

**COUNTY BOARD OF ADJUSTMENT**  
Meeting No. 87  
Tuesday, August 18, 1987, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Alberly, Chairman Eller Looney Tyndall	Walker	Jones Moore	Ron Fields, Building Inspection

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 August 14, 1987 at 4:03 p.m.

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

**MINUTES:**

On **MOTION** of ELLER, the Board voted 4-0-0 (Alberly, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** the Minutes of July 21, 1987 (No. 86).

**UNFINISHED BUSINESS**

**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.

**Comments and Questions:**

Mr. Jones informed that the applicant, Ms. Thompson, was not present at the last meeting and the case was continued to allow Staff to contact her. He stated that Ms. Thompson was contacted by phone and registered letter, as requested by the Board, and a letter (Exhibit A-1) was received asking that Case No. 725 be withdrawn. Mr. Jones pointed out that the case was previously withdrawn in March and reinstated shortly thereafter. He stated that the applicant was not present for several scheduled hearings and since the case has been fully processed, he recommended that the application be withdrawn and no fees refunded.

**Case No. 725 (continued)**

Mr. Alberty pointed out that a number of protestants have taken off work several times to attend the hearing, and suggested that Staff monitor the situation very closely if another application is filed. He stated that the applicant is apparently attempting to manipulate the system.

**Protestants:**

Ray Burk, Route 3, Box 256, Sand Springs, Oklahoma, stated that the applicant has tried to acquire a zoning change from the town of Lotsee. Mr. Burk informed that he has just returned from a Planning Commission meeting at the town of Lotsee and they informed him that the subject property is not in the limits of that town's jurisdiction.

**Board Action:**

On **MOTION** of ELLER the Board voted 3-0-0 (Alberty, Eller, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, Walker, "absent") to **WITHDRAW** Case No. 725, as requested by the applicant.

**NEW APPLICATIONS**

**Case No. 757**

**Action Requested:**

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 0'.

Variance - Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206 - Request a variance of lot width from 200' to 140' and a variance of lot area from two acres to one acre, all in order to permit a lot split, located south of SE/c 191st Street and South Sheridan Road.

**Presentation:**

The applicant, Samuel Whitlow, requested by letter (Exhibit B-1) that Case No. 757 be withdrawn.

**Board Action:**

On **MOTION** of TYNDALL the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **WITHDRAW** Case No. 757, as requested by the applicant.

**Case No. 758**

**Action Requested:**

Variance - Section 330 - Bulk and Area Requirements In Agriculture Zoning - Use Unit 1206 - Request a variance of lot area from 2 acres to 1 acre and a variance of land area from 2.2 acres to 1.14 acres all in order to permit a lot split, located on 191st Street west of 129th East Avenue.

Case No. 758 (continued)

**Presentation:**

The applicant, Samuel G. Whitlow, PO Box 297, Okmulgee, Oklahoma, requested by letter (Exhibit C-1) that Case No. 758 be withdrawn.

**Board Action:**

On **MOTION** of **TYNDALL** the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **WITHDRAW** Case No. 758, as requested by the applicant, Mr. Whitlow.

**Case No. 760**

**Action Requested:**

Use Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209 - Request a use variance to allow for a mobile home in a CS zoned district, located east of NE/c 63rd West Avenue and 60th Street South.

**Presentation:**

The applicant, Warren Garrison, 4808 South Elwood #151, Tulsa, Oklahoma, asked the Board to allow him to install a mobile home on his property at the above stated address. He informed that a house was located on the lot at one time, but it was destroyed by fire approximately 12 years ago.

**Comments and Questions:**

Mr. Alberty asked the applicant if utilities are available, and Mr. Garrison replied that all utilities are available, but are not on the lot at this time.

In response to Mr. Alberty's inquiry as to the use of the mobile home, the applicant stated that he plans to skirt the mobile and use it as his permanent dwelling.

Mr. Looney asked if there are other mobile homes in the area, and Mr. Garrison replied that there is a mobile next door to his property and many in the area.

**Interested Parties:**

Eva Wilson, stated that she is representing her father who resides at 1849 North Boston Place, Tulsa, Oklahoma, and owns property abutting the subject lot. She inquired if a mobile home park or a mobile home sales business will be operating on the property, and Mr. Garrison replied that there will only be one mobile home and no business on the lot. Ms. Wilson stated that she does not remember mobile homes being located in the area.\*

**Board Action:**

On **MOTION** of **LOONEY** the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Use Variance** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209) to allow for a mobile home in a CS zoned district; subject to the applicant acquiring Health Department approval and a Building Permit; finding that there are mixed zoning classifications in the area, with many mobile homes

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Case No. 760 (continued)

already in place; and finding that the granting of the use variance would not cause substantial detriment to the area and would not violate the spirit and intent of the Code or the Comprehensive Plan; on the following described property:

E/2 of Lot 8, Lot 7, Block 4, New Taneha Addition, Tulsa County, Oklahoma.

