

COUNTY BOARD OF ADJUSTMENT
Meeting No. 82
Tuesday, March 17, 1987, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Eller Looney Walker	Tyndall	Jones Moore	Jack 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 13, 1987 at 2:59 p.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:30 p.m.

MINUTES:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** the Minutes of February 17, 1987 (No. 81).

MINOR VARIANCES AND EXCEPTIONS

Case No. 724

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the lot width from 200' to 150', a variance of the lot area from 2 acres to .79 acres and a variance of the land area from 2.2 acres to .96 acres, all in order to permit a lot split, located NW/c 120th Street North and 129th East Avenue.

Comments and Questions:

Mr. Jones informed that this case will be heard tomorrow by the Planning Commission and any action taken by the Board of Adjustment should be made subject to Planning Commission approval. He submitted a copy of the Technical Advisory Committee minutes and a recommendation for approval (Exhibit AA-1).

Presentation:

The applicant, Dillard Ridenour, 12817 East 120th Street North, Collinsville, Oklahoma, was represented by his wife, Mabel Ridenour, who explained that she and her husband had 6 1/2 acres of land at the above stated location and sold 1 acre with the existing house.

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Case No. 724 (continued)

She stated that at the time of sale the attorney representing the real estate company overlooked the fact that a lot split had not been obtained. She informed that they have constructed a new home on the remaining property and are in need of the variance of the lot width on the portion that has been sold.

Additional Comments:

Mr. Alberty asked Ms. Ridenhour if she is aware of the conditions recommended by the Technical Advisory Committee, and she answered in the affirmative. She stated that a Verdigris Valley representative informed her that this company does not record utility easements at the Court House, but that she and her husband are agreeable to granting a utility easement.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a Variance (Section 330 - Bulk and Area Requirements In Agriculture Districts - Use unit 1206) of the lot width from 200' to 150', a variance of the lot area from 2 acres to .79 acres and a variance of the land area from 2.2 acres to .96 acres, all in order to permit a lot split; subject to approval from the City-County Health Department for perk tests to allow septic tank systems; subject to a letter of approval from Washington County RWD #3 stating that water service is available to the subject tracts; subject to Planning Commission approval; and subject to a total of 50' on the east side of the subject tract being dedicated to Tulsa County as an easement for street right-of-way; finding that there are other lots in the area that are comparable in size to the lot in question; on the following described property:

The east 462' of the NE/4 of the NE/4 of the SE/4 of Section 5, T-21-N, R-14-E, Tulsa County, Oklahoma, Containing 7 acres, more or less, according to the U. S. Government Survey thereof, less and except existing 50' roadway on south and roadway on east.

Case No. 721

Action Requested:

Variance - Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206 - Request a variance of the land area from 2.2 acres to 1.0 acres, the lot area from 2 acres to .853 acres and the lot width from 200' to 127.825', all in order to permit a lot split, located north of NE/c of West 31st Street and 225th West Avenue.

Presentation:

The applicant, Clyde Sanford, was not present.

Case No. 721 (continued)

Protestants: None.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to CONTINUE Case No. 721 to April 21, 1987.

NEW APPLICATIONS

Case No. 722

Action Requested:

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for 2 mobile homes per lot of record, located 22215 West 50th Street.

Presentation:

The applicant, Sarah Bilby, 22215 West 50th Street, Sand Springs, Oklahoma, submitted photographs (Exhibit A-1) and a petition of support signed by 18 neighbors. The applicant explained that she and her husband are proposing to connect 2 mobile homes with a breezeway and use the smaller of the 2 mobiles as a bedroom for their son. She stated that there are other mobile homes in the area that have attachments and some have more than 1 unit on a single lot. Ms. Bilby informed that the Health Department has approved the septic system.

Comments and Questions:

Mr. Walker inquired as to the age of the son that resides in the home, and Ms. Bilby replied that he is 21 years old. She informed that her husband has health problems and the son is at home during the nighttime hours when she is working.

Mr. Alberty asked the applicant how many mobile homes are on the property at this time, and Ms. Bilby replied that both mobile homes are on the lot. She explained that the owner of the lot wanted to sell the small mobile home with the property and they decided to attach it to the large mobile instead of adding on a room.

Mr. Edwards, Building Inspector, informed that his office would consider the 2 connected mobile homes as 2 mobile homes on 1 lot of record. He advised that his office has received numerous complaints concerning 2 units being located on 1 lot.

Mr. Walker asked if the connecting breezeway will be enclosed, and the applicant informed that the 18' to 20' connecting portion will be similar to a hallway, with a door to each trailer and an exit onto the patio.

Case No. 722 (continued)

Mr. Eller inquired as to the size of the connected room, and Ms. Bilby informed that the small mobile is 12' by 60'. She stated that eventually the exterior of the small mobile will be covered with the same type of siding that is on the larger unit.

