TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 51
FRIDAY, August 24, 1984, 9:00 a.m.
Rm. 119, Administration Bldg.
500 S. Denver, Plaza Level
Tulsa Civic Center

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

The Notice and agenda of said meeting were posted in the Office of the County Clerk on Tuesday, August 21, 1984, at 12:00 p.m., as well as in the Reception Area of the INCOG offices.

Chairman Alberty called the meeting to order at 9:05 a.m.

MINUTES:

On MOTION of Martin and SECOND by WALKER the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions";) to **APPROVE** the minutes of July 20, 1984 (No. 49) and August 17, 1984 (No.50).

UNFINISHED BUSINESS:

Case No. 475

Action Requested:

Special Exception--Section 410--Principal use permitted in the residential districts--Use Unit 1209-Request an exception to permit mobile homes in an RE zoned district under the provisions of Section 1680; and a

Variance--Section 430--Bulk and area requirements in the residential districts--Use Unit 1209--Request a variance of the lot width from 150' to sizes on site plan submitted, located W of NW/c of 145th E Avenue and 66th St. N.

Comments and Questions:

The staff presented a letter (Exhibit A-1) from, Mr. Curtis J. Biram, from the law firm of Biram & Kaiser requesting a continuance on behalf of the protestants. Mr. Alberty read the letter which stated that Mr. Biram and 15 Tulsa County residents appeared at the August 17, 1984 Board of Adjustment Meeting (No. 50), which was cancelled due to a lack of quorum. He requested a continuance until after September 3, 1984, as he would be out of the country until that time.

The applicant, Lynn B. Calton, 11004 East 44th Street, protested the request for a continuance.

Board Action:

On MOTION of WALKER and SECOND by WINES the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to **DENY** a request for a continuance of Case No. 475.

Presentation:

The staff submitted two letters (Exhibit A-2) and (Exhibit A-3) from the City of Owasso stating that they declined to re-hear the case and support their former decision to approve the request for a special exception for mobile home use and a variance of lot width to a minimum of 120'. The minutes were attached.

Lynn Calton stated that the sewage would be handled through individual septic systems, and they are ready to submit to the Health Department for perculation approval. He informed that the mobile homes would be skirted. The staff expressed concern over the quarry in the area which blasts on a regular basis. Mr. Calton did not feel this would affect a mobile home as much as a "stick" structure. He further stated that he did not plan to use a lagoon system.

Comments and Questions:

Mr. Martin asked the applicant how many perculation tests were made. Mr. Calton informed that approximately 20 were made and there are 26 lots on the subject tract.

Mr. Walker stated that in view of the possibility of future expansion by the rock quarry, a mobile home may be the best use of the land. He expressed concern over the sewage problem.

Mr. Alberty stated that sewage is a problem in the area and that he considered the area industrial (i.e. large trucks that haul the rock) which inhibits the desirability of residential use. It is the Board's responsibility to approve special exceptions with conditions which are in the best interest of the use of the land.

Protestants:

Jerry Cole, 6325 North 137th East Avenue, Owasso, stated that the previous owner of the subject tract, A. D. Richards, went before the TMAPC to request RMH zoning for the area. The request was successfully protested and Mr. Richards accepted RE zoning. When the application came before the County Board of Commissioners, there were restrictions made for the use of the land; two being that mobile homes nor lagoons be permitted. He referred to a letter from Lewis Harris (Exhibit E-1, July 20, 1984 Board Meeting) expressing concern over the density requirement. He informed that the owner of the land due West of the subject tract, Bill York, has an application before this Board to establish a mobile home park. Mr. Cole requested that this case not establish a precedent for the area. In response to questions raised in regard to the rock quarry's effect on a mobile home, Mr. Cole stated that residents to the north, west and south of the subject tract have structural damage to their homes due to the

blasting in the quarry. This matter is under litigation. He requested that if the case is approved it be subject to a letter of approval from the Health Department.

