

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 38
Friday, September 16, 1983, 9:00 a.m.
Room 119, Administration Building
500 South Denver Avenue, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Martin Walker, Chairman	Tyndall Wines	Gardner Jones Wiles	J. Edwards, Building Inspector

The notice and agenda of said meeting were posted in the Office of the County Clerk on Tuesday, September 13, 1983, at 10:58 a.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 9:09 a.m.

MINUTES:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve the Minutes of August 19, 1983 (No. 37).

UNFINISHED BUSINESS:

Case No. 377

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - (Mobile Home Dwelling) - Use Unit 1209 - Request for an exception to permit a mobile home dwelling - Under the provisions of Section 1680, located at 6409 North Quincy Avenue.

Presentation:

Sheila Brannon was represented by her aunt, Sharon Corley, 2342 South 137th East Avenue. They would like to put a mobile home on the subject property. The house which was previously on the lot has been removed. There are three other mobile homes in the immediate area. The property is on sewer.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - (Mobile Home Dwelling) - Under the provisions of Use Unit 1209) to permit a mobile home dwelling under the provisions of Section 1680, on the following described property:

Lot 4, Block 18, Goble Hills II Addition, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 384

The Staff informed the applicant, Bill Tims, requested that this case be withdrawn--a letter is forthcoming. A letter from the City of Jenks recommended denial of this application--Mr. Tims' percolation test for septic system failed.

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to withdraw Case No. 384.

NEW APPLICATIONS:

Case No. 381

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1209 - Request for an exception to permit a mobile home in an AG-R zoned district - Under the provisions of Section 1680, located south of the SW corner of Coyote Trail and 252nd West Avenue.

Presentation:

Kenneth Price, 604 West 2nd Street, Sand Springs, Oklahoma, informed the percolation test has been completed and the County has approved the lateral lines. There are two houses in the area, and the residents have no objection to the applicant moving a mobile home on the property. There are other mobile homes in the area, and the property is out in the county.

Protestant:

John McMichael, 6535 East 60th Street, spoke on behalf of his father-in-law, R. E. Gilbert, who owns property adjoining the subject property. Mr. Gilbert would rather not see mobile homes on the subject property--he is afraid his property value will be decreased. Mr. Gilbert bought his property about 2½ years ago.

Comments:

Mr. Martin informed there are many mobile homes in the area and some of them were probably there when Mr. Gilbert bought his land. The Board has previously approved similar applications in this area.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Under the provisions of Use Unit 1209) to permit a mobile home in an AG-R zoned district under the provisions of Section 1680, subject to the Health Department's approval and a building permit, on the following described property:

The South 330' of the North 2,640' of the West 380' of the E/2 of the NW/4 of Section 29, Township 19 North, Range 10 East, Tulsa County, Oklahoma. Except the East 25' dedicated for roadway purposes. Approximately 2.8 acres.

Case No. 382

Action Requested:

Variance - Section 206 - Number of Dwelling Units on a Lot - Use Unit 1209 - Request for a variance to permit two mobile homes on one lot of record in an AG zoned district - Under the provisions of Section 1670, located at 12837 North 143rd East Avenue.

Presentation:

Naomi Blood, Rt. 2, Box 257, Collinsville, Oklahoma, would like to move a mobile home on the subject property for her in-laws, who are in poor health, to live in. There is already one mobile home on the subject property, and there are many mobile homes in the area. They are on septic system and the percolation test was approved. Each mobile home has its own septic system. She submitted a drawing of how the mobile home will set on the lot (Exhibit "A-1") and a map of the area showing where other mobile homes are located (Exhibit "A-2").

Protestants: None.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 206 - Number of Dwelling Units on a Lot - Under the provisions of Use Unit 1209) to permit two mobile homes on one lot of record in an AG zoned district under the provisions of Section 1670, with the stipulation that the second dwelling be restricted to a member of the immediate family, on the following described property:

The South 220' of the North 1,320' of the E/2 of the E/2 of the SE/4, less the West 25' thereof for roadway, Section 33, Township 22 North, Range 14 East in Tulsa County, Oklahoma.

Case No. 383

Action Requested:

Special Exception - Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1217 - Request for an exception to expand a nonconforming use to add an automotive car wash to a grocery store in an AG zoned district - Under the provisions of Section 1680, located west of the SW corner of 201st Street South and Harvard Avenue.

