

COUNTY BOARD OF ADJUSTMENT
Meeting No. 58
Tuesday, March 19, 1985, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Acting Chairman Martin Tyndall Walker	Wines	Jones Phillips	Edwards, Building Inspector

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Friday, March 15, 1985 at 11:21 a.m.

After declaring a quorum present, Acting Chairman (at the Chairman's request) Alberty called the meeting to order at 1:30 p.m.

MINUTES:

On MOTION of TYNDALL and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE the Minutes of February 19, 1985 (No. 57).

UNFINISHED BUSINESS:

Case No. 536

Action Requested:

Variance—Section 207—Street Frontage Required—Use Unit 1206—Request a variance of the 30' frontage to 0' to permit a lot split in an AG zoned district; and a

Variance—Section 330—Bulk and Area Requirements in the Agricultural Districts—Request a variance of the lot area from 2 acres to 1.6 acres and of the land area from 2.2 acres to 1.6 acres, located at 13610 East 96th Street North.

Presentation:

The applicant, James King, 9532 Wetherway Drive, Huntington Beach, California, 92646, was represented by Dean Smith, 3010 94th East Avenue, Tulsa, Oklahoma. Mr. Smith informed that Mr. King owns the 5 acre subject tract, which he is seeking permission to split into three separate lots. The case was heard on February 19, 1985, and was continued to allow TMAPC to hear the case first. The TMAPC approved the lot split on February 20, 1985. A private easement exists on the east 25' of the property; however, at the County Engineer's request, the applicant has agreed to dedicate 30' to make it a public county road instead of a private access. Mr. Smith

Case No. 536 (continued)

informed that Mr. King will be retiring in five years and in all probability, will build his home on one of the three lots. He also stated that there is access from the rear of the property in the same manner, from which the County will also benefit. He referred to the plat of survey submitted on February 19, 1985 (Exhibit "G-1") and described the easements and the lot split.

Protestants:

Jack OJola, 13616 East 96th Street North, Owasso, Oklahoma, informed that he lives on the tract directly east of the subject tract. His main concern is with the restrictions that will be placed on the subject tract. He is concerned that mobile homes can be placed on the lots, which will greatly devalue his home and surrounding property. The homes in the area are in excess of \$100,000.00, and cannot support this type of devaluation. He is also concerned about the additional dedication, since he has placed a decorative privacy fence on his property line. Mr. OJola requested that the Board place a restrictive covenant, excluding mobile home use on the property.

Comments and Questions:

Mr. Alberty advised Mr. OJola to seek professional guidance regarding covenants between property owners. He explained that it is not the task of this Board to negotiate between land owners, rather to determine land use. He stated that in an AG zoned district, mobile homes are allowed by right on a two acre tract.

Mr. Tyndall asked Mr. OJola if there are any restrictions on the subject tract at the present time. Mr. OJola informed that he and Mr. King purchased their properties at the same time, and covenants were drawn up for the residential portion only. The AG zoned property does not have any restrictions on it at the present time. The restrictions places on the residentially zoned properties are very strict.

Mr. Martin suggested that Mr. OJola consider splitting his lot (adjacent to the subject tract), and entering into a voluntary agreement with Mr. King concerning covenants.

Mr. Alberty suggested that Mr. OJola could also consider rezoning his property, which might influence Mr. King to do the same. He reiterated the fact that this Board is not offering legal counsel, but merely friendly advice. He suggested again that Mr. OJola seek the counsel of a professional.

Applicant's Rebuttal:

Mr. Smith informed that he cannot predict Mr. King's future plans for the property, but at the present, he does not intend to allow the property to be used for other than compatible uses (residential homes with the same price range as those surrounding).

