

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES (Meeting No. 15)
Friday, November 20, 1981, 9:00 a.m.
Room 119, Administration Building
500 South Denver Avenue
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Wines Tyndall Martin, Chairman Walker	Dubie	Compton Jones Martin	David Carpenter, District Atty's. Office Jack Edwards, Build- ing Inspector's Office

The notice and agenda of said meeting were posted in the Office of the County Clerk on Thursday, November 19, 1981, at 10:56 a.m., as well as in the Reception Area of the TMAPC Offices.

After declaring a quorum present, Chairman Martin called the meeting to order at 9:15 a.m.

MINUTES:

Due to lack of quorum of the September 15, 1981 meeting, all the items were continued to the meeting of September 25, 1981.

On MOTION of WINES and SECOND by TYNDALL, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve the Minutes of September 25, 1981, and September 15, 1981 (No. 13).

MINOR VARIANCES AND EXCEPTIONS:

Case No. 132

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances - Request for a variance of the frontage requirements to permit a lot-split in an AG District. This property is located north and west of 129th East Avenue and 176th Street North.

Presentation:

Mr. Jones advised the Board that the Planning Commission approved the lot-split on November 4th, subject to the approval of this Board and the City-County Health Department.

The applicant was not present to address the Board.

Mr. Jones again addressed the Board stating that it is not necessary for the applicant to be present at the meeting concerning a minor variance unless the Board had a specific problem or concern.

Protestants: None.

Case No. 132. (continued)

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements to permit a lot-split (L-15322) in an AG District; on the following described property:

The E/2 of the E/2 of the SW/4 of the SE/4 of the SE/4 and the W/2 of the E/2 of the SW/4 of the SE/4 of the SE/4; LESS the West 20'; Section 5, Township 22 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

NEW APPLICATIONS:

Case No. 124

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts-Section 1224 (a) - Oil and Gas Extraction - Under the Provisions of Section 1680 - Request for an exception to permit the drilling of an oil well in an RS District. This property is located north of 36th Street North and west of Elwood Avenue.

Presentation:

Mr. Jones advised the Board that the applicant requested a continuance because he needs a variance on this property and it would also have to be republished with new notices mailed out. Mr. Jones suggested that the case be continued to the December 18 meeting.

Protestants: None.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to continue this case to December 18, 1981.

Case No. 126

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts-Section 1224 (a) - Oil and Gas Extraction - Under the Provisions of Section 1680 - Request for an exception to permit oil and gas well drilling and the installation of storage tanks in an RS District. This property is located northeast of Cincinnati Avenue and 61st Street North.

Presentation:

James Hayes was present to address the Board on behalf of Seven Exploration Company, 7030 South Yale Avenue, Suite 501. The Company is requesting permission to do some drilling on Turley Children's Home property, which is owned and operated by the Northside Church of Christ. Mr. Hayes stated that the hours of drilling would be limited to day light hours only. There are 40 acres on the subject property which are not in use.

Case No. 126 (continued)

Board Comments:

Mr. Martin asked Mr. Hayes if the terms for the lease would be conventional terms and Mr. Hayes stated that it was a one year lease with 3/16ths royalty. Mr. Martin also asked if there were other wells in the area. Mr. Hayes replied by saying that there is one on Utica Avenue and 63rd Street, which is about a half-mile from the subject property.

Staff Comments:

Mr. Compton stated that prior to this Board's existence there was an oil well approved south of 61st Street. Mr. Compton was concerned about the affect on the residential area and inquired as to the location of the drilling on the tract.

Board Comments:

Mr. Wines asked if there were any houses on the tract and Mr. Hayes stated that there are none on the subject tract, but some are located on the adjacent tract. Mr. Hayes said that the location of the well and the storage tanks have not been determined.

Mr. Wines inquired about the surface casing. Mr. Martin stated that the wells had to be a minimum of 300 feet from any dwelling and a minimum of 100 feet of surface casing.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1224 (a) - Oil and Gas Extraction Under the Provisions of Section 1680) to permit oil and gas well drilling and the installation of storage tanks in an RS District, on the following described property:

The N/2 of the SW/4 of the NW/4 of Section 1, Township 20 North, Range 12 East, to the County of Tulsa, Oklahoma.

Case No. 127

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for a mobile home in an RS District.

