

COUNTY BOARD OF ADJUSTMENT
Minutes of Meeting No. 53
Tuesday, October 16, 1984, 1:30
Room 119, Administration Building
Tulsa City Center

MEMBERS PRESENT

Alberty
Martin, In at 1:40
Tyndall
Walker
Wines

STAFF

Gardner
Jones
Phillips

OTHERS

Ray Green,
Director of
Protective Inspections

The notice and agenda of said meeting were posted in the office of the County Clerk on Friday, October 12, 1984 at 11:20 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:34 p.m.

Minutes:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to **APPROVE** the Minutes of September 18, 1984.

UNFINISHED BUSINESS:

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 and Campbell Creek.

Presentation:

The applicant, Deanna Nichols, P. O. Box 790, Sand Springs, Oklahoma, was not present, nor was she represented.

Protestants: None

Comments and Questions:

Mr. Walker informed that he spoke with Mr. Nichols (the applicant's spouse) this morning and based on the conversation, he made the following motion.

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

Case No. 482 (continued)

"abstentions") to DENY a Use Variance (Section 310--Principal Uses Permitted in the Agriculture Districts--Use Units 1214/1215) to allow a convenience store and feed store in an AG zoned district under the provisions of Section 1670, on the following described property:

Block 3, Hickory Ridge Estates Addition to Tulsa County, Oklahoma.

Case No. 494

Action Requested:

Special Exception--Section 310--Principal Uses Permitted in the Agriculture Districts--Use Unit 1205--Request an exception to allow a church use in an AG zoned district under the provisions of Section 1680; and a

Variance--Section 330--Bulk and Area Requirements in the Agriculture Districts--Request a variance of the required 200' lot width to 165' to permit a lot split, located E. of SE/c of 121st St. North and Garnett Road.

Presentation:

The applicant, Jim Ferguson, 2905 Northlea, Claremore, submitted a conceptual plot plan (Exhibit A-1) and informed that the lot is empty at the present time. The plan included some elevations, and the basic church plan (showing two different positions). He stated that he envisions the church being completed within one-and-a-half years. He informed that he has not received Health Department approval, yet.

Protestants: None

Comments and Questions:

Mr. Alberty informed the applicant that this is a preliminary stage allowing him to give the Board a conceptual idea what his plans are for the property. He informed that Mr. Ferguson will need to return to the Board with more detailed plans before he begins to build on the subject property (submitting them through the INCOG staff).

Mr. Jones informed that the subject property is a little over 2 1/2 acres, including right-of-way. He informed that the applicant has filed a lot-split with the TMAPC to be heard on October 17, 1984 (any favorable motion should be subject to TMAPC approval).

Mr. Alberty advised that the map does not show dedication of right-of-way. He asked what type of street 121st is. Mr. Ferguson explained that it is a two-lane black-top road. He also explained that they have signed an agreement to dedicate more land (25').

Mr. Jones informed that the church will be subject to a subdivision plat, if it is approved. Mr. Gardner explained that the Planning

Case No. 494 (continued)

Commission might waive the plat requirement in lieu of a lot split and right-of-way dedication.

Mr. Alberty expressed concern over the fact that the church will be located on an interior tract of land. It is not located on an arterial street.

Mr. Martin suggested that it is hard to be negative in the absence of protestants, and such a sparsely developed area.

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 310--Principal Uses Permitted in the Agricultural Districts--Under the Provisions of Use Unit 1205) to allow a church use in an AG zoned district under the provisions of Section 1680; and to APPROVE a Variance (Section 330--Bulk and Area Requirements in the Agricultural Districts) of the required 200' lot width to 165' to permit a lot split; subject to Health Department approval; subject to TMAPC approval of the lot split; and subject to plot plan to be submitted; on the following described property:

The west 165' of North 661' of E/2, W/2, NE/4, SW/4 of Section 5, T-21-N, R-14-E, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 497

Action Requested:

Use Variance--Section 310--Principal Uses Permitted in the Agricultural Districts--Use Unit 1213/17--Request a use variance to allow a convenience store and automobile garage in an AG zoned district, located E. of Hwy. 51 and Campbell Creek Road.

