

COUNTY BOARD OF ADJUSTMENT
Meeting No. 94
Tuesday, March 15, 1988, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Eller Looney, Chairman Tyndall Walker		Gardner 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, March 11, 1988 at 2:37 p.m.

After declaring a quorum present, Acting Chairman Alberty, called the meeting to order at 1:32 p.m.

MINUTES

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of February 9, 1988 (No. 93).

MINOR VARIANCES AND EXCEPTIONS

Case No. 803

Action Requested:

Variance - Section 330.1 - Bulk and Area requirements in Agriculture Districts - Use Unit 1206 - Request a minor variance of lot width from 150' to 143.3' to allow for a lot split, located NW/c 95th East Avenue and 130th Street North. (Lot Split 16970)

Presentation:

The applicant, Wanda Inman, P.O. Box 888, Claremore, Oklahoma, was not present.

Comments and Questions:

Mr. Jones informed that the lot split has been approved by TMAPC.

Interested Parties:

Charles Whitten, 9511 East 130th Street North, Collinsville, Oklahoma, stated that he is the owner of the property and is in agreement with the lot split.

Case No. 803 (continued)

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberly, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** (Section 330.1 - Bulk and Area requirements in Agriculture Districts - Use Unit 1206) of lot width from 150' to 143.3' to allow for a lot split; finding that there are other lots in the area that are smaller than the lot in question; and finding that approval of the minor variance request will not be detrimental to the area; on the following described property:

W/2 of Lot 9, Block 1, North Dale Acres Addition, Tulsa County, Oklahoma.

Case No. 801

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 702 East 61st Street North.

Comments and Questions:

Mr. Alberly informed that Staff has received one letter of protest (Exhibit Z-1) to the placement of a mobile at the above stated location. The protestant pointed out that there are four or five inoperable automobiles stored on the property at this time.

Presentation:

The applicant, Wilhelmina Dobbs, 702 East 61st Street North, Tulsa, Oklahoma, stated that her burned out house is beyond repair and asked the Board to allow the installation of a mobile home on the site. She explained that the old cars that are stored on the property belong to her husband's nephew and will be removed. The applicant stated that there are numerous mobile homes located in the immediate area.

Additional Comments:

Mr. Alberly inquired if the mobile home will be the only dwelling on the property and Ms. Dobbs answered in the affirmative.

Mr. Gardner asked if the mobile home will be east of the burned out residence, and she replied that it will be placed to the west of the original home site. She explained that there is a huge electric line on the east side that would prevent locating the mobile home in that direction.

Mr. Gardner asked if the distance from the proposed mobile home location to the west property line will be at least 50', and Ms. Dobbs answered in the affirmative.

In response to Mr. Alberly's inquiry as to reconstruction of the home, Ms. Dobbs replied that, due to their financial condition, the house will not be rebuilt.

Case No. 801 (continued)

Mr. Walker asked the applicant how far the mobile home will be from the west property line, and she replied that the distance will be approximately 50'.

Mr. Gardner informed that, if the application is approved, it should be made subject to the removal of the existing dwelling or the lot would have two dwellings in place and would be in violation of the Zoning Code.

Mr. Looney asked the length of time required to remove the remainder of the house, and the applicant replied that she is not sure how long the removal process will take, since she and her husband have no assistance.

Ron Fields informed that responsibility for the demolition of such dwellings is enforced by the Health Department.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "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; for a period of one year only; subject to all inoperable automobiles being removed from the subject property prior to utilities being hooked up; subject to the burned out house being removed from the property within a six month period, from at this date; subject to Building Inspector and Health Department approval; on the following described property:

Lots 30 - 32, Brannon Addition of Dawson, Tulsa County, Oklahoma.

Additional Comments:

Mr. Walker asked that his motion be amended to state that the mobile home be placed no closer than 48' from the west property line.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **AMEND** the previous motion to include the requirement that the mobile home be placed no closer than 48' from the west property line.

Case No. 802

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 RE zoned district, located SW/c 101st Street and South 137th East Avenue.

Case No. 802 (continued)

Comments and Questions:

Mr. Jones stated that the City of Broken Arrow has recommended denial of the application, finding no hardship for approval. He stated that he was advised that the applicant, Rex Anglen, was not present at the Broken Arrow meeting. A letter (Exhibit B-1) was submitted.