Presentation: The applicant was not present.

Board Comments:

Mr. Walker asked Mr. Edwards, the Building Inspector, if there were other mobile homes in the area. Mr. Edwards stated that there are many mobile homes in the subject area.

Mr. Martin stated that if approval was granted, it should be subject to the Tulsa City-County Health Department regulations.

Case No. 127 (continued)

Staff Comments:

Mr. Jones stated that the Board has permitted numerous mobile homes in the area without a time limit.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) for a mobile home in an RS District, subject to City-County Health Department requirements, on the following described property:

Lots 5, 6 and the E/2 of Lot 7, Block 54, Taneha Addition to the County of Tulsa, Oklahoma.

Case No. 128

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RS District; and a

Variance - Section 208 - One Single-Family Dwelling Unit per Lot of Record - Under the Provisions of Section 1670 - Request for a variance to permit two residences and a mobile home on one lot in an RS District; and a

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Request for a variance of the size of a detached accessory building from 750 square feet to 1,500 square feet in an RS District.

Presentation:

Mr. Jones submitted a plot plan (Exhibit "A-1") to the Board as provided by the applicant and stated that the applicant owns 5 acres.

Cecil McCall, 5012 South 65th West Avenue, was present to address the Board requesting permission to place a mobile home on his 5 acres for his son to reside. Mr. McCall stated that the mobile home would only be temporary until his son can build a home on a corner of the 5 acres. Mr. McCall stated that the garage is our main concern since the permit was granted for 750 square feet and now we are requesting 1,500 square feet.

Board Comments:

Mr. Martin asked what the extra footage would be used for and Mr. McCall stated that it would be used for storage and self use for antique cars.

Mr. Martin asked the applicant if a business would be operated there and Mr. McCall said there would not.

Case No. 128

Staff Comments:

Mr. Compton asked if there were other mobile homes in the area and Mr. McCall stated that there were 3 others in the surrounding area. Mr. Compton also asked how long the mobile home would be in use. Mr. McCall said that it would be there no longer than one year.

Protestants: None.

Board Action:

On MOTION of WINES and SECOND by WALKER, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Under the Provisions of Section 1680) to permit a mobile home in an RS District for a 2-year period, subject to the City-County Health Department regulations concerning the septic system; and a Variance (Section 208 - One Single-Family Dwelling Unit per Lot of Record - Under the Provisions of Section 1670) to permit two residences and a mobile home on one lot in an RS District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 240.2 (e) Permitted Yard Obstructions - Under the Provisions of Section 1670) of the size of a detached accessory building from 750 square feet to 1,500 square feet in an RS District, for personal use and not business use; on the following described property:

The S/2 of the NE/4 of the SE/4 of the SE/4 of Section 30,
Township 19 North, Range 12 East, in Tulsa County, Oklahoma.

Case No. 129

Action Requested:

Appeal From the Decision of the Building Inspector - Under the Provisions of Section 1650 - Appeals from the Decision of the Building Inspector for refusing to issue a zoning clearance permit for a four (4) unit mobile home park developed before the County had zoning controls in an AG District; and a Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1209 - Mobile Homes - Under the Provisions of Section 1670 - Request for a variance to permit an additional eight (8) mobile homes with an eastward extension of the existing road and utilities making a total of 12 mobile homes in an AG District. This property is located at Highway #51 and Campbell Road.

Presentation:

Coy Ward, the applicant, was present to address the Board and advised that this is a different request than the previous request.

Chairman Martin stated that it was the Board's opinion that this application is an appeal from the earlier decision of the Board and asked the County Attorney's Office to determine the appropriateness of hearing all or any part of the application at this time.

David Carpenter, Assistant District Attorney, was present to advise the Board in regard to the application. Mr. Carpenter stated that during the October meeting Mr. Ward appeared before this Board and requested several variances and exceptions for the use of mobile

homes in the AG District which is again before the Board for consideration. The Board, at that time, denied the application and Mr. Ward filed an appeal in District Court. Mr. Carpenter advised that it appears that the four mobile home pads were in place prior to September 15, 1980, and that the additional eight pads were not in place prior to September 1980, that being the date that the Tulsa County Zoning Code was adopted. Mr. Carpenter advised that it would be appropriate for the Board to rule on the first part of the application regarding the status of the four mobile homes, but not on the second part, which the Board denied previously and which has been appealed to District Court.