Curtis Kaiser, 1595 S. Utica, in the absence of his partner, stated that at the time the earlier request (i.e. Mr. Richard's request for RMH zoning) was denied, an agreement was reached between the Homeowners and the applicant that the intention of the owner is to permit custom-built homes and a better class of manufactured home, not mobile homes, on these lots. He referred to the September 12, 1983 TMAPC meeting when a decision was made to change the zoning to RE, and expressed his opinion that the property may not be appropriate for any residence. He further stated that the responsibility of the Board is to future homeowners because of the facts presented in this case. He stated that the land is valuable for industrial use, but not for residential.

The staff submitted a letter (Exhibit A-4) from Ray S. Dowd, 7525 N. 143rd E. Avenue stating his concern that the approval of this application would result in the value of his land decreasing.

Comments and Questions:

Mr. Wines inquired about the mineral rights to the subject tract and Mr. Calton informed that he owned 1/2 of those rights which would prohibit anyone from drilling or mining the land.

Mr. Gardner informed that the land cannot be developed as a typical urban mobile home park because it does not meet Health Department standards for that kind of density.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL the Board voted 2-2-1 (Tyndall, Walker, "aye"; Martin, Wines, "nay"; Alberty, "abstaining") to **APPROVE*** a Special Exception (Section 410--Principal use permitted in the residential districts--Under the Provision of Use Unit 1209) to permit mobile homes in an RE zoned district under the provisions of Section 1680; and a Variance (Section 430--Bulk and Area requirements in the residential districts--Under the Provisions of Use unit 1209) of the lot width from 150' to sizes on the site plan submitted and subject to site plan submitted and subject to Health Department approval for individual septic tanks on the following described property:

> Beginning at a point 660' west of the Southeast corner of Section 33, T-21-N, R-14-E, thence west 642'; thence north 1980'; thence east 642'; thence south 1980' to the P.O.B., containing ± 29 acres, Tulsa County, Oklahoma.

*This application was **DENIED** due to the lack of three (3) affirmative votes, which is necessary for approval of an application.

Additional Comments:

Mr. Martin commented in regard to his negative vote. He stated that he based his decision on three criteria: (1) The protestants were

not present at the Owasso Board of Adjustment Meeting when the application was approved; (2) In his opinion the land is not suitable for residential use; and (3) The applicant did not show a hardship.

NEW APPLICATIONS:

Case No. 481

Action Requested:

Special Exception--Section 310--Principal uses permitted in the agriculture district--Use unit 1205--Request an exception to allow a nursing home in an AG zoned district under the provisions of Section 1680, located 1/4 mile W of SW/c of 96th St. N & Hwy. 169.

Presentation:

Mr. Alberty read a memo from the Owasso Board of Adjustment (Exhibit B-1) which informed that the OBA met August 1, 1984 and August 15, 1984 to discuss referral Case No. 481. The Board discussed the proposal of a nursing home with the applicant and concerned area residents. After extensive discussion the Board voted 4-0-1 (one abstention) to recommend approval of the nursing home use with two conditions: (1) The use be approved for only the west five acres; and (2) The nursing home be built according to the site plan approved by the County Board such as the one submitted with the application.

Richard W. Gable, 20th Floor, Fourth National Bank Bldg., stated that he is an attorney representing Sequoyah Investments, Inc. He informed that he was not present at the Owasso Board meeting. He submitted a plat of survey (Exhibit B-2) and a site plan (Exhibit B-3), and described the area, stating reasons why the applicant opposed the 5-acre restriction on the property. The applicants own 11 Nursing Homes in northeastern Oklahoma at the present time. The purchase of the subject property is based upon the certificate of need. Their plan is to build a 100 bed facility, but that may need to be altered in the future. He feels that limiting the facility to the west five acres would deny the right to expansion and "cripple" the facility. He noted that that decision may have been a compromise on behalf of the protestants.

Comments and Questions:

Mr. Walker stated that the Board made decisions based on the merits of a specific application for the use of the land. The applicant would have the right to apply in the future, if necessary, for further development.