Presentation:

The applicant, Norman Ward, Route 3, Box 497, Sand Springs, informed that there has been commercial activity on the property since 1961. In answer to a question from Mr. Alberty, he stated that this is the first action he has taken and a zoning application has not been filed. Mr. Ward submitted a plot plan (Exhibit B-1) and explained that the convenience store will be in the Southeast corner of the site and that both the store and the garage will be contained within a 40' x 80' space. There is a 100' right-of-way along highway 51. An affidavit was submitted (Exhibit B-2) which was signed by nine adjacent landowners. It was neither a protest or approval.

Protestants: None

Interested Parties:

Attorney, Jessie Swift, informed by letter (Exhibit B-3) that Mr. Ward's family has owned the subject property for more than 50 years

Case No. 497 (continued)

and that his family has owned the adjoining properties for 41 years. He stated that he was in favor of Mr. Swift's proposal, because he is confident that he will conduct his business in an honorable, business-like fashion. The letter challenged the AG zoning on the subject property, due to the fact that it limits "country land" to historic farm or ranch-type uses. A host of other uses are compatible and desirable for rural areas. He informed that the cities are the ones with "zoning problems." He informed that the rural areas do not need interference from government; they can regulate themselves. (The basis of the letter is that he is in favor of the Board granting Mr. Ward's request).

Comments and Questions:

There was discussion about the letter from Mr. Swift (Exhibit B-3) and Mr. Martin questioned what procedure could be used to respond to such a letter.

Mr. Gardner informed that all county lands are governed by zoning and the Comprehensive Plan. Mr. Ward is asking for a use variance, which requires him to show something unusual about his property which would constitute a hardship. In response to the letter, Mr. Gardner stated that the fallacy lies in the fact that people do not always "do the right thing" in relation to land uses and how it affects surrounding property owners. That is the reason for a review Board such as this one, which must evaluate the proposal.

Mr. Gardner asked Mr. Ward to explain the use of the adjacent property to the west of the subject tract. Mr. Ward explained that it is a commercial ceramic shop. Mr. Gardner asked how much of the subject tract would be needed for the proposed use. Mr. Ward informed that approximately 2 acres would be necessary.

Mr. Ward explained, in answer to a question by the Board, that there is not a building on the property at the present time. There was a structure there, which was formerly a livestock auction, but it was destroyed by the elements. Mr. Gardner informed that if there was a nonconforming use on the property, that is a physical factor that could be considered a hardship.

Mr. Martin asked Mr. Gardner what criteria, other than hardship, the Board can use to consider commercial use. Mr. Gardner informed that the criteria is the physical facts. This could mean unique shape of the land, surrounding land uses, or a number of other things.

Mr. Martin advised that to some degree, a nonconforming use has been established. Mr. Gardner informed that a commercial use in effect before 1980 is considered a nonconforming use.

Mr. Walker informed that he is familiar with the property and that it has been occupied by commercial uses in the past. He informed

Case No. 497 (continued)

that this may provide the Board the opportunity to rectify some of problems of the 1980 rezoning.

Mr. Alberty asked if the Board favored a continuance to allow the staff time to research the property and the former uses. He stated that he would like to see something more substantial as to what use is present. He felt there was limited information to grant a use variance.

Mr. Martin asked the applicant if the convenience store will be leased to a franchise and he informed that it will be his own store.

There was discussion about how much land would be necessary to accommodate the convenience store and garage, and provide adequate parking. Mr. Martin informed that, in his opinion, the Board should limit any motion to a certain portion of the subject property. Mr. Ward stated that 2 1/2 to 3 acres for this phase of the project. In the future, he intends to include large islands for truck use.

Mr. Walker asked if the garage would handle any salvage. Mr. Ward informed that he would not handle any salvage.

Mr. Alberty informed that there may be procedure problem. It could probably be best served by zoning, since there is nothing unique about the land.

Mr. Gardner informed that there is commercial zoning in the area and that if the applicant wishes to place his business at the intersection of Highway 51 and Campbell Creek Road, he might have a good case for rezoning (providing that the topol is good at that location). Mr. Ward informed that the corner location would be a good spot, but geographically it is not appropriate.

Mr. Martin asked Mr. Ward if he has one location that he thought would be most appropriate. Mr. Ward informed that the plot plan represented the best location for his proposal. The SW corner of the property is on a slope with low visibility.