Protestants:

Albert Nelson, 22134 West 48th Street, Tulsa, Oklahoma, stated that he built a home in this area that was initially intended for a housing addition only. He pointed out that when the owner was unable to sell all of the property to home builders, he began to permit mobile homes. Mr. Nelson stated that he is opposed to 2 mobile homes being located on one lot. He submitted a petition (Exhibit A-2) of opposition with 26 signatures.

Applicant's Rebuttal:

Ms. Bilby stated that she has to listen to 300 to 400 game cocks crowing and feels that the mobile homes will be no more offensive to the neighborhood than the birds. She stated that all of the signatures on the petition she acquired were homeowners in the immediate area and questions if the opposing petition was signed by area residents.

Mr. Walker asked if the small mobile home has a kitchen and how long the remodeling project will take. The applicant informed that the unit that is being attached has a sink and a stove, and all of the remodeling work will be completed in approximately 6 months.

Mr. Alberty stated that the 2 mobile homes are very different, and even when connected will give the appearance of 2 units.

Mr. Alberty asked the protestant if there is any way the the 2 mobile homes could be made acceptable to him, and he replied that he lived in a mobile home until his house was completed and then moved it to another location, and is opposed to the 2 mobile homes on one lot.

Mr. Looney asked Mr. Edwards if the applicant can acquire a Building Permit without the approval of the Board, and he replied that she cannot.

Mr. Jones noted that, according to the Code, a dwelling unit is defined as a set of rooms that have a sleeping facility, bathroom and a kitchen. He pointed out that the smaller mobile home does have a kitchen and therefore, is a separate dwelling unit.

Mr. Alberty advised that the kitchen could be removed and the applicant may not need relief from this Board.

Mr. Walker and Mr. Eller agreed that the proposed arrangement appears to be 2 mobile homes with a long connecting hallway and that the connecting breezeway should be much shorter.

Case No. 722 (continued)

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **DENY** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow for 2 mobile homes per lot of record; finding that a hardship was not demonstrated by the applicant that would warrant the granting of the variance request; and finding that the 2 mobile homes on 1 lot of record would not be compatible with the area; on the following described property:

Lot 9, Block 1, Harrington Acres Addition, Tulsa County, Oklahoma.

Case No. 723

Action Requested:

Variance - Section 208 - One Single-Family Dwelling on One lot of Record - Use Units 1206, 1209 - Request a variance to allow for 2 dwelling units on 1 lot of record (1 home, 1 mobile home), located 9818 North 26th East Avenue.

Presentation:

The applicant, Teresa Crase, Route 1, Box 861-45, Sperry Oklahoma, informed that she and her husband are proposing to move an older home on their property to provide living quarters for her grandmother. She stated that they live in a mobile home on the back portion of the tract and the house will be located to the front. Ms. Crase pointed out that her grandmother does not drive, but is able to live alone with some assistance.

Comments and Questions:

Mr. Alberty asked if the dwelling will be permanent, and the applicant answered in the affirmative.

Mr. Alberty inquired as to the character of the area, and Ms. Crase informed that there are both houses and mobile homes located in the neighborhood.

Mr. Crase noted that the area is predominately agricultural and a barn is located directly behind their house.

Mr. Looney asked if Health Department approval has been acquired for the sewage system, and the applicant replied that she has approval for the mobile home and has spoken with an employee at the Health Department, who told her that he would not anticipate a percolation problem in the area where the house is located. Mr. Alberty inquired as to the size of the house and the mobile home, and Ms. Crase replied that the mobile home is 14' by 80' and the house will be 28' by 28'.

Case No. 723 (continued)

Mr. Alberty asked if the road in front of the property is maintained by the County, and Mr. Crase replied that it is a County road.

Protestants: None.

Board Action:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling on One Lot of Record - Use Units 1206, 1209) to allow for 2 dwelling units on 1 lot of record (1 home, 1 mobile home); subject to Building Permit and Health Department approval; finding that the surrounding property is agricultural in nature and that there is a mixture of mobile homes and houses in the area; on the following described property:

Starting at the SW/c of Section 17, Thence East 659.56', Thence north 938.59' to a point of beginning, Thence north 396.31', Thence east 329.74', Thence south 396.31', Thence west 329.74' to a point of beginning, 3 acres, more or less.

All a part of the W/2 of the E/2 of the SW/4 of the SW/4 of Section 17, T-21-N, R-13-E, Tulsa County, Oklahoma, containing 10 acres, more or less, including the roadway right-of-way and utility easements as hereby established and shown above, Tulsa County, Oklahoma.

Case No. 725

Action Requested:

Use Variance - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1227 and 1215 - Request a use variance to allow for an automobile salvage and resale shop in an AG and AG-R zoned district, located east of SE/c Coyote Trail and 209th West Avenue.

Presentation:

The applicant, Ms. Richard Thompson, Route 3, Box 255, Sand Springs, Oklahoma, was not present.