Interested Parties:

Jerry Franks, 2415 West Skelly Drive, reported the process of applying for a certificate of need. He also stated, in response to a question from the chair, that a retirement village might be a possibility for use of the additional five acres.

Protestants:

Ann McAllister, 303 East 24th Court, Owasso, informed the Board that she is opposed to any ammendment or exception to the present zoning.

She stated that the area was planned for residences and she would like to keep it that way. She noted that the subdivision has had a water problem since she moved there five years ago. She informed that she did not receive a notice of the first meeting (she is not an adjacent neighbor), but submitted a petition (Exhibit B-4) with 179 names of residents who are opposed to the nursing home. They oppose the use of the land for that purpose stating that the Baptist are proposing to build a 120-bed facility in the same area.

Leo Edison, 4309 South Madison Place, owns the RMT (Townhouses) zoned property south of the subject property. He informed the Board that a nursing home would be a hindrance to a residential area. He pointed out that the sale of the land is pending upon the decision of this Board, so the decision will in no way affect the applicant economically.

Interested Parties:

Joe Cottel, 11212 East 95th St. North, stated that he owns the only home within the 20 acre tract where the proposed nursing home is to be built. He stated that he bought his land to get away after retirement and since that time people have begun building all around. He feels that these residences have caused considerable problems in the area (noise, traffic, water problems, etc.) and feels that a nursing home would be an improvement over that. He stated that nursing homes do not generate a lot of traffic, nor are they noisy. He owns the subject tract, which is under contract to the applicant, and he prefers a nursing home over townhouses for those reasons.

Comments and Questions:

Mr. Alberty noted that a Nursing Home is considered residential, not commercial.

Mr. Alberty informed the applicant that he showed no present plans for the additional five acres which would warrant a request for that portion of the subject tract. He suggested that the applicant specify his request. Mr. Gable stated that the applicant wanted an "open-end" to allow the possible expansion of 100 beds.

Mr. Alberty informed that although the subject tract is an agricultural district, the area to the south is RMT, which is townhouse; and south of the RMT area is single family dwellings. RMT allows a density somewhere between 10 to 15 units per acre. This usually means apartments, which usually initiates heavy traffic.

Ms. McAllister suggested that the limestone is so dense in the RMT area that it will be some time before it could be prepared for that use.

Applicant's Rebuttal:

Mr. Gable noted that apartment projects have swimming pools, children, ect. and reinterated the fact that a nursing home is certainly quieter, with no traffic. He apologized for the fact that the protestants were not notified and stated that it must have been an error.

Linda Franks, 2415 West Skelly Drive, referred to a question by the Board regarding the front of the subject tract and described their plans to landscape the area.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to **APPROVE** a Special Exception (Section 310—Principal uses permitted in the agriculture district—Under the provisions of Use Unit 1205) to allow a nursing home in an AG zoned district under the provisions of Section 1680, limited to the West five acres of the subject property, subject to a 100 bed facility, per site plan submitted, on the following described property:

Part of the N/2 NE/4 NE/4 of Section 19, T-21-N, R-14-E, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at the Northwest corner of said N/2 NE/4 NE/4; thence S0°00'06"E, along the West line of said N/2 NE/4 NE/4, 660.78' to the Southwest corner thereof, thence S89°53'50"E, along the South line of said N/2 NE/4 NE/4, 753.65'; thence N0°18'50"W, 240.20'; thence N89°53'50"W 146.66'; thence N0°00'06"W, 420.58' to a point in the North line of said N/2 NE/4 NE/4; thence N89°53'50"W, along the said North line of said N/2 NE/4 NE/4, 605.68' to the point of beginning, containing 10.000 acres more or less.

On MOTION of Walker and SECOND by TYNDALL the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to **APPROVE** an ammendment to the former motion stating that the Special Exception be approved subject to a subdivision plat and site plan which will need to be reviewed again, and subject to approval of a certificate of need.