\*At the conclusion of the meeting, Ron Fields, a representative of the Building Inspector's office, informed the Board that the interested party, Ms. Wilson, had actually intended to appear before the Board concerning Case No. 762 instead of Case No. 760. Mr. Fields stated that, in a discussion with Ms. Wilson while the meeting was in progress, he explained to her that Mr. Casteel, applicant in Case No. 762, is planning to use the mobile home as his residence and will not operate a business on the property.

Case No. 761

Action Requested:

Use Variance - Section 910 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a use variance to allow for a mobile home in an IL zoned district, located 1/4 mile east of NE/c 161st Street and South Elwood Avenue.

Presentation:

The applicant, Bea Clymer, 1634 South Ash Place, Broken Arrow, Oklahoma, submitted a site plan (Exhibit D-2), and stated that she is representing the Helen Colpitt Murphy Trust. She informed that they have leased a building that is outside the city limits of Glenpool and therefore, has only County police protection. Ms. Clymer asked the Board to allow the placement of a mobile home on the property for security purposes. A letter (Exhibit D-1) from the owner of the property in question was submitted.

Comments and Questions:

Mr. Alberty inquired if the mobile home will be located in front of the building, and Ms. Clymer replied that, due to the location of the septic system, the mobile will be placed to the front of the property.

Mr. Alberty informed that the mobile will have to meet the front setback requirements.

Ron Fields, Building Inspection, informed that the setback will be approximately 100' in this area, and Ms. Clymer stated that the proposed mobile home location will be more than 100' from the centerline of the street.

Mr. Alberty inquired if the requested use will run concurrent with the lease, and she stated that she would like for the mobile home use to be allowed until the lease expires.

**Case No. 761 (continued)**

Mr. Looney asked if the mobile home will serve as a residence for the security person, and the applicant answered in the affirmative.

**Protestants:** None.

**Board Action:**

On **MOTION** of LOONEY the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Use Variance** (Section 910 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an IL zoned district; subject to Building Permit and Health Department approval; and subject to the use variance terminating with the applicant's lease on the property; finding a hardship demonstrated by the size and location of the tract; on the following described property:

S/2, SE/4, SW/4 Section 24, T-17-N, R-12-E, Tulsa County, Oklahoma.

**Case No. 762**

**Action Requested:**

Use Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1209 - Request a use variance to allow for a mobile home in an IL zoned district, located east of NE/c of 41st West Avenue and 52nd Street.

**Presentation:**

The applicant, Larry Casteel, 2207 East 10th Street, Tulsa, Oklahoma, asked the Board to allow him to place a mobile home on the property at the above stated location.

**Comments and Questions:**

Mr. Alberty inquired if the mobile will be used as a residence, and Mr. Casteel answered in the affirmative.

Mr. Alberty inquired if city utilities are available, and the applicant informed that water, gas and electricity are available, and a septic system will be installed for sewage disposal. He stated that the Health Department has indicated that the land in the area does not have a percolation problem.

Mr. Looney asked if the mobile home will be used for a permanent dwelling, and Mr. Casteel replied that the use will be permanent.

**Protestants:** None.

**Board Action:**

On **MOTION** of ELLER the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Use Variance** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1209) to allow for a mobile home in an IL zoned district; subject to Building Permit and Health

Case No. 762 (continued)

Department approval; finding a hardship demonstrated by the location of the property and multiple zoning classifications in the area; on the following described property:

Lot 20, 21, 22, Block 22, South Haven Addition, Tulsa County, Oklahoma.

**Case No. 763**

**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.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for 2 dwelling units (2 mobile homes) on one lot of record, located north of NE/c of 71st Street North and North Peoria Avenue.

**Presentation:**

The applicant, LaVina Raye Smithers, PO Box 480826, Tulsa, Oklahoma, stated that she attempted to get commercial zoning on the lot in question, but the request was denied by the County Commission. She stated that she purchased the lot to rezone and use as commercial property, but the application was denied and some other use is being sought. Ms. Smithers informed that an old house was removed from the property and a mobile home installed. She asked the Board to allow her to place a second mobile on the lot to use for rental purposes. A site plan (Exhibit E-1) was submitted. She stated that the owner of the property next door has a house and a mobile home on the same lot.

**Protestants:**

Jeff Kirkham, 1727 East 73rd Street North, Tulsa, Oklahoma, stated that he has lived in the Turley area for many years and is interested in maintaining the integrity of the neighborhood. Mr. Kirkham pointed out that a hardship has not been stated in this case, and that the installation of mobile homes tend to decrease property values in the area. He stated that both Mr. Alberty and Mr. Looney have stated in a similar case (Case No. 648) that certain areas have become saturated with mobile homes and that some have been installed without Board approval. He asked the Board to deny the application.

**Comments and Questions:**

Mr. Alberty stated that the property in Case No. 648 was an interior tract and the subject property is on a Peoria frontage adjacent to commercial zoning.