Comments and Questions:

Mr. Jones informed that Staff received a letter (Exhibit B-1) from the applicant which requested that Case No. 725 be withdrawn.

Protestants:

Mr. Raper, Route 3, Box 256, Sand Springs, Oklahoma, stated that 50 or 60 cars and some junk washers and dryers have been moved onto the property and asked when they will be moved.

Case No. 725 (continued)

Mr. Edwards, Building Inspector, stated that the applicant has been cited and given 15 days to move the junk from the property.

Mr. Alberty asked Mr. Edwards if the 15 day time period has lapsed, and he answered that the citation was given more than 15 days ago.

O. W. Thompson, father of the applicant's husband, informed that he lives next door to the property in question and that the tract is covered with junk. He stated that his son has no regard for anyone or the law and that there is activity on the property at all hours of the day and night.

Paul Moffit, Route 3, Box 254-A, Sand Springs, Oklahoma, stated that he lives across the street from the subject property and asked Mr. Edwards if he can issue a cease and desist order to the salvage operator.

Mr. Edwards informed that such an order has already been issued and if the owner does not comply, the problem will be referred to the County Attorney's office.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **WITHDRAW** Case No. 725, as requested by the applicant.

Case No. 726

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agricultural Districts - Use Unit 1220 - Request a special exception to allow for a rodeo arena and related uses, located SE/c 101st Street South and Garnett Road.

Comments and Questions:

Mr. Jones informed that Staff has received a letter (Exhibit C-1) from the applicant, Broken Arrow Roundup Club, requesting that Case No. 726 be withdrawn.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **WITHDRAW** Case No. 726.

Case No. 727

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS zoned district, located 6621 West 51st Street.

Case No. 727 (continued)

Presentation:

The applicant, Barbara Combs, 4306 South 25th West Avenue, Tulsa, Oklahoma, was represented by her husband, Jack Combs. He informed that he is proposing to place a mobile home on a 5-acre tract at the above stated location. Mr. Combs noted that a percolation test has already been made and approved by the Health Department. He explained that his family will occupy the mobile home until he is financially able to construct a house on the property. The applicant stated that there are both houses and mobile homes in the area, with approximately 30 mobile homes in a 1-mile radius of his land.

Protestants: None.

Comments and Questions:

Mr. Looney inquired if water and gas are available, and Mr. Combs answered in the affirmative.

Mr. Walker asked the applicant when he intends to begin construction on a house, and he replied that he is not sure. He explained that he bought a portion of his mother's property and would like to build sometime in the near future.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS zoned district; subject to a Building Permit and Health Department approval; subject to a time limit of 5 years; finding that there are numerous mobile homes in the area and that the granting of the special exception request will not be detrimental to the neighborhood; on the following described property:

The E/2 of the SW/4 of the SE/4, of the SE/4 except east 30' for ROW, Section 30, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 717

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the lot width from 200' to 150' in an AG zoned district, located approximately 1/4 mile south of 129th East Avenue and 121st Street South.

Comments and Questions:

Mr. Jones informed that a letter from the City of Broken Arrow, which recommended denial of the application, was overlooked at the last meeting. He stated that a variance of lot width from 200' to

Case No. 717 (continued)

150' was approved at that time. Mr. Jones submitted the letter to the Board and asked if knowledge of the recommendation would have changed the previous decision on the case.

Comments and Questions:

Mr. Walker Inquired as to the reason for not submitting the letter at the previous meeting, and Mr. Jones informed that it was overlooked.

Mr. Alberty noted that all members that were at the last meeting are present at this time, and it should be determined if the vote would have been changed by the recommendation for denial. He informed that the application will need to be readvertised if a change is indicated. Mr. Alberty stated that, although he is sensitive to Broken Arrow's position, his vote will not change. He pointed out that the tract is long and narrow, and there are other lots in the area that are as narrow as the lot in question.

Mr. Looney, Mr. Eller and Mr. Walker stated that they are in agreement with Mr. Alberty, and would not have voted differently if the letter had been presented at the previous meeting.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **DETERMINE** that the decision to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) of the lot width from 200' to 150' in an AG zoned district; would not have changed if the letter requesting denial of the application had been received prior to the previous Board of Adjustment meeting.

Case No. 726

Action Requested:

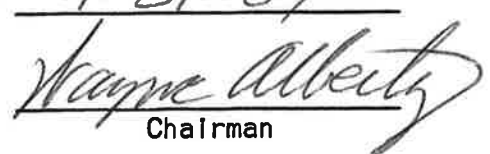
The applicant, Broken Arrow Roundup Club, has withdrawn their application and requested a refund of filing fees.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **REFUND** filing fees in the amount of \$25.00; finding that the case has been fully processed except for the public hearing portion.

There being no further business, the meeting was adjourned at 2:35 p.m.

Date Approved

4-21-87

Chairman