Additional Comments:

Mr. Alberty clarified for the applicant that he must prepare a subdivision plat, which will be subject to a hydrology report.

Case No. 482

Action Requested:

Use Variance—Section 310—Principal uses permitted in the agriculture districts—Use Units 1214/1215—Request a variance to allow a convenience store and feed store in an AG zoned district under the provisions of Section 1670, located at Coyote Trail & Campbell Creek.

Presentation:

The applicant, Deanna Nichols, P.O. Box 790, Sand Springs, was not present.

Protestants: None

Board Action:

On MOTION of WALKER and SECOND by TYNDALL the Board voted 5-0-0

(Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to **CONTINUE** Case No. 482 until the September 18, 1984 meeting.

Case No. 483

Action Requested:

Special Exception--Section 440--Special Exception uses in residential districts--Use Unit 1209, request to allow a mobile home in an RS zoned district, under the provisions of Section 1680, located at 1227 High Street.

Presentation:

Clarence Dawson, 1227 High Street, Collinsville, requested use of the subject property for a mobile home. He informed he has sufficient approval for sewer, electricity and water. He stated there is a mobile home park 1/2 mile from his property.

Protestants: None

Comments and Questions:

Mr. Alberty inquired as to whether there were other mobile homes in the vacinity. Mr. Dawson informed that Mr. Wright (address unknown) has a mobile home two lots down from the subject lot. There is a mobile home park in the near vicinity.

Mr. Jones asked if the application was heard at the Collinsville BOA meeting on August 6, 1984. He stated that he has information that it was advertised, but has no evidence that it was heard. Mr. Dawson informed that he attended that meeting and was told the case was not under their jurisdiction.

Board Action:

On MOTION of MARTIN and SECOND by WINES the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to **APPROVE** A Special Exception (Section 440--Special Exeption uses in residential districts--Under the provisions of Use Unit 1209) to allow a mobile home in an RS zoned district, under the provisions of Section 1680, subject to a Building Permit, and Health Department approval, on the following described property:

Lots 5 & 6, Block 13, Highland Park Addition, Tulsa County, State of Oklahoma.

Case No. 484

Action Requested:

Variance--Section 208--One single-family dwelling per lot of record--Use Unit 1206-09--Request a variance to permit two dwellings (1 house, 1 mobile home) per lot of record in an AG zoned district under the provisions of Section 1670, located W of SW/c of 42st St. and Mud Creek Rd.

Presentation:

Judith Ledford, Route 3, Box 499, Sand Springs, informed that the advertisement is stated wrong, advising that they intend to have two mobile homes on one lot of record, rather than one house and one mobile home. She reported that she and her husband were not aware that these procedures were necessary, so they have already installed the second mobile home and hooked it up to water and electricity. She feels that the appearance is not offensive and presented pictures to the Board and described them. Four lots down from the subject property there is a mobile home park.

Protestants:

Mr. Jones submitted four letters of protests from residents in the area (Exhibit C-1), (Exhibit C-2), (Exhibit C-3), and (Exhibit C-4).

Henry Thurman, Route 2, Box 305, Sand Springs, stated that he is the owner of the property to the south of the subject tract. He stated that the residents in the area preferred that the area be kept one-family dwelling per lot of record. He does not oppose the use for a mobile home, rather the use for two mobile homes. He would not be in objection to temporary use of a second mobile home.

Comments and Questions:

Mr. Gardner noted that the application is for two single family dwellings per lot of record and if a new home is built one of the mobile homes must be moved. The applicant replied that they will not be ready to build a home for several years.

There was discussion about the time period involved and instructed the applicant that any variance of the time limit would give her the right to reapply upon expiration.