Mr. Martin asked Mr. Alberty the procedure involved in filing a zoning application. Mr. Alberty explained the procedure to the applicant.

Mr. Martin asked the applicant if there was a time problem involved in his proposal. Mr. Ward informed that there is no deadline.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to DENY a Use Variance (Section 310--Principal Uses Permitted in the Agricultural Districts--Under the Provisions of Use Unit 1213/17) to allow a convenience store and automobile garage in an AG zoned district; based on the fact that the application would

Case No. 497 (continued)

best be served through rezoning by the Board of County Commissioners; on the following described property:

The SE/4 of SW/4 of Section 11, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 498

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1209--Request an exception to allow a mobile home in an RS zoned district, located N. of NW/c of 33rd St. and 63rd W. Avenue.

Presentation:

The applicant, Howard Mefford, 3930 South 61st West Avenue, informed that he plans to place a mobile home on the property to accommodate his daughter and her husband, due to economic difficulty. The lot is only 63' x 300' and in his opinion, this is the best use of the property. He informed that he would like to make it permanent. In answer to a question by the Board, Mr. Mefford informed that his home is one mile south of the subject property. He is contracting to buy the property contingent on the mobile home use being approved. There are two mobile homes in the same block, which is within 300' of Berryhill School. He plans to add on to the mobile home to make it a permanent structure in the future. The property will require a septic tank and no percolation test has been taken yet.

Protestants: None

Comments and Questions:

Mr. Martin expressed concern of permanent use in residentially zoned areas, and informed that the concern of this Board is to protect residential property values. He asked Mr. Mefford if he would entertain a three-year time limitation. Mr. Mefford informed that he considered the investment too large to be temporary.

Mr. Alberty advised Mr. Mefford to have a percolation test done before he purchases the property.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 3-2-0 (Tyndall, Walker, Wines, "aye"; Alberty, Martin, "nay"; no "abstentions") to APPROVE a Special Exception (Section 410--Principal Uses Permitted in the RS Districts--Under the Provisions of Use Unit 1209) to allow a mobile home in an RE zoned district; subject to a Building Permit and Health Department approval; on the following described property:

The North Half of Lot 13, Block 1, Berryhill Acres, an addition to Tulsa County, Oklahoma.

Case No. 499

Action Requested:

Special Exception--Section 410--Principal Uses Permitted In the Residential Districts--Use Unit 1205-09--Request an exception to permit a mobile home in an RS zoned district; and a

Variance--Section 208--One Single-Family Dwelling Per Lot of Record--Request a variance to allow 2 dwelling units (1 house, 1 mobile home) per lot of record.

Presentation:

The applicant, Jack Hood, 5300 West 29th Street, informs that he owns property that is 2 1/2 blocks long and 1 block wide and there are presently two mobile homes on the lot that are rental units. His son is in a period of financial difficulty and needs some assistance. He can afford to buy a mobile home, but cannot afford to buy land to put it on. Mr. Hood feels that since he has so much land available, he would like to provide a lot for his son to live on without a lot split. He informed that none of his neighbors are in protest to this proposal. He requested that the variance be approved for more than two years.

Protestants:

A letter of protest was submitted from J. D. Nichols, 4409 Klassen Blvd., (Exhibit C-1).

Comments and Questions:

Mr. Alberty asked the applicant if his home is on the property. Mr. Hood informed that his home is on the property, and that it is accessed from 53rd West Avenue.

In answer to a question from the Board, Mr. Hood informed that the mobile home will be between his home and the other mobile homes, approximately 300' from either. The other two mobile homes are north of his home (one is approximately 40' and the other is approximately 300' from the house).

Mr. Walker asked if these existing mobile homes are on the same 7 1/2 acres. Mr. Hood informed that they are. There are others in the area.