Presentation:

The applicant, Rex Anglen, 714 North 4th Street, Broken Arrow, Oklahoma, stated that he was not aware of the fact that he should be present at the Broken Arrow meeting. He asked the Board to allow him to place a mobile home on the subject property. Mr. Anglen explained that he owns another lot in the addition where his equipment is stored, and would like to live nearby in order to protect his property. He informed that the building has been burglarized on several occasions. Mr. Anglen formed that he has removed an old house from the lot in question and leveled it for the mobile home. It was pointed out by the applicant that there is another mobile home located near his property.

Comments and Questions:

Mr. Looney asked the applicant if he plans to live in the mobile home, and he answered in the affirmative. He stated that a friend is living in it at the present time, but he plans to move in the next few months.

Mr. Looney asked if the property is served with utilities, and the applicant replied that he will install a septic system, but all other utilities are available.

In response to Mr. Looney's inquiry, Mr. Gardner informed that the property is in the Broken Arrow planning district and could be a "wildcat subdivision", or property that was subdivided without TMAPC approval. Mr. Gardner suggested that the application could be continued to allow Mr. Anglen additional time for further negotiations with the City of Broken Arrow, since he did not attend the Broken Arrow meeting.

Mr. Anglen requested that the Board continue the case to the next scheduled meeting.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 802 to April 19, 1988, as requested by the applicant, to allow sufficient time for further negotiations with the City of Broken Arrow.

Case No. 804

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1208 - Request a special exception to allow for a multi-family dwelling (boarding house) in an OL zoned district, located east of Yale Avenue, north side of 171st South.

Action Requested:

The applicant, Jack Roller, Jr., 5161 East 171st Street, Bixby, Oklahoma, represented Quad Oil Company, and stated that the company did have 38 employees that had offices in the building in question. He informed that the business is much smaller now, and asked the Board to allow the building to be utilized as a boarding house. Mr. Roller informed that he has discussed the plans with Pauline Boatman, Citizens Security Bank, and it has been determined that the use is a needed one in the area.

Comments and Questions:

Mr. Looney asked the size of the building, and Mr. Roller replied that there is approximately 8100 sq. ft. of floor space in the existing building.

Mr. Alberty asked if improvements will be made to the building, and Mr. Roller informed that bathrooms will be added, and possibly a kitchen will be installed. Mr. Alberty pointed out that there will be a change in requirements when the building is converted to a different use.

Mr. Fields remarked that an occupancy permit will be required before the building can be occupied.

Mr. Looney inquired as to the number of residents that will be accommodated in the facility, and the applicant replied that there will be a maximum of 25.

Mr. Gardner stated that the OL zoning is very near the intersection and serves as a transitional buffer around any commercial uses that might locate at the intersection. He pointed out that either office use or apartment use can be considered as a buffer. He remarked that the Board will have to determine if the use is appropriate for the area. He informed that it does not appear that the property has been platted, which should have been completed before a building permit for the structure was issued, and suggested that the Board require that the property be platted or that the applicant acquire a waiver of plat.

Mr. Alberty remarked that he is reluctant to approve the application today without the renovation plans, but would be agreeable with approving the use in concept, with plans being submitted at a later date.

The applicant informed that the only modifications to the building will be the conversion of the geology room to a kitchen and the addition of a restroom.

Case No. 804 (continued)

Mr. Gardner stated that, if inclined to approve the application, the Board could limit the boarding house use to the existing building only and the improvements that have been mentioned. He pointed out that the building could be converted back to office use if the need should arise.

Ruby Wilhoite, who stated from the audience that she is a secretary for the oil company, occasionally supplied information to the applicant, but did not choose to address the Board.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1208) to allow for a multi-family dwelling (boarding house) in an OL zoned district; subject to only the existing building being converted to a boarding house; subject to property being platted or a waiver of plat being acquired; subject to Health Department and Building Inspector's approval; finding that either the existing office use or a multi-family dwelling unit could serve as a buffer for any commercial use that may develop at the intersection; and finding that the granting of the special exception request will not be detrimental to the area; on the following described property:

Lot 1, Block 1, Quad Center Addition, Tulsa County, Oklahoma.

Case No. 805

Action Requested:

Special Exception - Section 410 - Principal Uses in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS zoned district, located north of the NW/c of West 57th Street and Hampton Avenue.

Protestants:

Mr. Jones stated that Staff received a call from a protestant that is unable to attend the meeting. He informed that it was requested that, if the application is approved, skirting and a porch be required for the mobile home.

Presentation:

The applicant, Gwendolyn Reed, 5403 South 97th West Avenue, Sand Springs, Oklahoma, stated that she has both the skirting and porch, but is waiting for approval from this Board before installation. She informed that the mobile home has been in a mobile home park prior to this time. Ms. Reed explained that she has had an old house removed from the lot and the mobile will be placed at approximately the same location.