Board Action:

On MOTION of MARTIN and SECOND by WALKER the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to **APPROVE** a Variance (Section 208--One single-family dwelling per lot of record--Under the Provisions of Use Unit 1206-09) to permit two dwellings (mobile homes) per lot of record in an AG zoned district under the provisions of Section 1670, subject to a two-year time limit (for the second mobile home) subject to Health Department approval, and subject to a Building Permit, on the following described property:

Lot 3, Block 2, Hickory Ridge Estate, an Addition to Tulsa County, Oklahoma.

Case No. 485

Action Requested:

Special Exception--Section 340--Requirements for special exception uses--Use Unit 1205--Request an exception to allow a church Building in an Agricultural zoned district, under the provisions of Section 1680, located W of NW/c of 129th E. Ave. & 101st St.

Presentation:

Charles Cleveland, 7909 S. 72nd East Avenue, informed that he is the Vice-Chairman of the Evangelical Free Church and requested approval of the request to allow a church building in an agricultural district. He submitted an architectural sketch (Exhibit D-1) and stated that the contract for the land is pending Probate Court regarding mineral rights (The contract states that the mineral rights go to the purchaser, however, perusal of the abstract revealed that the subject property is two 2 1/2 acre lots and the mineral rights of one of those belong to a former owner, who is now deceased). They expect to close on the property in September. The church has about 50 members and an average attendance of 100. He informed that the land did perculate and the water has been tested by the Health Department. There is a house on the lot presently and it has not been determined what will be done with it. However, they have no intentions of holding services in it.

Protestants: None

Interested Parties:

The staff submitted a letter (Exhibit D-2) of recommendation from the City of Broken Arrow recommending approval of this application with the following conditions: (1) That no parking be allowed in the required front yard; (2) One parking space per 40 sq. ft. of chapel area; and (3) An all-weather dust free surface be used on the parking area.

Comments and Questions:

Mr. Gardner informed that five acres would accomodate 400 members or more with adequate parking space.

Mr. Gardner suggested that they restrict any motion to no metal buildings.

Mr. Martin suggested that the applicant be careful to check that the approval of the septic was for commercial use and not residential to avoid problems down the road.

Board Action:

On MOTION of MARTIN and SECOND by WALKER the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to **APPROVE** A Special Exception (Section 340--Requirements for special exception uses--Under the provisions of Use Unit 1205) to allow a church Building in an agricultural zoned district, under the provisions of Section 1680, subject to Health Department approval, subject to approval of a site plan, and subject to the following restrictions recommended by the City of Broken Arrow:

1. No parking allowed in the required front yard of the use;
2. One parking space per 40 sq. ft. of chapel area;
3. All weather dust free surface on parking area,

on the following described property:

The E/2 of SE/4 of Section 20, T-18-N, R-14-E, being described as: Begin at the SW/c of E/2, thence north 660', thence east 345', thence south 660', thence west 345', to P.O.B. in Tulsa County, Oklahoma.

Case No. 486

Action Requested:

Special Exception--Section 410--Principal uses permitted in a residential district--Use Unit 1209--Request an exception to permit 1 mobile home in an RS zoned district, under the provisions of Section 1680;

Variance--Section 308--One single family dwelling per lot of record--Use Unit 1209--Request a variance to permit 2 dwellings (1 mobile home, 1 house) per lot of record, in an RS zoned district, under the provisions of Section 1670, located on the SE/c of 61st & Evanston.

Presentation:

Jim Barnes, 318 East 18th Street, informed the board that the subject property is 2-acres in size and that there is presently a home on the site. He has had an approved perculation test. He stated that there is presently a mobile home stored on the lot due to recent flooding. He presented a plot plan (Exhibit E-1) and informed that the previous owners split the 2-acre lot and told him it perculated with 400' of lateral line. Each lot is 22,531 sq. ft. (actual size). He stated that his intent is to separate the property into four separate lots, which will be sold. It is the intent of this application to establish mobile home use in the event that the new owners wish to place a mobile home on the property. There is a mobile home across the street from this property and Sleepy Hollow Mobile Home Park is six blocks away.