Protestants:

Kenneth W. East, Attorney, representing several protestants in the area, was present to address the Board and objected to any further proceeding of the matter and contended that the County Board of Adjustment does not have jurisdiction over this case, but that the jurisdiction rests with the District Court of Tulsa County.

General Discussion:

Board Member Tyndall advised that an application for rezoning on this same property was withdrawn by the County Commission after holding a public hearing on the matter.

Mr. Carpenter stated that during the last Board meeting it was determined that some part of the mobile home park was a legal nonconforming use of the property.

Mr. Martin asked Mr. Ward, the applicant, if there are other mobile homes on the property beside the original four and Mr. Ward answered yes.

Mr. Compton, of the Staff, stated that the two requests are different than what was originally requested. Mr. Compton stated that the reason that the zoning application was withdrawn by the Planning Commission was the fact that there was no error with zoning mapping.

Mr. Martin stated that the original determination of the area as shown on the maps are agriculture and mobile homes could be placed in that area with certain requirements. Mr. Martin stated that when the maps were made up there was thought to be an error in the original zoning.

Mr. Ward advised that the Minutes from the previous meeting indicate that it was a pressure situation and much confusion existed. Mr. Ward stated that Commissioner Young made a motion to withdraw the application and it was so moved.

Mr. Campbell, a protestant representing the Town of Lotsie, was present to address the Board stating that the lagoon to handle the sewage was what started the problems. Mr. Campbell advised the Board of the smell caused by the lagoon located on the subject property.

Mr. Orville Kelly, an interested party, advised that he lives a mile and a half from the lagoon and has never smelled it. He and two other persons observed it closely and stated they never smelled anything.

Mr. Martin asked Mr. Carpenter if it was appropriate to hear the first part of the application with respect to the four mobile home units and whether there is nonconforming use or not. Mr. Carpenter advised that the Board has jurisdiction to hear the matter concerning the four mobile homes and that it would be appropriate to hear it.

Mr. Jack Edwards, Building Inspector's Office advised that the Board of Adjustment was the correct Board to have jurisdiction over this matter. Mr. Edwards said that the zoning clearance was turned down because it was on agricultural land with regard to the four mobile homes.

Board Action:

Mr. Tyndall made a motion to approve the first four mobile homes without any additional testimony. Due to a lack of a second, the motion died.

Comments:

Mr. Martin advised that at the previous meeting Mr. Lasker, Director of INCOG, addressed the Board stating that he was of the opinion that the first four mobile homes were covered by the nonconforming use status.

Presentation:

Commissioner Terry Young was present to address the Board and advised that the application was originally filed by Tulsa County for a change in the zoning classification from its present classification to RMH upon an initial understanding that a mistake might have been made in the original Comprehensive Zoning Maps adopted in September 1980, with respect to the property owned by Mr. Ward.

Mr. Young stated that Mr. Ward presented Health Department tests for the septic systems in addition to the four mobile homes, which are on a lagoon on the property. Mr. Young stated that he advised the County Inspector's Office to file an application at Tulsa County expense for any mistakes that might have been made in adopting the Zoning Code and the Comprehensive Zoning Maps. Mr. Young advised that Mr. Ward indicated at the previous meeting that the only Health Department work that was done applied to the original four spaces. Mr. Young stated that he felt the County did not need to pay for amending the Zoning Code to change the Comprehensive Zoning Maps to reflect something other than what was on the map at that time, therefore, the application was withdrawn at his motion.

Comments:

Mr. Compton advised the Board to reverse the Building Inspector's decision if they were convinced that four mobile home pads and facilities existed prior to September 15, 1980.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to reverse the Building Inspector's Decision (Appeal From the Decision of the Building Inspector - Under the Provisions of Section 1650 - Appeals from the Decision of the Building Inspector for refusing to issue a zoning clearance permit for a four (4) unit mobile home park

Case No. 129 (continued)

developed before the County had zoning controls in an AG District) adding that the first four mobile homes were in existence on the subject property prior to September 15, 1980, and authorizing the approving of the zoning clearance permit for the first four mobile homes; on the following described property:

