

COUNTY BOARD OF ADJUSTMENT
MINUTES OF Meeting No. 220
Tuesday, September 15, 1998, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller Looney, Vice Chair Tyndall, Chair Walker	Alberty	Beach Stump	West, Zoning Officer

The notice and agenda of said meeting was posted in the Office of the County Clerk on Friday, September 11, 1998, at 8:45 a.m., as well as in the Reception Area of the INCOG offices.

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

NEW APPLICATIONS

Case No. 1600

Action Requested:

Variance of lot width from 200' to 152.38' and 151.88'; Variance of land area per dwelling unit from 2.2 acres to 1.19 acres per lot; and Variance of lot area from 2 acres to 1.08 acres to allow a lot split. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, 11214 & 11234 S. 26th W. Ave.**

Presentation:

Nettie Carr Scott stated that originally she had requested variances to split this property into three tracts and it was denied. She is now seeking two lots, each having 150' frontage on 26th W. Ave.

Comments and Questions:

In response to the Board's question regarding the hardship, Ms. Scott stated that she does not live in the area and is unable to maintain the property, mowing, removing of trees, etc. The Board explained that a hardship, something unique about the land, not just of financial benefit to the owner, has to be identified before the Board can approve a variance. Ms. Scott stated that she is unable to maintain the property and has tried to sell it as one tract but has been unsuccessful.

Interested Parties:

Bruce Lyons, 11110 S. 26th W. Ave., owns the 3-acre plot immediately north of subject lot. He expressed his concern that the failed perc test would result in the waste water would travel downhill onto his property. It would appear that the pipeline easements would limit the amount of area available for development or a septic system. The smaller lots, at 113th St. S., are on top of a hill and do perc. In response to the Mr. Walker's question, Mr. Lyons stated that elevation difference between his property and those on 113th St. S. would be approximately 35' to 40'.

Jeff Zollar, 11312 S. 26th W. Ave., owns 5.4 acres south of the property, and he questioned the size of the lots. The lots on top of the hill are out of sight, but the surrounding properties are of 4 acres or more. If this property is split, future owners will want to build houses, garages, shops, and it would not fit in the neighborhood. When asked about the differences of land value on the their properties and the properties on top the hill, Mr. Zollar responded that he is located within Tulsa County and the Jenks School district, and he paid a premium for his land. He was unsure how much the hill top lots were selling for, noting that they had nice homes located on the property.

James Dross, 11224 S. 26th W. Ave., expressed his concern that there are two high pressure gas lines, each having a 50' easement, running diagonally across the property. He submitted a pipeline map, recorded as Exhibit A-1. He would prefer to see one lot than two.

Applicant's Rebuttal:

Ms. Scott stated that there is only one pipeline running through the property. Also, the Tulsa County Health Department has recommended an ETA system for the north lot, the south lot passed its perc test. The driveway for the north lot did not have a drainage ditch, which would cause runoff. A ditch has been opened along 26th W. Ave. and she feels the septic systems would work.

Comments and Questions:

Mr. Walker stated that he could not support this request, noting that there was no hardship found with the property. He thought perhaps that the applicant should try to rezone this property in order to create smaller lots.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-1 (Eller, Tyndall, Walker, "aye"; no "nays", Looney "abstentions"; Alberty "absent") to **DENY** a Variance of lot width from 200' to 152.38' and 151.88'; Variance of land area per dwelling unit from 2.2 acres to 1.19 acres per lot; and Variance of lot area from 2 acres to 1.08 acres to allow a lot split. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6** on the following described property:

Case No. 1600 (continued)

Tract "A" – a tract of land in the S/2 of the NE/4 of the NW//4 of Section 34, T-18-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, described as follows: Beginning at the NE/c of said S/2 NE/4 NW/4; thence Wly along the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 152.38'; thence Ely parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 152.38' to the point of beginning and Tract "B" – a tract of land in the S/2 of the NE/4 of the NW/4 of Section 34, T-18-N, R-12-E of the IBM Tulsa County, State of Oklahoma described as follows: Starting at the NE/c of said S/2 NE/4 NW/4; thence S along the E line of said S/2 NE/4 NW/4 a distance of 152.38' to the point of beginning; thence from the point of beginning, Wly parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 156.57'; thence NEly a distance of 340.22' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 148.18' to the point of beginning.

