

**COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 145
Tuesday, June 16, 1992, 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	Looney	Jones Moore	Glenn, Building Insp.

The notice and agenda of said meeting were posted in the Office of the County Clerk on Thursday, June 11, 1992, at 12:56 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 1:00 p.m.

MINUTES:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of May 19, 1992 (No. 144).

NEW APPLICATIONS

Case No. 1083

Action Requested:

Variance of the required frontage on a dedicated street from 30' to 0' to permit a lot split - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6.

Variance to permit two dwelling units per one lot of record - **SECTION 208 - ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, located 2202 South 65th West Avenue.

Presentation:

The applicant, **Gerry Thames**, 12960 East 34th Street, Tulsa, Oklahoma, was represented by his wife, who explained that the property in question does not have the required street frontage because 22nd Street curves into 65th West Avenue at this location. She stated that it is doubtful that the road will ever go straight through because of limestone deposits in the area, and the proximity to Chandler Park. Ms. Thames stated that the lot split is proposed in order to build a new home on one of the lots. A plot plan (Exhibit A-1) was submitted.

Case No. 1083 (continued)

Comments and Questions:

In response to Mr. Alberty, Ms. Thames stated that the five and one-half acre tract will be divided into three lots if the application is approved. She informed that an existing rent house will be removed and a new house will be constructed on one lot.

Mr. Tyndall inquired as to access for the two lots to the north, and Ms. Thames informed that an access easement will be filed of record.

Protestants:

None.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a Variance of the required frontage on a dedicated street from 30' to 0' to permit a lot split - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; and to **APPROVE** a Variance to permit two dwelling units per one lot of record for a maximum of 5 years - **SECTION 208 - ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; subject to the existing rent house on the south lot being removed upon completion of the new dwelling; and subject to an access easement being filed of record to assure access to the two north lots; finding a hardship imposed on the applicant by the curvature of the street, and the fact that limestone deposits prevent 22nd Street from extending to the tract in question; on the following described property:

North 484' of the east 495' of the SE/4, NE/4,
Section 18, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1084

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 4340 South 65th West Avenue.

Presentation:

The applicant, **L. C. Curtis**, 4340 South 65th West Avenue, Tulsa, Oklahoma, stated that he owns one acre of land at the above stated location, and requested permission for his grandson to install a mobile home on the property. He stated that there is an existing mobile home on the lot abutting his tract, and numerous others in the area. A plot plan (Exhibit B-1) was submitted.

Case No. 1084 (continued)

Comments and Questions:

Mr. Alberty asked the applicant if the mobile home will be skirted and tied down, and he answered in the affirmative.

Mr. Walker stated that he is familiar with the area and finds mobile home use to be compatible with the surrounding neighborhood.

Protestants:

None.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "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 a building permit and Health Department approval; and subject to the mobile home being skirted and tied down; finding that there are other mobile homes in the area, and approval of the request will not violate the spirit and intent of the Code, or be detrimental to the neighborhood; on the following described property:

Beg. 393.76' W and 50' N SE/c SE SE thence N 280.30' East 184.76' S 280.30' W 184.76' less West 1.76', Section 30, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1085

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 1419 East 66th Street North.

Presentation:

The applicant, **Joyce Still**, 1419 East 66th Street North, Tulsa, Oklahoma, submitted photographs (Exhibit C-1), and requested permission to install a mobile home on a lot where a house was previously located.

Comments and Questions:

Mr. Alberty commented that there are other mobile homes in the area, and the requested use is compatible with the neighborhood.

Protestants:

None.

Case No. 1085 (continued)

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "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 a building permit and Health Department approval; and subject to the mobile home being skirted and tied down; finding the use to be compatible with the surrounding area; on the following described property:

Beg. SE/c thence N on the E line 200', W 100', S 200', E 100', to Beg. Lot 9, Block 12, Golden Hill Addition and being located in an RS Zoned District.

Case No. 1086

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 1509 East 72nd Street North.

Presentation:

The applicant, **Betrece Bishop**, 1507 East 72nd Street North, Tulsa, Oklahoma, requested permission to install a 10' by 50' mobile home on the back portion of her 200' deep lot. Ms. Bishop explained that she lives in the house on the front of the property and is in need of a separate residence for someone to assist in the care of her aging parents.