Mr. Alberty informed that the application is to allow one mobile home and one house per lot of record, when in fact, there are already two mobile homes and one house and the applicant is asking for a third mobile home.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 2-3-0 (Martin, Tyndall, "aye"; Alberty, Walker, Wines, "nay"; no "abstentions") to APPROVE* a Special Exception (Section 410--Principal Uses Permitted In the Residential Districts--Under

Case No. 499 (continued)

the Provisions of Use Unit 1205/09) to permit a mobile home in an RS zoned district; and a **Variance** (Section 208--One Single-Family Dwelling Per Lot of Record) to allow 2 dwelling units (1 house, 1 mobile home) per lot of record; subject to Health Department approval and Building Permit; on the following described property:

The West Half of SW/4, SE/4, SE/4, and SW/4, NW/4, SE/4, SE/4, of Section 17, T-19-N, R-12-E, Tulsa County, Oklahoma.

*This motion was **DENIED** due to a lack of three affirmative votes.

A second Motion for approval based on a five-year variance died for a lack of second.

Case No. 500

Action Requested:

Special Exception--Section 310--Principal Uses Permitted in the Agricultural Districts--Use Unit 1205--Request an exception to permit a church school and rectory (existing) in an AG zoned district; located N. of NE/c of Union Pl. and North Garnett.

Presentation:

The applicant, Diocese of Tulsa, was not represented, but requested by letter (Exhibit D-1) that the application be withdrawn and the fees be refunded.

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 **WITHDRAW** Case No. 500 and **REFUND** the \$25.00 public hearing fee.

Case No. 501

Action Requested:

Variance--Section 310--Bulk and Area Requirements in the Agriculture Districts--Use Unit 1206--Request a variance of the lot width from 200' to 132' and 167' of the lot area from 2 acres to 1.8 acres, and of the land area from 2.2 acres to 2 acres, all to permit a lot-split in an AG zoned district, located E. of SE/c of Peoria Ave. and 156th St. North.

Presentation:

The applicant, Ken Williams, was represented by Rick White, (Attorney), P. O. Box 408, Skiatook, Oklahoma. He informed that his client desires the lot split to permit him to sell one of the lots. He informed that Mrs. Williams is present and she wishes to keep her residence on one lot, and a mobile home will be placed on the other.

Case No. 501 (continued)

In answer to a question from the Chair, Mr. White informed that application has been made to TMAPC for a lot split and it will be heard on October 17, 1984. A plot plan (Exhibit E-1) and a plat of survey (Exhibit E-2) were submitted.

Protestants: None

Comments:

Mr. Jones informed that this property is inside the Skiatook fenceline, and that they have no comment.

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 Variance (Section 310--Bulk and Area Requirements in the Agriculture Districts--Under the Provisions of Use Unit 1206) of the lot width from 200' to 132' and 167'; of the lot area from 2 acres to 1.8 acres; and of the land area from 2.2 acres to 2 acres, all to permit a lot-split in an AG zoned district; subject to Health Department approval; subject to lot split approval by the TMAPC; on the following described property:

East Half of NW/4 of Lot 1, Section 19, T-22-N, R-13-E, Tulsa County, Oklahoma.

Case No. 502

Action Requested:

Variance--Section 208--One Single-Family Dwelling Unit Per Lot of Record--Use Unit 1206--Request a variance to permit 2 dwellings per lot of record in an AG zoned district, located at 13316 N. 88th East Avenue.

Presentation:

The applicant, Clara Perry, was not present, but requested that the application be withdrawn.

Protestants:

David Willis, 8711 East 137th Street North, Collinsville, was concerned that Ms. Perry would not abide by the Board's decision. Steve Todd, 13815 North 88th East Avenue, Collinsville, was present.

Comments and Questions:

Mr. Gardner informed the protestants that the applicant is allowed one mobile home by right in an AG zoned district. She withdrew her application for a second mobile home; therefore, only one can be placed on the property.

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 WITHDRAW Case No. 502 and REFUND the \$25.00 public hearing fee.

Case No. 503

Action Requested:

Use Variance--Section 310--Principal Uses Permitted in the Agriculture Districts--Use Unit 1215--Request a use variance to permit a kennel in an AG zoned district, located at 11824 North Yale.

Presentation:

The applicant, Denny Murphy, Route 1, Box 718, Sperry, Oklahoma, informed that he has leased 10.5 acres from J. W. Brunder in Broken Arrow in order to establish a kennel. There is a barn on the property which is approximately 75' x 50' which will house the dog runs. All the animals will be kept inside unless they are being worked with. He chose this location so that he might train and board Pointers. He informed that he has a 3-year lease with a 2-year option. He informed that he has spoken to the neighbors on both sides.

