

COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 170
Tuesday, July 19, 1994, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Eller Looney Tyndall Walker, Chairman		Gardner Moore Russell	Glenn, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Tuesday, July 12, 1994, at 10:58 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Walker called the meeting to order at 1:30 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 June 21, 1994 (No. 169).

UNFINISHED BUSINESS

Case No. 1273

Action Requested:

Variance of lot and land area per dwelling unit - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Units 6 and 9, located NW/c 131st Street S. and South 185th East Avenue.

Comments and Questions:

Ms. Russell clarified that a variance was previously approved to permit two dwelling units per lot of record, and this portion of the application was continued to allow proper advertising for a variance of lot and land area.

Case No. 1273 (continued)

Presentation:

The applicant, **Della Christian**, Route 6, Box 169, Broken Arrow, Oklahoma, explained that her daughter is proposing to install a mobile home near her residence at the above stated location. She noted that much of the land near her home is family owned.

Protestants:

None.

Board Action:

On **MOTION** of **TYNDALL** the Board voted 4-0-1 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; Looney, "abstaining"; none "absent") to **APPROVE** a **Variance** of lot and land area per dwelling unit - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Units 6 and 9; finding that similar variances have been granted in the area, and approval of the request 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, SW/4 and east 1' of SW/4, SE/4, SE/4, SW/4, Section 1, T-17-N, R-14-E, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 1275

Action Requested:

Variance to permit two dwelling units on one lot of record, variance of land area per dwelling unit and variance of lot area - **SECTION 207. ONE DWELLING UNIT PER LOT OF RECORD** and **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 9, located 17412 Wekiwa Road.

Presentation:

The applicant, **Lawrence Potts**, 1220 South 220th West Avenue, was represented by his daughter, **Laura Potts**, who stated that a road is proposed where her father's mobile home is currently located. She submitted a plot plan (Exhibit A-1) and informed that her father's mobile unit will be moved to the subject tract if the application is approved. A copy of the sewage disposal inspection (Exhibit A-2) was submitted.

Comments and Questions:

Mr. Walker asked Ms. Potts if there is an existing dwelling on the lot where the mobile home will be installed, and she answered in the affirmative.

Case No. 1275 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 5-0-0 (Alberty, Eller, Tyndall, Looney, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record, **variance** of land area per dwelling unit and **variance** of lot area - **SECTION 207. ONE DWELLING UNIT PER LOT OF RECORD** and **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 9; per plan submitted; subject to the mobile home being installed on the north 200' of the lot; finding that there are existing lots in the area that are smaller than the lot in question, and that approval of the request will not be detrimental to the neighborhood; on the following described property:

Commencing intersection SL Wekiwa Road and EL Government Lot 9 thence SW AGL R/W 1800' to POB thence south 150' SENLY parallel to RD 300' thence W to Meander line thence SW approximately 150' north to point being 170' south and 150' NELY to POB thence SW parallel to RD 170' north 170' east 20' POB Section 6, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 1276

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 207. ONE SINGLE FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 10005 East 106th Street North.

Presentation:

The applicant, **T. J. Bailey**, 10005 East 106th Street North, Owasso, Oklahoma, was represented by **Robin Berry**, who explained that she is proposing to install a mobile home on a portion of her property, which will be used as a residence for her parents. She submitted a plot plan (Exhibit B-1) and stated that a percolation test has been conducted.

Comments and Questions:

Mr. Walker noted that there is sufficient land involved in this application to obtain a lot split and have two dwellings by right.

Protestants:

None.

Case No. 1276 (continued)

Board Action:

On **MOTION** of **LOONEY** the Board voted 5-0-0 (Alberty, Eller, Tyndall, Looney, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record - **SECTION 207. ONE SINGLE FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; per plan submitted; subject to a building permit and Health Department approval; finding that the property will remain under one ownership, but could be split into two tracts, which would permit two dwelling units by right; on the following described property:

W/2, SW/4, SW/4, SE/4, less .13 acre for road, Section 7, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1277

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 4708 South 65th West Avenue.

Presentation:

The applicant, **Eloy Lopez**, was represented by **Cynthia Lopez**, 11109 East 44th Street South, #3001, who requested permission to install a 12' by 60' mobile home on the subject property.

Comments and Questions:

In response to Mr. Walker, Ms. Lopez stated that the property is vacant except for the remains of a burned dwelling. She informed that the property has been poorly maintained and they are attempting to clear away the debris.

Mr. Walker asked if there are other mobile homes in the area, and Ms. Lopez answered in the affirmative.

In reply to Mr. Looney, Ms. Lopez replied that the old house was hooked up to utilities.

Protestants:

H. R. Cordell stated that he lives on the corner of 46th Court and 63rd West Avenue, and is opposed to additional mobile homes in the area. He informed that there are existing mobile homes in the neighborhood that were approved temporarily and have been there for several years. Mr. Cordell stated that Mr. Lopez has been cleaning up the lot, but he already has mobile homes on two sides of his property and is opposed to one being installed on the third side.

Case No. 1277 (continued)

Mr. Alberty asked Mr. Cordell if he has advised the County inspector of the mobile homes that are existing illegally, and he replied that he has reported the violations, but they have not removed.

Applicant's Rebuttal

Ms. Lopez stated that the lot will be cleaned up and the burned out portion of the dwelling will be removed. She informed that the remaining two bedrooms will be repaired and used for storage.