Case No. 1601

Action Requested:

Variance of the required 30' frontage on a public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, 1039 E. 165th St. S.**

Presentation:

Jason Jackson, 13975 S. Oak Pl., Glenpool, Oklahoma, 74033, stated that he is requesting a Variance of the 30' street frontage so that the subject property will not be land-locked in the future.

Comments and Questions:

Mr. Beach pointed out that the public street extends west from Peoria and stops just east of this property. The Board discussed the easement that runs in front of the subject property.

Interested Parties:

David Brant, 1043 E. 165th St. S., stated that there are several homes on 3 1/3 acre tracts that are served by a private road with an easement.

Board Action:

On **MOTION** of **LOONEY**, 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' frontage on a public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6** subject to the applicant submit a copy of the recorded easement to staff and subject to obtaining a building permit and a perc test on the following described property:

Case No. 1601 (continued)

W 440' of the NW/4, SE/4, NE/4 of Section 25, T-17-N, R-12-E, Less the W 220' thereof, Tulsa County, Oklahoma.

Case No. 1602

Action Requested:

Variance of the required 30' frontage on a public street to 0', for 4 lots to permit construction on each lot. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, 175th St. S. & Harvard

Presentation:

Becky Fugett, 8717 S. 72nd E. Ave., purchased the subject property at an auction in which the land was represented as being in two 15-acre tracts and two 13.9-acre tracts. She submitted a road maintenance agreement showing four owners having ¼ ownership in the road, recorded as Exhibit B-1. The road has been built and the applicant would like to keep it as a private road. Currently it is constructed to county standards with the exception of the asphalt. She indicated that there are plans to "chip and seal" the drive at a future date.

Interested Parties:

Vernoy Godwin, 17417 S. Harvard, stated that the 60' gravel easement runs 699' along his south fence line, which stirs up a lot of dust, and noted that his son has asthma. He would like the road built to county standards, which would also allow him access to the south of his property. The county road would have to be dust free and the drainage would be maintained.

Comments and Questions:

Mr. Beach explained that if the County agreed to accept this road, the property would have to be dedicated to the County, the applicant would have to build it to County standards, and the County would then maintain it.

Applicant's Rebuttal:

Ms. Fugett stated that Mr. Godwin's drive is gravel, and they are trying to keep the traveling on that roadway to a minimum. Mr. Godwin had approached her about using the road to access his south property, and they explained to him that that is part of their property.

Comments and Questions:

Mr. Looney asked if the four owners would be agreeable to resurfacing the road. Ms. Fugett stated that the road was recently completed. She explained that she was told that road needs time to settle, make sure there is sufficient gravel, and fill the potholes before the oil/chip is applied.

Case No. 1602 (continued)

Board Action:

On **MOTION** of **LOONEY**, 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' frontage on a public street to 0', for 4 lots to permit construction on each lot. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6** subject to a dust free surface be added to the west 692' within one year and that it be limited to these four lots finding that the land is unique on the following described property:

S/2, NW/4 Less N 630.06' and S 630.06' of W 692', Section 33, T-17-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1604

Action Requested:

Special Exception to allow a manufactured home in an RS zoned district (temporary while house is being built). **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9**, 2749 S. 49th W. Ave.

Presentation:

Judith Morgan-Welch, 3820 S. 34th W. Ave., desires to move their mobile home to the subject property during the construction of their house.

Comments and Questions:

Mr. Looney asked when the expected completion date was and how far along the construction was. Mrs. Welch responded that she thought it would take over a year. She indicated that the foundation with pipes, septic tank and lateral lines have been installed, as well as, a perc test being completed.

Mr. Looney clarified that the mobile home would be removed after the completion of their house.

Interested Parties:

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 Special Exception to allow a manufactured home in an RS zoned district (temporary while house is being built). **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** for a time period of two years or until the completion of the new home within that two-year period on the following described property:

W 264', S/2, S/2, S/2 NW SW Section 16, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1605

Action Requested:

Special Exception to allow a manufactured home in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, 5925 N. Elwood**

Presentation:

Montenette Williams, 1336 E. 60th St. #6C, applied for a building permit and was informed that an approval from the Board would be required, since it was not a double-wide trailer. She requested permission to move the 14' X 70' trailer onto the subject property for her residence. She indicated that the property did pass a perc test.

