

**COUNTY BOARD OF ADJUSTMENT**

MINUTES of Meeting No. 190

Tuesday, March 19, 1996, 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>
Looney, Chairman Tyndall Walker Eller	Alberty	Beach Moore Gardner Huntsinger	Glenn, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, March 15, 1996, at 3:42 p.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** the **Minutes** of February 6, 1996 (No. 189).

**NEW APPLICATIONS**

**Case No. 1401**

**Action Requested:**

Variance to permit 2 dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**; a variance of the required lot area from 2.0 acres to 1.25 acres; and a variance of the required land area from 2.2 acres to 1.25 acres to permit a mobile home in an AG zoned district - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 9, located 9430 North Lewis Avenue.

Case No. 1401 (continued)

**Presentation:**

The applicant, **Milbon Walls**, 9422 North Lewis Avenue, Sperry, Oklahoma, submitted a plot plan (Exhibit A-4) and requested permission to install a mobile home for his mother-in-law who needs assisted care (Exhibit A-1). The applicant stated that a septic system, lateral lines and utilities are in place and this area is separated from the existing dwelling by a creek. A plat of survey was submitted (Exhibit A-3).

**Protestants:**

**Harold Conner**, 9409 North Lewis Avenue, informed that the road is a dead end road and he is concerned that the installation of a mobile home for rental purposes will deteriorate the neighborhood.

**Applicant's Rebuttal:**

Mr. Walls stated that the property will only be used as a residence for his mother-in-law and will not be used for rental purposes. He stated he has owned the property since June 1995, and is not aware of the type of dwelling that was previously on the property.

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to **APPROVE** a **Variance** to permit 2 dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**; a **variance** of the required lot area from 2.0 acres to 1.25 acres; and a variance of the required land area from 2.2 acres to 1.25 acres to permit a mobile home in an AG zoned district - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 9, per plan submitted; subject to the mobile home being used for family members only; subject to Health Department approval and a building permit; finding that there had previously been two dwelling units on the property; finding that the property is divided by a creek; 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:

SE/4, NE/4, NE/4, NE/4, Sec. 19, T-21-N, R-13-E, I.B.M., Tulsa County, Oklahoma

**Case No. 1402**

**Action Requested:**

Variance to permit a detached accessory building to exceed the maximum allowable floor area of 750 sq ft to 1080 sq ft - **SECTION 240.2.E. PERMITTED YARD OBSTRUCTIONS** - Use Unit 6, located 12856 South 114th East Avenue.

Case No. 1402 (continued)

**Presentation:**

The applicant, **Ronald Huisenga**, 12856 South 114th East Avenue, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit B-1) and requested to replace a shop building that was destroyed by a storm. He informed the new structure will be 36' by 30', and will be 50% larger than the previous building. Mr. Huisenga stated the new facility, which will have access on Garnett Road, will be used for storage of an antique car, boat, yard equipment and a recreational vehicle.

**Comments and Questions:**

Mr. Walker asked if the facility will be used as commercial property, and Mr. Husenga reiterated that it will be used for storage purposes only.

In reply to Mr. Walker, the applicant replied that he owns approximately 1.5 acres.

Mr. Gardner advised that there could be "limits of no access" on Garnett Road recorded on the subdivision plat and, therefore, any access to Garnett would require Planning Commission approval. He stated that there is a concern that large buildings of this type could be used for commercial purposes.

Mr. Looney inquired if the applicant could enter this property from the front of his lot and he answered in the affirmative.

Mr. Tyndall asked what type of construction this building will be, and Mr. Huisenga stated that it will be a manufactured steel building, concrete floor and full foundation, one 10' by 12' door, two 8' by 7' doors, and one 3' by 7' passage door.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to **APPROVE** a **Variance** to permit a detached accessory building to exceed the maximum allowable floor area of 750 sq ft to 1080 sq ft - **SECTION 240.2.E. PERMITTED YARD OBSTRUCTIONS - Use Unit 6**; per plot plan submitted; subject to no commercial use; subject to TMAPC approval of access to Garnett Road; subject to removal of all other accessory buildings (1080 SF maximum for accessory buildings); finding that the storage building, per conditions, will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Lot 6, Block 7, Willow Springs West Addition, Tulsa County, Oklahoma

**Case No. 1403**

**Action Requested:**

Variance of the required 30' of frontage on a public street or dedicated right-of-way - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located 16616 East 176th Street.