Comments and Questions:

In response to Mr. Alberty, Mr. Jones explained that the applicant does not need relief to have a mobile on the lot with the house, since the Code excludes mobile homes when addressing single-family dwelling units. He pointed out that there must be sufficient land area to accommodate the two units.

Mr. Alberty asked the applicant if a septic tank has been installed, and she replied that the property is served by a sewer system.

Mr. Walker noted that the case report states that the tract contains two acres; however, it appears that the lot is only 50' wide, and contains approximately $\frac{1}{4}$ -acre.

Mr. Jones stated that the case report is in error concerning the lot size, but the lot does comply with the land area requirement for the two units.

Case No. 1086 (continued)

Protestants:

None.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "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 building permit and Health Department approval; finding that there are numerous mobile homes in the area, and the use will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

E/2, E/2, Lot 9, Block 6, Golden Hill Addition,
Tulsa County, Oklahoma.

Case No. 1087

Action Requested:

Use variance to permit Use Unit 23 (Storage, NEC) in an AG district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 23.

Variance of the setback requirement from the centerline of E. 156th St. N. from 85' to 53' to permit a storage building - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 23, located NE/c of East 156th Street North and North 113th East Avenue.

Comments and Questions:

Mr. Alberty asked Mr. Brown if he attended the Collinsville Board of Adjustment meeting concerning the subject property, and he answered in the affirmative. The applicant stated that is aware of their recommendation that a one-year time limitation be required for beginning construction on the new house.

Presentation:

The applicant, **David Brown**, PO Box 239, Vera, Oklahoma, stated that it is his intent to build a house on the subject tract; however, he is not sure construction can be completed in one year. He explained that the old burned-out house and dilapidated accessory buildings were removed from the property and the 14' by 14' building was erected to store materials during the construction period. Mr. Brown stated that he was not aware of the 85' setback requirement. Photographs (Exhibit D-2) were submitted.

Case No. 1087 (continued)

Comments and Questions:

Mr. Alberty asked if construction will begin within a year, and Mr. Brown answered in the affirmative.

In response to Mr. Walker, Mr. Brown stated that the storage building has been placed on a concrete slab.

Mr. Jones pointed out that the fact that there is no house on the lot causes the storage facility to be the principal use.

Mr. Alberty noted that the community becomes concerned that a business is beginning operation when a building is constructed on a lot without a residence, and Mr. Brown stated that he is not proposing to operate a business on the property.

Protestants:

Margaret Landers, 15710 north 113th East Avenue, Tulsa, Oklahoma, stated that she is not opposed to the storage building, but the neighborhood had initially been informed that three new houses and one church would be constructed on the property and the old buildings would be removed. She stated that the church has placed a travel trailer on their property, which is being used as a residence, and the yard has not been mowed. Ms. Landers stated that she, as well as surrounding property owners, are concerned with the development of the tract.

Additional Comments:

There was discussion as to the legality of the mobile home on the church property, and Mr. Alberty stated that a mobile home is permitted by right in an AG District.

Mr. Jones advised that, although mobile home use is permitted in an AG District, using a travel trailer as a dwelling could be a Code violation.

Applicant's Rebuttal:

Mr. Brown stated that he can start construction of the new residence in one year, and have it completed in two years. The applicant stated that he donated one acre of land to the church for their building, and they are purchasing an additional acre for a parking lot.

Case No. 1087 (continued)

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a Use Variance to permit Use Unit 23 (Storage, NEC) in an AG District - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 23; and to **APPROVE** a Variance of the setback requirement from the centerline of E. 156th St. N. from 85' to 53' to permit a storage building - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 23; subject to construction of the house beginning within a one-year period from this date (June 16, 1992), and being completed within a two year period; subject to no commercial use on the property; and subject to the new house being constructed to comply with the 85' required setback; finding that the existing building will be used for storage of building supplies for the new house and household items only, with no business activity; and finding that the temporary use of the storage building without a house on the property will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

S/2, SW/4, SW/4 less N 495' W 314', S/2, SW/4, SW/4, and less S 16.5' and W 16.5' for Rd, Section 17, T-22-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1088

Action Requested:

Variance of the maximum square footage permitted for a detached accessory building from 750 sq ft to 1600 sq ft - **Section 240.2.E. Permitted Yard Obstructions** - Use Unit 6, located 1005 West 8th Road, Sand Springs.