Case No. 536 (continued)

Additional Comments:

Mr. Jones informed that the TMAPC approved the lot split with no conditions. It was a "routine" lot split.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Variance (Section 207—Street Frontage Required—Under the provisions of Use Unit 1206) of the 30' frontage to 0' to permit a lot split in an AG zoned district; and a Variance (Section 330—Bulk and Area Requirements in the Agricultural Districts) of the lot area from 2 acres to 1.6 acres and of the land area from 2.2 acres to 1.6 acres; subject to a 30' roadway easement being dedicated to Tulsa County; per TMAPC action; on the following described property:

The west 354.40' of the East 708.8' of the N/2, N/2, NW/4 of Section 21, T-21-N, R-14-E, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 539

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 allow two dwelling units (1 existing house, 1 mobile home) per lot of record, located at 5905 North Lewis.

Presentation:

The applicant, Ozella Scott, Route 2, Box 365, Adair, Oklahoma, informed that her mother owns the subject tract, and lives in the existing house. Her mother is old and has recently had a heart attack. Being able to live on her mother's property will enable her to provide better care. She will only need mobile home use while her mother is living. Ms. Scott informed that there are other mobile homes in the area, and a mobile home park at 66th and North Lewis. She will be able to hook up to her mother's sewer system.

Protestants: None

Comments and Questions:

Mr. Martin informed the Board that he would favor use of the mobile home during the lifetime of Mrs. Scott's mother, or some other definite time period.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no

Case No. 539 (continued)

"abstentions"; Wines, "absent") 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 allow two dwelling units (1 existing house, 1 mobile home) per lot of record; subject to Health Department approval and Building Permit; restricting use of the mobile home to the applicant and family only; and subject to a time limit of five years; on the following described property:

The West 200 feet of Lot 6, Block 2, Rodden Acres, Tulsa County, Oklahoma.

Case No. 540

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 E. of SE/c of 3rd Street and 57th West Avenue.

Presentation:

The applicant, Toneen Graham, 13131 East 31st Street, Apartment B, Tulsa, Oklahoma, informed that her father plans to deed the subject property to her. She stated that she is an employee of MidAmerica Savings and Loan, which is the institution that repossessed the mobile home. MidAmerica will also lend her 100 percent of the cost of the home. There have been other mobile homes in the area in the past, but there are none at the present time. Access to the mobile home will be by a dirt road behind the property. She has talked to her neighbors and there are no protestants. She stated that she cannot afford to rent a lot from a mobile home park.

Protestants: None

Comments and Questions:

Mr. Martin explained to Ms. Graham that the Board tries to preserve the residential nature of neighborhoods, in order to protect the homeowners' investments.

Mr. Jones explained that a previous approval for mobile home use was granted in 1981 for a period of four years.

Board Action:

On MOTION OF MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1209) to allow a mobile home in an RS zoned district; subject to Health Department approval and a Building Permit; limited to use by the applicant only, for a period of five years; and subject to a removal bond; on the following described property:

Case No. 540 (continued)

Beginning at the Southwest corner of Lot 8, Block 2, Mayfair Third Addition to the City of Tulsa, Tulsa County, State of Oklahoma, thence South 140.25 feet; thence East 56.25 feet; thence North 159.35 feet; thence Southwesterly along the Southerly line of said Lot 8, 60 feet to the point of beginning, being a part of the SE/4 of the NW/4 of the SE/4, of Section 5, Township 19 North, Range 12 East.

Case No. 541

Action Requested:

Use Variance—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1217—Request a use variance to allow a car wash in an RS zoned district, located W. of SW/c of Highway 64 and 161st East Avenue.

Presentation:

The applicant, Clifton Sartin, 3704 West 52nd Street, Tulsa, Oklahoma, of CBS Contractors, Leonard Oklahoma, informed the Board that he is representing an individual who is trying to build a car wash in a residentially zoned area. He explained that the entire town of Leonard was zoned residential when the County took over zoning in 1980. The subject tract is surrounded by commercial and industrial uses, which are also on residentially zoned properties. There is no other way for the town of Leonard to expand, except to put commercial uses on some of the residential property.

Protestants: None

Comments and Questions:

Mr. Jones explained that when Tulsa County took over the zoning in 1980, the County Commission zoned the entire town of Leonard residential.

In response to a question by Mr. Martin, Mr. Sartin explained that he was advised by the Staff that the TMAPC would consider an application for a zoning change "spot zoning," and would probably not approve such an application. Mr. Martin informed that he feels approval of this application would also be "spot zoning," and he suggested that the Staff needs to investigate the situation and consider extending the Comprehensive Plan to include the town of Leonard.