Case No. 763 (continued)

Clara Tyner, 1702 East 72nd Street North, Tulsa, Oklahoma, stated that she has lived in the area for 36 years and has seen numerous mobile homes moved in without permission. She pointed out that the lot is only 80' wide and cannot properly accommodate two mobile homes.

Vonnie Turner, 7105 North Peoria, Tulsa, Oklahoma, stated that he lives to the north of the subject property. He explained that there is a mobile home on his lot, but it is used for a doll collection owned by his wife. He informed that the mobile can be removed from the property if necessary. He pointed out that there is a garage located on the rear portion of the subject tract.

**Additional Comments:**

Mr. Alberty asked Mr. Turner how long the trailer with the doll collection has been located on his property, and he replied that it has been on the lot approximately four years.

Mr. Looney asked Mr. Turner if there are other mobile homes in the block, and he replied that there are other mobiles in the block, but is not sure how many.

Mr. Tyndall inquired as to the use of the other buildings on the property in question, and Ms. Smithers replied that there are two storage buildings in the back.

Mr. Tyndall asked the applicant if she lives in the mobile home that is presently on the lot, and she replied that the mobile is used for rental purposes.

Mr. Tyndall stated that he cannot see that a hardship has been demonstrated by the applicant.

**Applicant's Rebuttal:**

Ms. Smithers stated that the second mobile home will be skirted and a concrete slab will be poured for it.

**Board Action:**

On **MOTION** of **LOONEY** the Board voted 3-0-1 (Alberty, Eller, Looney, "aye"; no "nays"; Tyndall, "abstaining"; Walker, "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; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow for 2 dwelling units (2 mobile homes) on one lot of record; subject to a Building Permit and Health Department approval; subject to skirting being installed and a slab foundation poured for the mobile home in question; finding a hardship demonstrated by the property location on a major arterial, and multiple zoning classifications in the area; on the following described property:

Case No. 763 (continued)

South 80' of east 190' of Lot 6, Block 7, Golden Hill Addition,  
Tulsa County, Oklahoma.

**Case No. 764**

**Action Requested:**

Special Exception - Section 400 - 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 5936 South 67th West Avenue.

**Presentation:**

The applicant, Gary Collins, Route 3, Box 182, Lot #12, Sapulpa, Oklahoma, asked the Board to allow him to install a mobile home on his property at the above stated location. He stated that all utilities are on the property at this time, except electricity. Mr. Collins explained that it is his intention to construct a home on the property, but will continue to live in the mobile home until the house has been completed. He stated that the mobile home will be removed when the house is finished.

**Comments and Questions:**

Mr. Alberty asked if there are other mobile homes located in the area, and Mr. Collins replied that there are approximately 11 mobiles within a 300' radius.

**Protestants:** None.

**Board Action:**

On **MOTION** of **TYNDALL** the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Special Exception** (Section 400 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS zoned district; subject to Building Permit and Health Department approval; and subject to mobile home being removed from the property upon completion of the house; finding that there are numerous mobile homes in the area and the granting of the special exception request will not be detrimental to the neighborhood; on the following described property:

Lots 15, 16, and 17, Block 51, Taneha Addition, Tulsa County,  
Oklahoma.



## OTHER BUSINESS

### Case No. 725

#### Action Requested:

The applicant, Ms. Richard Thompson, requested by letter (Exhibit A-1) that filing fees for Case No. 725 be refunded.

#### Comments and Questions:

Mr. Jones stated that Staff recommends that no filing fees be refunded to the applicant. He pointed out that an identical application was made, withdrawn and then reinstated. He noted that the case was originally scheduled to be heard on March 17 and, since Staff has processed the case a second time, recommended that the entire filing fee be retained.

#### Board Action:

On **MOTION** of **TYNDALL** the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **DENY** a request for refund of filing fees; finding that the case has been fully processed by Staff.

### Case No. 757

#### Action Requested:

The applicant, Samuel Whitlow, requested by letter (Exhibit B-1) that filing fees for Case No. 757 be refunded.

#### Comments and Questions:

Mr. Jones informed that the case has been fully processed, except for the hearing portion, and recommended that fees in the amount of \$25.00 be refunded to the applicant.

#### Board Action:

On **MOTION** of **TYNDALL** the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a refund of fees for the hearing portion of Case No. 757, in the amount of \$25.00; finding that the case has been fully processed, except for the hearing.

### Case No. 758

#### Action Requested:

The applicant, Samuel Whitlow, requested by letter (Exhibit C-1) that filing fees for Case No. 758 be refunded.

Case No. 758 (continued)

Comments and Questions:

Mr. Jones informed that the case has been fully processed, except for the hearing portion, and recommended that fees in the amount of \$25.00 be refunded.

Board Action:

On **MOTION** of **TYNDALL** the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a refund of fees for the hearing portion of Case No. 758, in the amount of \$25.00; finding that the case has been fully processed except for the hearing.

There being no further business, the meeting was adjourned at 2:30 p.m.

Date Approved

Sept. 15, 1987

Wayne Alberty  
Chairman