Case No. 805 (continued)

Comments and Questions:

Mr. Looney asked how long the mobile will be on the lot, and Ms. Reed replied this will be a permanent location for the mobile home.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS zoned district; subject to the mobile home being skirted and a porch attached; and subject to a Building Permit and Health Department approval; finding that there are numerous mobile homes in the area, and the granting of the special exception request will not be detrimental to the area, but will be in harmony with the spirit and intent of the Code; on the following described property:

N/2, Lot 4, Block 1, Buford Colony Addition, Tulsa County, Oklahoma.

Case No. 806

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1215 - Request a special exception for a home occupation to allow for an outboard motor repair shop in an RS zoned district, located 5393 West 2nd Street.

Presentation:

The applicant, Larry Arnold, 5393 West 2nd Street, Tulsa, Oklahoma, submitted photographs (Exhibit A-2) and asked the Board to allow him to continue repairing outboard motors at his home as a home occupation. He informed that he has been repairing motors as a hobby for approximately 2 1/2 years and plans to operate the business full time since he lost his job. Mr. Arnold stated that there are other businesses in the area, and that his shop will be open Tuesday through Saturday, 8:00 a.m. to 5:30 p.m.

Comments and Questions:

Mr. Looney asked if all motor repair is conducted inside, and the applicant replied that all work is completed inside.

Mr. Alberty asked the applicant if he owns the RV parked on the subject property, and he replied that he does not own the vehicle and it will be removed from the lot.

In response to Mr. Looney's inquiry as to the type of motor repair conducted on the property, the applicant replied that he repairs small outboard motors.

Case No. 806 (continued)

Mr. Looney inquired as to the number of customers expected each day, and Mr. Arnold stated that he intends to serve two patrons each day, with no over night storage.

Mr. Tyndall asked Mr. Arnold if he has employees, and he replied that only he and his wife operate the business.

Mr. Gardner asked the applicant where he tests the motors, and he replied that he has a barrel of water for testing near the front door of the garage.

At Mr. Looney's request, Mr. Gardner gave a brief review of the Home Occupation Guidelines.

Protestants:

Gary Branscum, 5703 West 2nd Street, Tulsa, Oklahoma, stated that he lives to the west of the property in question. He informed that there is a traffic problem in the area, with customers of the business parking on both sides of the street. Mr. Branscum stated that the RV which was referred to by the applicant is actually a bus and the engine is started at all hours of the night. He asked that the application be denied.

Adelaide Burgess, 5699 West 3rd Street, Tulsa, Oklahoma, informed that she has lived at the present location for 36 years and is concerned that the business will be noisy and cause additional traffic in the area.

Alice Sorrels, 5703 West 2nd Street, Tulsa, Oklahoma, stated that she has lived on the property next door to the subject tract for 37 years and would like to have a peaceful, quiet neighborhood in which to live. She informed that as many as 8 boats have been stored in the back yard, and old tires and junk are stored on the rear portion of the property.

Mr. Fields informed that there were 7 boats in the back yard when he viewed the property.

Mr. Sorrels, 5703 West 2nd Street, Tulsa, Oklahoma, stated that it is an injustice to the neighbors to allow the noisy engine repair business in the area.

James Campbell, 5707 West 2nd Street, Tulsa, Oklahoma, stated that the back yard of the applicant is full of boats. He informed that the residents of the area are attempting to improve the neighborhood and asked the Board to deny the application.

A petition of protest (Exhibit A-1) was submitted.

Case No. 806 (continued)

Applicant's Rebuttal:

Mr. Arnold stated that his clients do not park on the street, but employees of the machine shop across the street from his residence do park in the street. He informed that he ran the bus during the Ice storm to provide power for his electrical appliances, but that the bus is not an issue in this case because it will be removed from the property. He explained that he did have seven or eight boats in his back yard, but did not know that he was in violation of the Code, and has sold some of them.

Additional Comments:

Mr. Alberty remarked that he does not feel that small engine repair is an appropriate use in the residential area.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1215) for a home occupation to allow for an outboard motor repair shop in an RS zoned district; finding that the business is not compatible with the residential neighborhood; and finding that the granting of the special exception request would violate the spirit and intent of the Code; on the following described property:

Lot 18, Block 2, Mayfair 2nd Addition, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:55 p.m.

Date Approved 4-19-88


Chairman