Comments and Questions:

Mr. Jones informed that the Sand Springs Board of Adjustment recommended (Exhibit E-2) approval of the application, subject to no business activity on the property.

Presentation:

The applicant, **Mike Porter**, 1005 West 8th, Sand Springs, Oklahoma, requested permission to construct a metal storage building on his property. The applicant explained that he is proposing to construct a dwelling in approximately three years and there is no existing storage on the tract. Photographs (Exhibit E-1) were submitted.

Case No. 1088 (continued)

Comments and Questions:

Mr. Jones asked if the subject property is vacant, and Mr. Porter stated that a double wide mobile home is currently located on the 2-acre tract.

Comments and Questions:

Mr. Alberty asked the applicant if he is proposing to operate a commercial business at this location, and Mr. Porter replied that the building will only be used for personal storage.

Protestants:

None.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the maximum square footage permitted for a detached accessory building from 750 sq ft to 1600 sq ft - **Section 240.2.E. Permitted Yard Obstructions** - Use Unit 6; subject to no business activity being conducted on the property; and subject to the building being used for personal storage only; finding a hardship demonstrated by the size of the tract; on the following described property:

Lot 6-B, Block 11, Charles Page Home Acres No. 2,
and Resub Part Block 10-12, Tulsa County, Oklahoma.

Case No. 1089

Action Requested:

Variance of the required street frontage from 30' to 0' to permit a lot split - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located 6540 North 137th East Avenue.

Presentation:

The applicant, **Ronnie Chaloupek**, 6443 North 137th East Avenue, Owasso, Oklahoma, was not present.

Board Action:

On MOTION of TYNDALL, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **CONTINUE** Case No. 1089 to August 18, 1992.

Case No. 1090

Action Requested:

Variance to permit two dwelling units per one lot of record - **Section 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, located 5340 West 39th Street South.

Presentation:

The applicant, **Rick Lawson**, 1107 East Cobb, Sapulpa, Oklahoma, was represented by **Kim Lawson**, who requested permission to construct two dwellings on the subject property. Ms. Lawson explained that her parents live on the property and are in need of someone to help with maintenance. She informed that a lot split cannot be obtained because the Health Department will not approve a septic system on each of the two separate lots because it will not meet minimum requirements; however, they have approved two septic systems on the entire tract. Letters of support (Exhibit F-1) were submitted.

Comments and Questions:

In response to Mr. Jones, Ms. Lawson informed that the Health Department will approve a septic for each of the two houses if the lot is not split.

There was discussion concerning land area for the two dwellings, and Mr. Jones stated that the AG-R zoning classification on the case report is in error, and the correct zoning is RS. He noted that the tract has sufficient land area to support two dwellings as far as the zoning is concerned.

Protestants:

None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** to permit two dwelling units per one lot of record - **Section 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; subject to Health Department approval and a building permit; finding a hardship demonstrated by the fact that a lot split is not possible, because the lots will not meet minimum requirements; and finding that the Health Department will not approve one septic system on each of two individual lots, but will approve two septic systems on the entire tract; on the following described property:

N/2 of Lot 10, Walker Heights, Tulsa County, Oklahoma.

OTHER BUSINESS

Discussion of Conditions for Case No. 1070

Mr. Jones informed that Roy Johnsen, counsel for the applicant, has filed the case in District Court and is scheduled to be heard by Judge Shaffer on July 20, 1992. He stated that Mr. Johnsen is requesting at that hearing that Case No. 1070 be considered again by the Board on June 21, 1992. Mr. Jones advised that Case 1070 will not be discussed at this time, and all facts will be presented at the July meeting.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to STRIKE the request for discussion of conditions for Case No. 1070; finding that counsel for the applicant is requesting that District Court remand the case to the Board for a second hearing on July 21, 1992.

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

Date Approved

7/21/92


Chairman