Mr. Glenn advised that an accessory building will be limited to 750 sq ft, per Code requirements.

Additional Comments:

Mr. Alberty remarked that a mobile home could improve the appearance of the lot if the trash and debris are removed.

In response to Mr. Alberty, Ms. Lopez stated that a garage is proposed on the existing slab of the old dwelling.

It was the consensus of the Board that the entire dwelling should be removed from the lot.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 5-0-0 (Alberty, Eller, Tyndall, Looney, 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 existing burned out residence being completely removed within 60 days of this date (July 19, 1994), except for the existing slab; subject to any accessory building (garage) constructed on the existing slab containing no more than 750 sq ft of floor space (per Code requirements); subject to a building permit, Health Department approval, skirting and tie-downs; finding that there are numerous mobile homes in the neighborhood and that the use is consistent with the surrounding area; on the following described property:

Additional Comments:

Mr. Walker directed the Building Inspector to site check the illegal mobile homes referred to by Mr. Cordell and, if in violation, require their removal.

Lots 53-62, Block 54, North Taneha, Tulsa County, Oklahoma.

Case No. 1278

Action Requested:

Variance of the required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located South of 41st Street and South 78th West Avenue.

Presentation:

The applicant, **Don Edwards**, 123 South Birch, Sapulpa, Oklahoma, stated that he is proposing to acquire five acres of land from his father, who has sold several parcels of land in the immediate area. He informed that his father has previously constructed a private roadway to allow residents to access their property. Mr. Edwards pointed out that his property does not front on a public street and requested that the application be approved to allow him to proceed with building plans. A location map (Exhibit C-1) and a plat of survey (Exhibit C-2) were submitted.

Comments and Questions:

Ms. Russell advised that the case map depicts one 10-acre tract; however, the applicant owns the north five-acre portion and his mother owns the south five acres.

Mr. Edwards informed that his mother is proposing to install a mobile home on her five-acre tract.

Mr. Alberty asked the applicant if he is aware that the County will not maintain the roadway, and he answered in the affirmative.

Mr. Looney asked if there are homes constructed to the east, and Mr. Edwards stated that there are houses to the east and north of his property.

Protestants:

Bill Hoover, 4221 South 78th West Avenue, stated that he has lived in the neighborhood for approximately three years, and is opposed to a mobile home being installed on the subject property. He informed that the hearing notice depicts the wrong address (80th West Avenue instead of 78th West Avenue) for the location of the property. Mr. Hoover stated that the roadway will not be maintained by the County until it complies with County standards. He questioned if the soil at this location can pass the percolation test.

Case No. 1278 (continued)

Additional Comments:

Mr. Walker noted that a mobile home is permitted by right in an agricultural district.

Mr. Gardner advised that the subdivision was not built to comply with subdivision standards and the access road to the houses was not constructed per County standards; therefore, it is not County maintained. He explained that, although the street number was incorrect on the hearing notice, the legal description was correct and the application was properly advertised.

Mr. Walker explained to Mr. Hoover that the variance of the 30' frontage has no bearing on the width of the access road to the dwellings. He pointed out that the houses in this "wildcat" subdivision were not constructed on a public street and any construction on the private street will require Board relief.

Applicant's Rebuttal

Mr. Edwards stated that the Health Department has conducted a percolation test on the property and it has been approved for a septic system. He informed that a representative of that department has advised him that the septic system will not have an adverse impact on the nearby lake.

Board Action:

On **MOTION** of **LOONEY** the Board voted 5-0-0 (Alberty, Eller, Tyndall, Looney, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; finding that the subdivision was in existence prior to the adoption of the County Building Code and , therefore, "Grandfathered" by the County Commission; and finding that approval of the request will not be detrimental to the area; on the following described property:

S/2, NW/4, NW/4, less east 680', Section 30, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1279

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6/9, located 12410 South 185th East Avenue.

Presentation:

The applicant, **Lawrence Kreighbaum**, 12410 South 185th East Avenue, submitted a plot plan (Exhibit D-1) and requested permission to install a mobile home on his 20-acre tract. He explained that the mobile unit will be a residence for his elderly parents who are in need of his assistance.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 5-0-0 (Alberty, Eller, Tyndall, Looney, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6/9; subject to a building permit and Health Department approval; finding that the tract is large enough to support two dwelling units, and that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

SW/4, SE/4, NW/4 and N/2, SE/4, SE/4, NW/4, Section 1, T-17-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1280

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 7814 East 106th Street North.

Presentation:

The applicant, **Johnny Lawrence**, 7814 East 106th Street North, Owasso, Oklahoma, submitted a plot plan (Exhibit E-1) and requested permission to install a mobile home on his 10-acre tract. He stated that his son will use the mobile home for a permanent residence.

Case No. 1280 (continued)

Comments and Questions:

Mr. Walker noted that, if the owner obtained a lot split, the tract is large enough to support more than two dwelling units by right.

Protestants:

None.

Board Action:

On **MOTION** of **ELLER** the Board voted 5-0-0 (Alberty, Eller, Tyndall, Looney, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; subject to the applicant acquiring a building permit and Health Department approval; and subject to the mobile home being skirted and tied down; finding that the tract is large enough to accommodate two dwelling units; and finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

E/2, W/2, NE/4, NE/4, Section 14, T-21-N, R-13-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:37 p.m.

Date Approved 8-16-94


Chairman