Protestants: None

Comments and Questions:

Mr. Gardner informed that the applicant needs to apply for a lot split or this application will establish use of the land as a mobile home park. He suggested the motion be subject to request for and approval of a lot split.

Board Action:

On MOTION of MARTIN and SECOND by WINES the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to **APPROVE** a Special Exception (Section 410--Principal uses permitted in a residential district--Under the Provisions of Use Unit 1209) to permit 1 mobile home in an RS zoned district under the provisions of Section 1680, subject to a lot split being filed and approved, and subject to Building Permit and Health Department approval on the following described property:

Begin 312' east of the NW/c, north half, southeast quarter, East 126', south 721', west 126', north 721' to the point of beginning, Section 5, T-20-N, R-13-E, Tulsa County, OK.

Case No. 487

Action Requested:

Special Exception--Section 440--Special Exception uses in a residential district--Use unit 1209--Request exception to allow 2 mobile homes in an RS district, under the provisions of Section 1680; and a

Variance--Section 206--Number of dwelling units on a lot of record--Use Unit 1206--Variance to allow dwelling units (1 house, 2 mobile homes) per lot of record, under the provisions of Section 1670, located 1/2 mile W of 49th W Avenue & 1/2 mile N of 31st St. W.

Presentation:

Buster Hurley, 4702 West 27th Place, presented a plot plan and described it. The subject property is two acres and the perculation tests have been approved. He stated that he had already set the mobile homes on the lot when he found out it was necessary to have this Board's approval and informed that his daughter is living in one and he is going to rent the other one. There are mobile homes on a large portion of the adjacent property and there have been no protests from neighbors. He informed that he does not want to split his property.

Protestants: None

Comments and Questions:

Mr. Jones informed that the case report had an error regarding the size of the subject property--rather than being 500' x 670' the lot size is 150' x 670'.

Board Action:

On MOTION of WINES and SECOND by MARTIN the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to **APPROVE** a Special Exception (Section 440--Special Exception uses in a residential district--Under the Provisions of Use Unit 1209) to allow 2 mobile homes in an RS district under the provisions of Section 1680; and a Variance (Section 206--Number of dwelling units on a lot--Under the Provisions of Use Unit 1206) to allow 3 dwelling units (1 house, 2 mobile homes) per lot of record, under the provisions of Section 1670, subject to Health Department approval and subject to a Building Permit, on the following described property:

The E/2, S/2, S/2, S/2, NW/4, SW/4 of Section 16, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 488

Action Requested:

Special Exception--Section 440--Special Exception uses in a residential district--Use Unit 1209--Request an exception to allow a mobile home in an RS zoned district, under the provisions of Section 1680, located at 1544 East 71 St. North.

Presentation:

Lynn Goodnite, 6288 North Gillette, purchased this property subject to the approval of this application. There is a mobile home on the adjacent property. She submitted a letter of petition (Exhibit F-1) from the residents within 300' in favor of the application. The lot is presently vacant. Another letter of approval (Exhibit F-2) was submitted earlier.

Protestants: None

Comments and Questions:

Mr. Alberty pointed out that a precedent for mobile home use has already been set in the area.

Board Action:

On MOTION of TYNDALL and SECOND by WALKER the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to **APPROVE** a Special Exception (Section 440—Special Exception uses in a residential district—Under the provisions of Use Unit 1209) to allow a mobile home in an RS zoned district, under the provisions of Section 1680, subject to Health Department approval and the issuance of a Building Permit, on the following described property:

Lot 1, Block 9, Golden Hill Addition to Tulsa County, State of Oklahoma.

Case No. 489

Action Requested:

Variance—Section 930—Bulk and area requirements in the industrial districts—Request a variance of the 75' setback from an abutting R district to 7' and 47' to permit an addition to an existing structure in an IL zoned district under the provisions of Section 1670, located on the SW/c of 45th W Avenue & 58th St.

Comments and Questions:

Mr. Gardner informed the Board that the subject area is designated to become entirely industrial, but until that zoning is approved for the area the applicant must have a setback variance.