Presentation:

John Barnett, Rt. 1, Box 350, Mounds, Oklahoma, would like to put a 2-bay car wash on the subject property where a grocery store has been in existence for 15 years. An electrical inspection has been done on the car wash--it has already been hooked up. There was discussion as to the lagoon requirements for the car wash.

Protestants: None.

Comments:

Mr. Alberty informed the use, even though it is nonconforming, is near the intersection corner which is the place that the Comprehensive Plan recognizes for commercial development.

Case No. 383 (continued)

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Special Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Under the provisions of Use Unit 1217) to expand a nonconforming use to add an automotive car wash to a grocery store in an AG zoned district under the provisions of Section 1680, subject to the Health Department's approval, on the following described property:

Beginning at a point on the North boundary line 530' West of the Northeast corner of the N/2 of the N/2 of the NE/4 of the NE/4 of Section 17, Township 16 North, Range 13 East; thence South 330'; thence West 395'; thence North 330'; thence East 395' to the point of beginning, Tulsa County, Oklahoma.

Case No. 385

Action Requested:

Appeal from Building Inspector - Section 1650 - Appeals From The County Inspector - Use Unit 1208 - Request for an appeal of the Building Inspector's decision of citing existing apartments as nonconforming in an AG zoned district, located south of the SE corner of South 61st West Avenue and West 43rd Street South.

Presentation:

Darell Matlock, 4410 South 33rd West Avenue, represented Clay Bond, 4403 South 61st West Avenue. Mr. Matlock informed the barn on the subject property has been utilized as apartments for about 35 years. The construction that has gone on at the subject property has been renovation of the existing building.

Clay William Bond informed he has owned the subject property for 35 years, and the barn on the property has been used as four apartments for the past 15 to 18 years. The outside of the building has never been changed. He informed his contractor did not obtain a building permit for renovation work that was done. He informed there are two septic systems on the subject property serving the four apartments and the applicant's house. The second septic system was installed in April or May of this year.

Protestants: None.

Interested Party:

Paul Miles, 4405 South 61st West Avenue, lives in one of the apartments in the barn on the subject property. He informed they have had no problems with any of the utilities except with the water pressure, and he stated the apartments were very well built. He remembers the apartments being on the subject property when he was just a child.

Comments:

Mr. Edwards informed this application came to his attention through a complaint. He thinks the nonconforming use started prior to 1975 when building permits were first required in the County, but there has been construction on the subject property since that time. Mr. Edwards' question is how much responsibility the Building Inspector has--it all hinges on when the expansions and additions occurred. He submitted 4

Case No. 385 (continued)

pictures of the building on the subject property (Exhibit "B-1").

As of 1981, the County Assessor only showed one unit in the barn--this could just be an error.

The applicant needs to prove that this use was in effect prior to July 10, 1963.

Mr. Edwards informed the Health Department says that the second septic system is not approved. He presented a letter from the Health Department.

The Board requested that the applicant bring some written evidence that the use was pre-existing before July 10, 1963.

Mr. Gardner advised the applicant to advertise for a variance so that if the Board determined that the majority of them were nonconforming they could have the power to grant the relief requested.

Mr. Alberty informed they need time to hear from their legal counsel.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to continue Case No. 385 to the October 21, 1983, meeting to give the applicant an opportunity to present further evidence and to readvertise for a variance.

The SE/4 of the NW/4, less the North 400' and the South 66' in Section 29, Township 19 North, Range 12 East, Tulsa County, Okla.

Case No. 386

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts- Use Unit 1223 - Request for a variance to permit outside storage of fencing materials in an RS-1 zoned district - Under the provisions of Section 1670, located south of the SE corner of 45th Street and 47th West Avenue.

Presentation:

Dorothy Hyde, 4989 South Union Avenue, is a real estate sales associate and has a contract pending on the subject property. The contract is contingent on getting this use variance. The property is in an area that is right next to an industrial area. The property is very long and deep--the buildings on the property are in dilapidated condition. The purchaser of the property leases fencing materials and he would like to use the subject property as a storage place for these materials. The buildings on the property would be improved and the owner would fence all around the property. A truck will come to the subject property about two times a week. Ms. Hyde does not see how a fence storing company will detract from the neighborhood or impose on the residential area. There is no hardship in this case. She has not talked to the people in the area.

Protestants: None.

Comments:

Mr. Alberty informed a zoning action was taken several years ago to protect the area against what the applicant is asking to do--to prevent
9.16.83:38(5)

Case No. 386 (continued)

further encroachment of industrial uses. He is surprised there are no protestants present.