**Presentation:**

The applicant, **Kenneth Minnick**, 6506 South Lewis, #256, requested permission for use of a private road to access his property. He pointed out that several other property owners also use this private road to access their properties. A packet (Exhibit C-1) was submitted, which contained a grant of right-of-way, a plot plan and a letter confirming the right to use the road maintained by the Red Airport Property, Inc. Mr. Minnick stated the property would be useless if the variance of the required frontage is not granted.

**Comments and Questions:**

There was discussion concerning whether or not the homes in this area were constructed prior to the frontage requirement.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a public street or dedicated right-of-way - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6: per plan submitted; finding that the private access road has existed for many years, is privately maintained and is utilized by several other property owners; and finding that approval of the variance request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

E. 1020' of the W 2092' of the N 470' of the SW/4, Sec. 35, T-17-N, R-14-E, I.B.M.  
Tulsa County, Oklahoma.

**Case No. 1404**

**Action Requested:**

Variance of land area from 2.2 acres to 1.52 acres; variance of lot area from 2.0 acres to 1.51 acres; variance of lot width from 200' to 107'; and a variance of frontage from 30' to 5' (Tract 1) - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6.

Case No. 1404 (continued)

Variance of land area from 2.2 acres to 1.75 acres; variance of lot area from 2.0 acres to 1.66 acres; and a variance of lot width from 200' to 143' to permit a lot split (#18216) - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 11219 South 177th East Avenue.

**Presentation:**

The applicant, **Herman Cotner**, 803 North Birch, Broken Arrow, Oklahoma, was represented by **James King**, 1111 North 4th Street, Broken Arrow, Oklahoma, who submitted a plot plan (Exhibit D-1), and informed that his client is requesting a lot split in order to sell the property and clear the title for mortgage purposes. He submitted a location map (Exhibit D-2) designating nearby property owners that are supportive of the request. He noted that existing trees provide a visual separation between the residences. Mr. King advised that Mr. Cotner is no longer physically able to live at this location and has moved into a smaller dwelling.

**Comments and Questions:**

Mr. Gardner advised that there is a State law which reads that if property is split and filed of record for five years or more, Planning Commission approval is not required. He noted that this action was probably required by the lending institution.

Mr. Walker asked Mr. Gardner if this action is in effect to clear the title to the property; he answered in the affirmative.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to **APPROVE** a **Variance** of land area from 2.2 acres to 1.52 acres; **variance** of lot area from 2.0 acres to 1.51 acres; **variance** of lot width from 200' to 107'; and a **variance** of frontage from 30' to 5' (Tract 1) - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; and to **APPROVE** a **Variance** of land area from 2.2 acres to 1.75 acres; **variance** of lot area from 2.0 acres to 1.66 acres; and a **variance** of lot width from 200' to 143' to permit a lot split (#18216) Tract 2 - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the location of the creek on the property and the irregular shape of the tract; finding that the land had been divided and filed of record for more than 5 years; finding that relief is needed to clear the title and satisfy the lending institution; and finding that approval of the request will not be detrimental to the area or violate the spirit, purpose or intent of the Code; on the following described property:

Case No. 1404 (continued)

Commencing at the NW/c Sec. 36, T-18-N, R-14-E, Tulsa County, Oklahoma; thence S0°00'00"W for 660.00' to POB; thence N90°00'00"E for 670.00'; thence S31°12'06"W for 392.38'; thence S90°00'00"W for 55.00'; thence N56°10'30"W for 112.56'; thence N58°47'00"W for 200.00'; thence N51°15'00"W for 160.50'; thence S90°00'00"W for 22.00'; thence N0°00'00"E for 68.85' to POB.