Mr. Alberty informed that he agrees with Mr. Martin's suggestion, and suggested that the case be continued to allow the Staff to study the situation.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to CONTINUE Case No. 541 until April

Case No. 541 (continued)

16, 1985, and directed the Staff to investigate the zoning of Leonard, and its relationship to the Comprehensive Plan.

Case No. 542

Action Requested:

Variance—Section 208—One Single Family Dwelling Per Lot of Record—Use Unit 1206—Request a variance to permit 2 dwellings (1 existing house, 1 mobile home) per lot of record in an AG zoned district, located 1/2 mile S. of SW/c of Mingo Road and 186th Street North.

Presentation:

The applicant, Hugh Sexton, Sr., Route 1, Box 481, Collinsville, Oklahoma, informed that he owns 10 acres of land and wishes to put a mobile on the back five acres. He lives in the house, which is on the front five acres, and his daughter and son-in-law, and their two children will live in the mobile home. His son-in-law cannot work, due to an injury received on his job. Mr. Sexton stated that he is trying to help his son-in-law provide for his family during this hard time. At some future time, he intends to deed the back five acres to his daughter. A gravel road provides access to the subject tract. There were no protests from any of the neighbors. There are other mobile homes in the area, including 3 within 600' of the subject tract. He informed that a period of five years should be sufficient time for his son-in-law to make other provisions.

Protestants: None

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Variance (Section 208—One Single Family Dwelling Unit Per Lot of Record—Under the provisions of Use Unit 1206) to permit 2 dwellings (1 existing house and 1 mobile home) per lot of record in an AG zoned district; subject to Health Department approval and a Building Permit; and subject to a time limitation of five years, with a removal bond; on the following described property:

N/2, S/2, SE/4, NE/4, Section 1, T-22-N, R-13-E, Tulsa County, Oklahoma.

Case No. 543

Action Requested:

Variance—Section 208—One Single Family Dwelling Per Lot of Record—Use Unit 1206/09—Request a variance to permit two dwelling units (1 existing house, 1 mobile home) per lot of record in an AG zoned district, located 1/4 mile W. of SW/c of 21st Street and 161st West Avenue.

Case No. 543 (continued)

Presentation:

The applicant, John Deatherage, 16616 West 21st Street, Sand Springs, Oklahoma, informed that the mobile home use is requested to allow his in-laws to live on his property for the remainder of their lives. They are old and in poor health and need care. There is a 51 lot mobile home park north of the subject tract.

Protestants: None

Comments:

The Staff submitted a letter from the City of Sand Springs recommending approval of the application, contingent upon the successful results of a percolation test, and requirement of tie-downs and skirting (Exhibit "A-1").

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") 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 (1 existing house, 1 mobile home) per lot of record in an AG zoned district; subject to Health Department approval and a Building Permit; and subject to tie-downs and skirting per Sand Springs Board conditions; with no time limitation; on the following described property:

A tract of land located in the E/2, NW/4, NE/4 of Section 18, T-19-N, R-11-E, I.B.&M., Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at the NW/c of said E/2, NW/4, NE/4, thence South 335.8'; thence East 324.43', thence North 335.8', thence West 324.43', to the point of beginning, and containing 2.501 acres.

Case No. 544

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in Residential Districts—Use Unit 1209—Request an exception to allow a mobile home in an RS zoned district, located S. of SW/c of 59th Street North and Madison Avenue.

Presentation:

The applicant, Inez Mendenhall, 5914 North Madison, Tulsa, Oklahoma, submitted a petition of support with the signatures of eight surrounding property owners (Exhibit "B-1"). She informed that she owns two vacant lots and wants to put a mobile home on one of them, to be used as her own residence. There are five other mobile homes in the same block, and two more within 1 1/2 blocks. The home will be skirted and tied down, and all utilities are available.