Comments and Questions:

Mr. Alberty asked the applicant if he is aware that part of the subject tract is in a flood plain area. Mr. Murphy stated that he was not aware of this. Mr. Jones informed that nearly the entire tract is in a flood area.

Mr. Edwards informed that a Building Permit was issued on the existing building several years ago.

Mr. Walker asked Mr. Murphy how many dogs he intends to board. Mr. Murphy explained that he has 10 cages and he will keep 10 dogs.

In answer to a question by Mr. Alberty, Mr. Murphy informed that he will not be living on the property.

Mr. Edwards informed the Board that he sent an inspector to inspect the property, and he was not allowed in the building. In answer to that statement, Mr. Murphy informed that when the inspector arrived on the property, he was holding pipe for a welder who was charging by the hour. Mr. Murphy asked the inspector to wait a minute and he would give him a tour, but the inspector did not wait.

Protestants:

Joe Lousch, 12110 North Yale, informed that he lives one tract over to the north of the subject tract. He pointed out where homes were located in relation to the subject property. He is in opposition to this kennel on the basis that the applicant is training attack dogs on the property. He informed that the residents in the area are afraid for their small children and livestock. He submitted a petition of protest (Exhibit F-1) which listed reasons for the protest.

Case No. 503 (continued)

Applicant's Rebuttal:

Mr. Murphy asked Mr. Lousch how many dogs he owns, and he answered that he owns four. Mr. Murphy informed the Board that there are two Doberman Pincers across the road from the subject property that are not contained in fences. He reiterated that the neighbors to either side had no objections. In answer to the concern about attack dogs, he informed that he did a guard dog seminar for "Call-Rape." He stated that he trains in obedience not defense. He also informed that one of Mr. Lousch's dogs bit someone recently. He also informed that most of the residents in the area (including Mr. Louch) are leasing property.

Additional Comments:

Mr. Wines informed that he visited the site and there were several large dogs tied outside. He asked Mr. Murphy the reason for this. Mr. Murphy informed that the dogs are tied outside while the stalls are being cleaned.

Mr. Alberty explained that he feels that a use variance of this type should be a consideration for rezoning.

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 **Use Variance** (Section 310--Principal Uses Permitted In the Agriculture District--Under the Provisions of Use Unit 1215) to permit a kennel in an AG zoned district; on the following described property:

A tract of land beginning at the Southeast corner of the Northeast Quarter of the Southeast Quarter (NE/4, SE/4) of Section Four (4), Township Twenty-One (21) North, Range Thirteen (13) East, Tulsa County, State of Oklahoma; thence North 448.51 feet; thence west 1019.88 feet to East right-of-way of Highway 75; thence South along said right-of-way 448.51 feet; thence East 1019.65 feet to point of beginning, containing 10.5 acres.

Case No. 504

Action Requested:

Variance--Section 930--Bulk and Area Requirements In the Industrial Districts--Use Unit 1225--Request a variance of the 75' setback from an abutting AG district to 10' to permit construction of a building in an IL and IM zoned district, located E. of SE/c of 65th West Avenue and 51st Street.

Presentation:

The applicant, Henry G. Will, 2400 First National Tower, Tulsa, 74105, was not present, but was represented by a partner, Denny Moffit, of the same address. He informed that this application was

Case No. 504 (continued)

made on behalf of A. H. Elckenberger Company, which owns 10 acres on West 51st Street. He submitted a letter (Exhibit G-1) from five of the six adjacent property owners in support of the application, and the sixth property owner neither supported nor objected. The Elckenberg Company is an oil-field tubular goods manufacturer. A site plan was submitted (Exhibit G-2) and Mr. Moffit explained that they are proposing two buildings: one for security and one for office. (There is a manufacturing building under construction). The variance request is necessary because the trucks which transport the tubular products need a large amount of space to turn and load. Therefore, the two buildings under application cannot be placed close to the main manufacturing building. The utilities are on the west side of the property and the topography on that side is a 10' slope with a drainage culvert underneath (which was placed there at the County's request). The slope is so dramatic that it would prohibit trailer trucks ingress and egress, therefore, the design is to allow the trucks to enter from the east side of the property. The location of the two buildings will facilitate this. There will be a fence around the property, due to the prevalent "piracy" inflicted upon oil-field manufacturing companies. There will be a "watchman" on duty twenty-four hours a day.