**Case No. 1405**

**Action Requested:**

Variance to permit a mobile home for security purposes in a CS zoned district - **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 9/13, located 17625 West 8th Street South.

**Presentation:**

The applicant, **Barry Hacker**, 1316 South 79th West Avenue, submitted a plot plan (Exhibit E-1) and requested permission to install a mobile home to the rear of the property for security purposes. He explained that the existing convenience store has been vandalized several times and it has become necessary to have security in order to maintain operation of the business. The applicant stated that there is limited law enforcement in this remote area of the county. Mr. Hacker stated that this is a wooded area and the nearest building is approximately one thousand feet from the convenience store. He pointed out the mobile home will be 20 ft below street level and will barely be visible to the public. The applicant stated that he is amenable to a five year time limitation for the mobile home.

**Comments and Questions:**

Mr. Tyndall stated that he could support the use for a period of five years.

Mr. Walker stated that the area is remote and agreed that the mobile home will not be visible to the public.

**Protestants:** None.

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to **APPROVE** a **Variance** to permit a mobile home for security purposes in a CS zoned district for five years **only** - **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 9/13; per plan submitted; subject to Health Department approval and a building permit; finding that approval of the request will not be injurious to the neighborhood or impair the spirit, purpose or intent of the Code; on the following described property:

Lot 1, Block 1, Wekiwa Hills, Tulsa County, Oklahoma.

**Case No. 1406**

**Action Requested:**

Variance to permit 3 dwelling units per lot of record to permit construction of a new house - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD - Use Unit 6**, located 18700 South Mingo.

**Presentation:**

The applicant, **Stephen Gund**, 12730 South 123rd East Avenue, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit F-2) and stated that he intends to build a new home on 120 acres of land at the above stated location. He explained that there are two existing mobile homes on the property, which will be removed in approximately 15 years. He informed that 80 acres of the property is located in the floodplain, and only one 40 acre portion is suitable for building (Exhibit F-1).

**Protestants:**

None.

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to **APPROVE** a **Variance** to permit 3 dwelling units per lot of record to permit construction of a new house - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD - Use Unit 6**; per plan submitted; finding that the tract is large enough to support three 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:

S. 6.43 acres of Lot 5, all of Lot 6 & 7 and NE/4, SE/4 Sec. 6, T-16-N., R-14-E, Tulsa County, Oklahoma.

**Case No. 1407**

**Action Requested:**

Special Exception to permit mobile home sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17**, located northwest corner 61st Street and North Lewis Avenue.

**Presentation:**

The applicant, **David VanHattem**, 6230 North Gillette, submitted a plot plan (Exhibit G-1) and stated that he is proposing to install a mobile home sales area on the corner of the property containing the mobile home park. He informed that approximately 6 mobile homes will be displayed on the lot and the existing club house in the mobile home park will be utilized as a sales office.

Case No. 1407 (continued)

**Comments and Questions:**

Mr. Walker inquired as to the type of setup for the displayed mobile homes, and Mr. VanHatterm informed that each display unit will be set up on piers and located as shown on the plot plan.

Mr. Looney asked the applicant if the sales lot will be hard surfaced, and he replied the lot will be gravel.

Mr. Tyndall asked Mr. VanHatterm if the mobile homes will be new, and he replied affirmatively.

**Protestants:**

None.

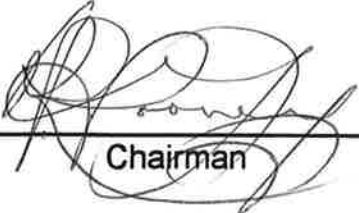
**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to **APPROVE** a **Special Exception** to permit mobile home sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plot plan; subject to a maximum of 6 new mobile homes being displayed on the lot; finding that the commercially zoned lot in question abuts an existing mobile home park and approval of the request will not be detrimental to the area; on the following described property:

Beginning at the SE/c NE/4; thence W 190.01', N 181.75', E 190', S 180' less E 50' sec. 6, T-20=N, R-13-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:47 p.m.

Date Approved April 18, 1996

  
Chairman