Mr. Gardner informed the area was zoned IL to act as a buffer between heavy industrial and residential. The Planning Commission felt the area should be left residential as reflected by the Comprehensive Plan.

Mr. Martin informed he cannot see a hardship. He feels the relief should be sought through a zoning request rather than through a variance which requires a finding of hardship.

Mr. Alberty informed the Board is obligated to look at the Ordinance when it approves a variance. He does not feel that the conditions have been met for the granting of a variance.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to DENY a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the provisions of Use Unit 1223) to permit outside storage of fencing materials in an RS-1 zoned district under the provisions of Section 1670, on the following described property:

Lot 33, Block 1, Bridges Third Addition, Tulsa County, Oklahoma.

Case No. 387

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request for a variance to permit two dwelling units per lot of record (one existing residence plus one proposed mobile home dwelling) in an AG zoned district - Under the provisions of Section 1670, located at the SE corner of Keystone Expressway and 193rd West Avenue.

Presentation:

Thomas Krause, P. O. Box 1188, Sand Springs, Oklahoma, would like to move his mobile home on his mother's property so that his mother will be able to take care of his minor son while Mr. Krause is not home. There is a mobile home park next to the subject property.

Protestants: None.

Comments:

The Staff informed Sand Springs heard this in referral case on September 13th and recommended approval of the variance, subject to the Health Department's approval. A letter is forthcoming from Pat Treadway, Sand Springs City Planner, stating their recommendation.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the provisions of Use Unit 1209) to permit two dwelling units per lot of record (one existing residence plus one proposed mobile home dwelling) in an AG zoned district under the provisions of Section 1670, per the Health Department's approval, on the following described property:

Case No. 387 (continued)

Beginning at a point 672.38' East and 761.41' North of the Southwest corner of Section 1, Township 19 North, Range 10 East, Tulsa County, Oklahoma; thence North parallel to the West line of Section 1, a distance of 558.59'; thence East a distance of 175'; thence South a distance of 545'; thence West parallel with the North Right-of-Way line of M.K. & T. Railroad a distance of 175' to the Point of Beginning in the Indian Base and Meridian, according to the U. S. Government Survey thereof, approximately 2.25 acres, more or less.

Case No. 388

Action Requested:

Variance - Section 1420 (a) - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1223 - Request for a variance to expand a nonconforming use in an RE zoned district - Under the provisions of Section 1670, located South of the SW corner of 76th Street North and 117th East Avenue.

Presentation:

The applicant, Water Products of Oklahoma, was not present.

Protestants: None.

Comments:

Mr. Jones informed he had a letter from Carol Dickey, the Owasso City Planner, indicating the City of Owasso had heard the case and recommended approval of the variance. Mr. Martin felt that the applicant should be here to explain his request.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to continue Case No. 388 to the October 21, 1983, meeting.

Case No. 389

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request for a variance to permit two dwelling units per lot of record (one existing residence plus one proposed mobile home) in an AG zoned district - Under the provisions of Section 1670, located at the NE corner of West 41st Street and 137th West Avenue.

Presentation:

Neal McCollough, Rt. 2, Box 41-A, Sand Springs, Oklahoma, would like to put a mobile home on his 2½ acre lot. The mobile home will be behind his house and will be used for his son's family. There has been some security problems in the area, and the applicant feels it would help to have someone else on the lot. Mr. McCollough submitted a plot plan (Exhibit "C-1").

Protestants: None.

Comments:

The Staff informed Sand Springs heard this case on September 13, 1983, and recommended approval per Health Department approval--the letter is forthcoming.

9.16.83:38(7)

Case No. 389 (continued)

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the provisions of Use Unit 1209) to permit two dwelling units per lot of record (one existing residence plus one proposed mobile home) in an AG zoned district under the provisions of Section 1670, subject to a building permit and the approval of the Health Department and with the condition that it be occupied only by a member of the immediate family of the applicant, on the following described property:

The W/2 of Lot 4, Bowles Acres Addition in the S/2 of the SW/4 of Section 21, Township 19 North, Range 11 East of the Indian Base and Meridian, Tulsa County, Oklahoma. Beginning at a point 921.6' East of the Southwest corner of Section 21, Township 19 North, Range 11 East; thence North 708.7'; thence East 307.2'; thence South 708.7'; thence West 307.2' to the Point of Beginning, containing 2.5 acres, more or less and except the South 50 feet.

There being no further business, the Chair adjourned the meeting at 10:35 a.m.

Date Approved

October 21, 1983

B. Wayne Alberty
Chairman