A part of the NW/4 of the NW/4 of Section 14, Township 19 North, Range 10 East of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows, to wit: Commencing at the southwest corner of Said NW/4 of the NW/4 of Section 14; thence North 89°-52'-58" East along the South line of Said NW/4 of the NW/4, for a distance of 765.93 feet to the Point of Beginning; thence North 23°-35'-00" East for a distance of 141.23 feet to a point of curvature; thence along a curve to the left having a radius of 1,240 feet for a distance of 416.37 feet to a point of tangency; thence North 4°-20'-40" East for a distance of 653.38 feet to an intersection with the South Right-of-Way line of Oklahoma State Highway #51; thence North 89°-24'-09" East along Said Right-of-Way line for a distance of 344.17 feet to a point on the East line of Said NW/4 of the NW/4; thence South 0°-24'-41" East along the East line of Said NW/4 of the NW/4 for a distance of 1,185.58 feet to the southeast corner thereof; thence South 89°-52'-58" West along the South line of Said NW/4 of the NW/4, for a distance of 558.66 feet to the Point of Beginning, containing 11.176 acres.

Case No. 130

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RS District. This property is located at 4928 South 63rd West Avenue.

Presentation:

Shirley Moriondo was present to address the Board on behalf of her mother, Roberta Brown, 4928 South 63rd West Avenue. She asked that a mobile home be permitted on the subject property.

Board Comments:

Mr. Martin asked if there were other mobile homes in the area and Ms. Moriondo replied by saying yes and proceeded to locate the homes on the map.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RS District, subject to City-County Health Department approval and subject to the applicant obtaining proper permits from the County Building Inspector's Office; on the following described property:

Case No. 130 (continued)

Lot 19, Block 1, John Hale Addition to the County of Tulsa, Oklahoma.

Applicant's Comments:

Ms. Moriondo advised that the City-County Health Department has already given approval.

Case No. 131

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for permission to place a mobile home in an RS District. This property is located at 107 South 71st West Avenue.

Presentation:

B. G. Ramsey, Rt. 1, Box 282, Mannford, Oklahoma, 74044, was present to address the Board requesting permission to place a mobile home at the new address, 121 South 71st West Avenue. Mr. Ramsey stated that the mobile home has been approved for a septic tank by the City-County Health Department and has been inspected as such. Mr. Ramsey said there were three other mobile homes on the block.

Board Comments:

Mr. Martin asked Mr. Ramsey if he would be living in the mobile home. Mr. Ramsey stated that his daughter would be residing there. Mr. Martin also asked if it would be a temporary or permanent use and Mr. Ramsey stated that it would be for permanent use.

Protestants: None.

Board Action:

On MOTION of WINES and SECOND by WALKER, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to place a mobile home in an RS District, on the following described property:

Lots 2 and 3, Block 3, Twin Cities Addition to the County of Tulsa, Oklahoma.

OTHER BUSINESS:

Interpretation of CZM #41:

Mr. Martin read the letter from the County Inspector's Office which requested an interpretation on property located at the southwest corner of 41st Street South and 225th West Avenue, where an existing mobile home park was zoned AG and a vacant tract located approximately 390 feet north was zoned RMH. The error was made on September 15, 1980, when the Tulsa County zoning was put into effect.

Mr. Jones submitted some aerial photos and pointed out where the zoning was wrong.

Interpretation of CZM #41 (continued)

Mr. Martin asked the Staff to address the issue.

Mr. Compton stated that the Staff is of the opinion that the Board has the ability to interpret the matter and would like to hear a motion instructing the Staff to correct the error that was made.

Board Action:

On MOTION of WINES and SECOND by WALKER, the Board voted 5-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to find that an error had been made in the drawing of the mobile home park boundary and instructed the Staff to correct the zoning boundary error that was made on the Comprehensive Zoning Map at said location (41st Street South and 225th West Avenue), on the following described property:

The E/2 of the E/2 of the NE/4 of the NE/4 and the E/2 of the NE/4 of the SE/4 of the NE/4 of Section 28, Township 19 North, Range 10 East, of I.B.M., containing 15 acres, more or less according to the Government Survey thereof; except that the grantors hereby except and reserve an undivided 1/4 interest in and to the oil and gas and mineral rights in, to and under the above described premises, together with all rights incidental or appurtenant to said reservation.

There being no further business to come before the Board, the Chair adjourned the Meeting at 10:30 a.m.

Approval Date

February 19, 1982

William G. Walker

Chairman