Protestants: None

Comments and Questions:

Mr. Alberty asked Mr. Moffit if it would be possible to move the buildings further to the east. Mr. Moffit explained that in order to move the buildings to the east, some of the pipe racks would have to be moved to facilitate the loading procedure. The adjacent property owner has no objection to the buildings being 10' from his property line. Mr. Moffit informed that he uses his land for agricultural purposes and the nearest building is approximately 150' from the property line.

Mr. Walker pointed out that the entrance to the plant is on a hill, and asked Mr. Moffit if he foresees any safety hazard in the large trucks turning in and out of the plant on a hill. Mr. Moffit explained that, in his opinion, there is ample visibility.

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 930--Bulk and Area Requirements in the Industrial Districts--under the provisions of Use Unit 1225) of the 75' setback from an abutting AG district to 10' to permit construction of a building in an IL and IM zoned district; per plot plan submitted, per specified use; on the following described property:

The West Half of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (W/2, NW/4, NE/4, NW/4) and the West Half of the Southwest Quarter of the Northeast Quarter of the

Case No. 504 (continued)

Northwest Quarter (W/2, SW/4, NE/4, NW/4) all in Section 32,
Township 19 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 505

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1209--Request an exception to permit a mobile home in an RS zoned district; and a

Variance--Section 208--One Single-Family Dwelling per Lot of Record--Request a variance to permit two dwelling units (1 house, 1 mobile home) per lot of record, located on the SW/c of 65 W. Avenue and 51st Street.

Presentation:

The applicant, Buck Reeves, 11125 East 39th West Avenue, informed that there is a mobile home on the property, which is 150' by 150'. There is no other structure within 500', other than his grandmother's home. His grandmother is unable to care for her yard and animals, and after she suffered a recent stroke, the family decided she needs someone to care for her. Mr. Reeves explained that he will be married soon and wishes to live in the mobile home, in order to care for his grandmother. He presented a plot plan and informed that there is a mobile home across the road from the subject property. Mr. Reeves informed that there were no property owners who protested.

Protestants: None

Comments and Questions:

Mr. Alberty asked Mr. Reeves if he would feel comfortable with a time limitation on the use, with the understanding that they could come back to this Board for continued use, if the need is still there. Mr. Reeves informed that he would not object to the time limit because they intended to put the mobile home in a park until their grandmother had a stroke.

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 410--Principal Uses Permitted in the Residential Districts--Under the Provisions of Use Unit 1209) to permit a mobile home in an RS zoned district; and a Variance (Section 208--One Single-Family Dwelling per Lot of Record) to permit two dwelling units (1 house, 1 mobile home) per lot of record; subject to Health Department approval and Building permit and subject to a three-year time limit; on the following described property:

Begin 25' south and 25' west of the NE/c of NE/4 of Section 31, T-19-N, R-12-E, thence south 830' west 1275', north 410', east 640', north 410', east 640', to P.O.B., Tulsa County, Oklahoma.

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Case No. 506

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1215--Request an exception to permit a roofing contractor with outside storage in a CS (pending) zoned district, located S. of SW/c of 201st Street and Peoria.

Presentation:

The applicant, Otto Dorris, Route 1, Box 365, Mounds, Oklahoma, 74047, was not present. Pictures were presented by Jack Edwards.

Protestants:

Jerry Schands, Route 1, Box 364, Mounds, Oklahoma, submitted a petition from surrounding landowners (Exhibit H-1) and informed that his property is adjacent to the subject property. He referred to the letter which was submitted with the petition (Exhibit H-1) and reiterated that he feels the outside storage of roofing materials will devalue his property. He submitted pictures of the business (Exhibit H-2) and stated that it is a hazard, because the subject property (where these materials are stored) is located next to an electrical substation which has caused fires in the past. Mr. Schands has lived on his property for twenty-five years and does not want to be a bad neighbor, but he feels that this type of use is not consistent with the surrounding uses. He informed that the applicant is not a landowner.