Comments and Questions:

Responding to the Board's question, Ms. Williams stated that there is currently one mobile home located in the subject area. She indicated that her trailer measures 14' X 70'.

Interested Parties:

June McGuire, 5801 N. Elwood, owns three properties in the area, stated that the restrictive covenants of the property prohibit mobile homes. Also, there is a creek that floods on the north end of the subject property. Mrs. McGuire pointed out that there was a mobile home park on 61st St. west of Cincinnati several years ago. She called INCOG and was informed that Mr. Rubble owned the property and that Montenette Williams was the contractor. Mr. Beach clarified that the building permit application lists the record owner and the person applying for the permit is referred to as the contractor. The "contractor" might not be in business as a contractor, but simply the person applying for the permit.

Comments and Questions:

Mr. Looney explained that the Board does not look at restrictive covenants of the property, but of the zoning and layout of the property. The deeded covenants are a private contract and can be taken to court to ensure the enforcement of those restrictions.

Applicant's Rebuttal:

Dwayne Lyons, 1336 E. 60th St. #6C, stated that the county periodically cleans out the creek so that it flows. The mobile home will be placed on the west side of the property where the perc tests were performed and where the lateral lines should be placed.

Comments and Questions:

Mr. Looney informed the applicants that if there is a covenant restricting mobile homes on that property, then they could be taken to court and ordered to remove the mobile home from the lot.

Mr. Walker stated that it does not appear that many homes are being built in the immediate area, and the lot is a large lot so that the mobile home will not be right up against the neighbors.

Mr. Tyndall pointed out that the area looks fairly wooded and that it would not have much impact on the Protestant's property.

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 Special Exception to allow a manufactured home in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** per plot plan, subject to building permit requirements, with skirting and tie-downs on the following described property:

Lot 4, Block 2, Vining Acres, Tulsa County, Oklahoma.

UNFINISHED BUSINESS

Case No. 1589

Action Requested:

Minor Special Exception to approve an amended site plan for Solid Rock Fellowship Church. **SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 5**, N of W. 61st St. S. & 65th W. Ave.

Comments and Questions:

Mr. Beach pointed out that the applicant is not present and that this case has been continued twice. He recalled the applicant mentioning a change in plans, and presumes that this application is no longer valid. Staff has not heard specifically from the applicant as to their intent.

Board Action:

On **MOTION** of Walker, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty "absent") to **DENY WITHOUT PREJUDICE** a Minor Special Exception to approve an amended site plan for Solid Rock Fellowship Church. **SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 5** on the following described property:

The NW/4 of the SW/4 of Section 32, T-19-N, R-12-E, of the IBM, Tulsa County, State of Oklahoma, containing 40.15 acres more or less.

Case No. 1603

Action Requested:

Variance of minimum lot width from 200' in an AG district to 135' to permit a lot split; a Variance of lot area from 2 acres to .8 acres; and a Variance of land area per dwelling unit from 2.2 to 1 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, 18349 S. Sheridan Rd.**

Comments and Questions:

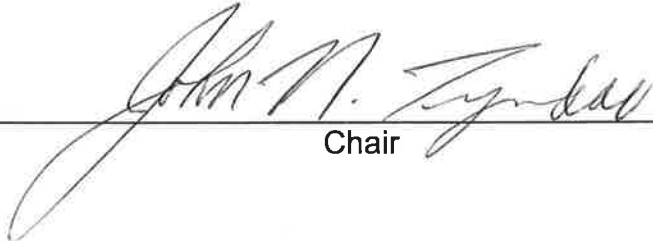
Mr. Beach suggested that since the applicant is not present the subject application may be continued to the next meeting. He indicated that staff would contact the applicant regarding their intentions.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty "absent") to **CONTINUE** Case 1603 to October 20, 1998.

There being no further business, the meeting was adjourned.

Date approved: 10-20-98



Chair