Protestants: None

Case No. 544 (continued)

Board Action:

On MOTION of TYNDALL and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Special Exception (Section 410—Principal Uses Permitted in Residential Districts—Under the provisions of Use Unit 1209) to allow a mobile home in an RS zoned district; subject to a Building Permit, tie-downs, and skirting; for an indefinite time period; on the following described property:

Lots 6 and 7, Block 9, original town of Turley, Tulsa County, Oklahoma.

Case No. 545

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in Residential Districts—Use Unit 1209—Request an exception to allow a mobile home in an RS zoned district, located at 5020 West 23rd Street.

Presentation:

The applicant, Mary Stokes, 1217 South 101st East Avenue, Tulsa, Oklahoma, informed that the request is made on behalf of her nephew and his wife. At this time, there are no improvements on the property. There was a home on the property, which burned. There are other mobile homes in the area. An existing septic tank will service the mobile home, and other utilities are available.

Protestants: None

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Special Exception (Section 410—Principal Uses Permitted in Residential Districts—Under the provisions of Use Unit 1209) to allow a mobile home in an RS zoned district; subject Health Department approval and a Building Permit; permanently; on the following described property:

The West 100' of the East 570' of South 371' and the West 25' of the East 570' of South 239' of North 289' of NE/4, NE/4, NE/4 of Section 17, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 546

Action Requested:

Variance—Section 430—Bulk and Area Requirements in the Residential Districts—Use Unit 1206—Request a variance of the 50' setback from the centerline of 13th Street to 45' to permit an existing structure in an RS zoned district, located at 21706 West 13th Street.

Case No. 546 (continued)

Presentation:

The applicant, Steve Nunley, 21706 West 13th Street, Sapulpa, Oklahoma, was present, and represented by his interpreter. Mr. Nunley owns and resides in the existing structure. A plat of survey was submitted (Exhibit "C-1").

Protestants: None

Comments and Questions:

The Staff submitted a letter from the City of Sand Springs recommending approval of Mr. Nunley's request (Exhibit "C-2").

Mr. Edwards informed that the existing structure encroaches a building setback line imposed by the subdivision covenants. This Board cannot address that restriction, but can provide the 5' relief he is requesting. Mr. Nunley will have to seek relief from the subdivision covenant through other means.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Variance (Section 430—Bulk and Area Requirements in the Residential Districts—Under the provisions of Use Unit 1206) of the 50' setback from the centerline of 13th Street to 45' to permit an existing structure in an RS zoned district; per plat of survey; on the following described property:

Lot 7, Block 3, Candlestick Beach Second Addition, Tulsa County, Oklahoma.

SPECIAL ITEMS:

Case No. 485

Action Requested:

Review of detailed site plans for church building.

Presentation:

The applicant, First Evangelical Free Church, was represented by Ken Golden, 3107 South Narcissus, Broken Arrow, Oklahoma. Mr. Golden submitted plans (Exhibit "D-1") and explained that the building is an 80' geodesic design. There will be no parking in front, and the church is requesting that they be allowed to use crushed rock for the parking area during the first phase of development. If this is not suitable to the Board, they are prepared to use an oil mat over gravel. (This request is pursuant to the different phases of the plan requiring removal of a portion of the initial parking surface).

Protestants: None

Special Items (continued)

Comments and Questions:

Mr. Alberty noted that he could not support a variance of the required dust-free parking surface, since the original approval of the use imposed that requirement.

Mr. Alberty asked Mr. Golden how much of the plan the Board is being asked to approve. Mr. Golden informed that they are asked to approve the first phase only, per plans submitted.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE the first phase only of the site plans submitted; per conditions of the original approval.

Action Requested:

Adopting updated list of minor variances and special exceptions.

Comments and Questions:

Mr. Jones informed that the Board received copies of the updated list of minor variances and special exceptions, and explained that the changes are being made to maintain consistency within the Code. For instance, the bulk and area requirements were changed for office zoning, therefore, the special exception needed to be changed.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE the updated list of minor variances and special exceptions, as presented.

There being no further business, the meeting was adjourned at 2:45 p.m.

Date Approved 4-16-85


Chairman

3.19.85:58(10)