Presentation:

Dave Searchy, 3010 South Harvard, stated that the subject property is abuted to the South by an RE zoned district. He requested a variance of the setback requirement to allow an addition the an existing unit. He submitted a plot plan (Exhibit G-1) and described it. The existing structure houses a light industrial manufacturing company and there is no problem with noise or changing of shifts. He stated that their plans allow space for drainage and land maintenance.

Protestants: None

Board Action:

On MOTION of MARTIN and SECOND by WINES the Board voted 5-0-0

(Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to **APPROVE** a Variance (Section 930--Bulk and Area requirements in the industrial districts) of the 75' setback from an abutting R district to 7' and 47' to permit an addition to an existing structure in an IL zoned district under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lots 1 and 2, Block 1, Bozarth Acres Addition to Tulsa County, OK.

Case No. 490

Action Requested:

Special Exception--Section 310--Principal uses permitted in the agricultural district--Use Unit 1209--Request an exception to allow a mobile home in an AG-R district under the provisions of Section 1680, located on the SE/c of 186th Street & Lakewood Avenue.

Presentation:

Jim Reeves, 8207 East 164th Street South, Bixby, stated that he owns 3.02 acres on the corner of Lakewood and 186th St. South. The east adjacent property has an existing mobile home and there are four in the immediate area. He informed that there is no existing structure on the property and he plans to live in the unit. He submitted a plot plan (Exhibit H-1) and described it to the Board. He stated that he will not put in a lagoon and requested that this exception be granted.

Protestants:

William M. Barnard, 6119 East 186th Street South, Bixby, owns the north adjacent property. He informed the Board that several new homes in the area were destroyed several years ago by a tornado and the landowners had received special exceptions to permit mobile home use until they could rebuild their homes. He expressed concern, as a contractor, over the value of the property in the area in relation to permanent mobile home use. It is his profession to build and sell quality homes in the area and the continued use of mobile home exceptions is a hindrance. His home is 4300 sq. ft. and the home adjacent to his is 1800 sq. ft. The subdivision covenant requires that homes be 1400 sq. ft. or more.

Comments and Questions:

Mr. Alberty pointed out to the protestant that the County Zoning Code does permit Modular Homes.

Mr. Martin asked Mr. Barnard if he was opposed to temporary use of a mobile home and if he felt that would adversely affect property value. Mr. Barnard replied that he was opposed to temporary use and the he did feel it would devalue the property.

Mr. Alberty noted that even if the special exception was granted the mobile home did not meet the subdivision covenant requirements.

Applicant's Rebuttal:

Mr. Reeves stated that there are other mobile homes in the area which do not meet the covenant requirements and stated that Mr. Epperson, Route 4, Box 157, Bixby, has a mobile home the size of his that has been approved. (Jack Edwards noted that Mr. Epperson's mobile home may have been there prior to the present zoning).

Additional Comments:

There was discussion as to whether the earlier use would set a precedent for the new zoning.

Board Action:

On MOTION of TYNDALL and SECOND by WALKER the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions" to **DENY** a Special Exception (Section 310—Principal Uses permitted in the agricultural district—Under the Provisions of Use Unit 1209) to allow a mobile home in an AG-R district under the provisions of Section 1680, on the following described property:

Lot 1, Block 1, of the Resub of lots 4 to 9, Block 2, Liberty Heights to Tulsa County, OK.

OTHER BUSINESS:

Action Requested:

Consideration of a change in the date and time of meeting time for the Tulsa County Board of Adjustment.

Board Action:

On MOTION of MARTIN and SECOND by WALKER the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to change the County Board of Adjustment Meeting date to the third Tuesday of each month at 1:30 p.m. in the regularly scheduled place beginning September 18, 1984.

There being no further business, the chair adjourned the meeting at 12:00 p.m.

Date Approved Sept. 18, 1984

Wayne Alberty

Chairman

8.24.84:51(14)