other mobiles in the area.

Comments and Questions:

In response to Mr. Alberty, Mr. Davis stated that there are two mobiles approximately one-half block past Fourth Street and one near Eighth Street.

Mr. Alberty inquired as to the type of sewage disposal system that will be installed, and Mr. Davis replied that he will probably install a septic tank.

Mr. Alberty advised the applicant that the Health Department requires that an approved percolation test be obtained before installation of the mobile home.

Mr. Walker stated that he is familiar with the area, and that mobile home use would be appropriate at this location.

Protestants:

None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS zoned district - **Section 310. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; subject to a building permit and Health Department approval; and subject to the mobile unit being tied down and skirted; finding that there are other mobile homes in the area, and that approval of the special exception request will not be detrimental to the neighborhood; on the following described property:

Lots 1 and 2, Block 18, Charles Page Home Acres and Resub PRT B10-12, Tulsa County, Oklahoma.

Case No. 1076

Action Requested:

Special Exception to permit a mobile home in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located east of SE/c West 26th Street and South 49th West Avenue.

Presentation:

The applicant, **Shelly Jay**, 9243 South 91st East Avenue, Tulsa, Oklahoma, requested permission to move a mobile home to a vacant portion of her grandmother's property. She stated that the tract in question has been through the lot split process. A petition of support (Exhibit C-2) and a location map (Exhibit C-1) were submitted. Ms. Jay stated that a percolation test has not been acquired for the mobile home site, but the back portion of the lot has previously passed the test.

Comments and Questions:

Mr. Alberty asked the applicant if her grandmother owns the west half of the property, and she replied that her grandmother lives on the west portion, but owns the entire acreage, and will retain ownership.

Protestants:

Clifton Sartin, 4875 West 26th Street, Tulsa, Oklahoma, stated that residents of the area have made major improvements to their homes in an attempt to upgrade the neighborhood. Mr. Sartin noted that he currently has a mobile home on his property, which will be removed and replaced with a pole barn. He stated that he is opposed to the mobile home being installed on the subject property, because it will have a negative impact on property values and the soil at that location probably will not pass the percolation test. He pointed out that the mobile homes currently located in the neighborhood have been there for a long period of time. Mr. Sartin pointed out that the area is already plagued with abandoned homes and raw sewage in the ditches. He stated that other property owners in the neighborhood are opposed to the application.

Additional Comments:

Mr. Alberty asked if existing residences in the area have septic systems, and Mr. Sartin stated that he is on a lagoon system, but all other dwellings have septic systems.

In response to Mr. Alberty, Mr. Sartin stated that the applicant's grandmother already has a mobile unit on the lot abutting the subject tract.

Case No. 1076 (continued)

Mr. Alberty asked Mr. Sartin if he would be opposed to temporary mobile home use on the property, and he answered in the affirmative.

Mr. Gardner asked if there is already a mobile home on the property in question, and the applicant stated that the lot is vacant.

Patricia David stated that she owns property to the east of the subject tract, and the proposed location of the mobile unit will be approximately 25' from her house. She pointed out that there are numerous structures and junk cars located on the property owned by the applicant's grandmother.

Mr. Alberty inquired as to the length of time the junk cars have been on the lot, and Ms. David replied that she has lived at this location for 30 years and junk cars have always been on the property.

Applicant's Rebuttal:

Mr. Alberty inquired as to the use of the existing mobile unit, and Ms. Jay stated that the mobile home is on the lot abutting the subject property and belongs to her uncle. She stated that the mobile is not hooked up to available utilities. Ms. Jay stated that the junk cars are on the back portion of the subject tract and will be removed. She pointed out that there are sewage disposal problems in the area, but her grandmother's home has a septic system that is in good working order. Ms. Jay explained that she is proposing to construct a 16' by 65' addition to the mobile home and cover the exterior with cedar siding. She pointed out that it will have the same appearance as any other residential dwelling. Ms. Jay pointed out that there are no new homes on 26th Street at this location, and the mobile home will not be detrimental to the area.

Mr. Jay stated that he and his wife intend to remove all of the junk cars from the property and build a nice dwelling.

Additional Comments:

Mr. Tyndall asked if there are other structures on the subject property, and the applicant replied that the lot is vacant except for the junk cars.

Mr. Walker stated that he could support the application if the junk cars are removed.

Case No. 1076 (continued)

Mr. Eller stated that he is not opposed to the use at this location if the junk cars are removed from the property and a screening fence is installed on the east boundary line before the mobile home is installed.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Special Exception to permit a mobile home in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; subject to the applicant obtaining a building permit and Health Department approval; subject to all junk being removed from the property prior to installation of the mobile home; subject to the mobile being skirted and tied down; subject to a privacy fence being installed beginning 10' north of the mobile home and extending along the east boundary line to connect with the south yard fence; and subject to the approval being limited to **5 years only** if the unit remains as a typical single-wide mobile home; finding that it is the intent of the applicant to construct a large addition along the back portion of the mobile; and finding that mobile home use is compatible with the surrounding area; on the following described property:

E/2, NE/4, NE/4, NW/4, SW/4, Section 16, T-12-N,
R-12-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:30 p.m.

Date approved

May 19, 1992

Wayne Alberty
Chairman