Comments and Questions:

Mr. Martin explained that the applicant had applied for the appropriate zoning, but he was granted CS instead of CG. In his opinion, someone must be concerned about the heavier use of the land. Mr. Alberty informed that the CS zoning has not been approved by the City Commission, and any motion by this Board must be contingent upon the approval of the zoning.

Mr. Martin asked Mr. Schands if he is in opposition to the CS zoning. Mr. Schands informed that he is in opposition to the mess that is on the property, not the zoning.

Mr. Martin noted that from the pictures presented, the applicant may tend to abuse outside storage privileges.

Mr. Martin asked Mr. Schands if the general untidiness of the property was his main concern. He explained that his mother has health problems which are affected by this type of outside storage, and that he is in total objection to the whole project.

There was discussion about the location of the protestant's property in relation to the subject property.

Mr. Martin noted that the applicant is asking the Board to grant relief until the zoning is approved.

Case No. 506 (continued)

Mr. Alberty explained that he feels the applicant should be allowed his right to speak before this public hearing, to which Mr. Schands replied that the applicant had the same opportunity he did. He informed that he worked a double shift in western Oklahoma yesterday in order to be here today and he would like to see action taken today.

Mr. Wines informed that when he drove by there yesterday, there were large stacks of shingles on the property and they should be removed.

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 710--Principal Uses Permitted In the Commercial Districts--Under the Provisions of Use Unit 1215) to permit a roofing contractor with outside storage in a CS (pending) zoned district; on the following described property:

The east 200' of the North 325', NE/4, NE/4, of Section 13, T-16-N, R-12-E, Tulsa County, Oklahoma.

Case No. 507

Action Requested:

Special Exception--Section 4410--Principal Uses Permitted in the Residential Districts--Use Unit 1206/09--Request an exception to allow a mobile home in an RS zoned district; and a

Variance--Section 208--One Single-Family Dwelling Unit per Lot of Record--Request a variance to allow two dwelling units (1 house, 1 mobile home) per lot of record, located E. of NE/c of Quincy and 59th Street North.

Presentation:

The applicant, Andrew Tune, 1415 E. 59th Street North, was represented by his grandson, Lonnie Hardin, 221 South Nogales, attorney. He explained that his grandfather is undergoing out-patient care daily at Hillcrest Medical Center and cannot be present at this meeting. He stated that his grandfather is 84 years old and requires 24-hour care at home, which his wife (also in her eighties) cannot provide. Mr. Tune's daughter, Virginia Kelly, is presently unemployed and is disabled. Since she has experience in nursing home care, having her live behind Mr. Tune's home would be advantageous to both (Ms. Kelly's home was sold under duress). Mr. Tune explained that the home sits on a lot that is a combination of four lots and is 165' deep (the north 5' is sewer easement) and 100' wide. The subject property is located in a low income area and there are domestic farm animals being raised on some of the

properties surrounding them. There are mobile homes on the next block down. He requested that this application be approved so that his grandfather may be cared for during the remaining years of his life, and so that his aunt may have a suitable place to live.

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 APPROVE a Special Exception (Section 410--Principal Uses Permitted in the Residential Districts--Under the Provisions of Use Unit 1206/09) to allow a mobile home in an RS zoned district; and a Variance (Section 208--One Single-Family Dwelling per Lot of Record) to allow two dwelling units (1 house, 1 mobile home) per lot of record; subject to Health Department approval and a Building Permit; subject to the setbacks and easements of record and subject to a five-year time limitation; on the following described property:

Lots 23, 24, 25, and 26, Block 8, East Turley Addition, Tulsa County, Oklahoma.

OTHER BUSINESS:

Election of Officers

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 4-0-1 (Alberty, Martin, Walker, Wines, "aye"; no "nays"; Tyndall "abstaining") to ELECT John Tyndall to the Office of Chairman of the County Board of Adjustment.

On MOTION of MARTIN and SECOND by WINES, the Board voted 4-0-1 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; Wines, "abstaining") to ELECT W. E. Wines to the Office of Vice-Chairman of the County Board of Adjustment.

There being no further business, the meeting was adjourned at 4:25 p.m.

Date Approved _____



Chairman