

COUNTY BOARD OF ADJUSTMENT
Meeting No. 109
Tuesday, June 20, 1989, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Eller Tyndall	Looney Walker	Gardner Jones Moore	Ron Fields, Building Inspection Steve Andrew, 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, June 16, 1989 at 12:58 p.m.

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

MINUTES

On **MOTION** of ELLER, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Tyndall, Walker, "absent") to **APPROVE** the Minutes of May 16, 1989 (No. 108).

UNFINISHED BUSINESS

Case No. 886

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for an existing mobile home in an RS zoned district, located 702 East 61st Street North.

Presentation:

The applicant, **A. J. Dobbs**, 702 East 61st Street North, Tulsa, Oklahoma, requested permission to allow her mobile home to remain at the present location.

Comments and Questions:

Mr. Looney asked the applicant when the mobile home was installed on the property, and she replied that it was placed on the property on March 25, 1988.

In response to Mr. Looney's inquiry as to available utilities, Ms. Dobbs stated that a septic system is used for sewage disposal and all other utilities are available. She pointed out that there are other mobile homes to the east and west of her property.

Case No. 886 (continued)

Mr. Jones supplied the Board with a copy of minutes from the previous meeting regarding this case. He pointed out that a portion of the applicant's house was destroyed by fire and the remaining portion was to be removed from the property.

Mr. Looney asked if the old vehicles, which were referred to at the previous hearing, have been removed, and the applicant answered in the affirmative.

Mr. Looney pointed out that the Board had previously allowed a six-month period to remove the remaining portion of the house. Ms. Dobbs stated that her husband only has one day each week to work on the removal project and the work has not been completed.

Ron Fields, Building Inspector, submitted recent photographs (Exhibit A-1) of the property and noted that all of the junk cars have been removed, but the house is still in place.

Ms. Dobbs informed that the mobile home is 8' from the east side of the house, and it was determined by the Turley Fire Department that the unit is too close to the house for them to burn the remains. She pointed out that they have no other alternative than to manually remove the part that is still standing.

Mr. Looney asked the applicant when the removal of the house can be completed, and she replied that she cannot give a specific date.

In response to Mr. Eller's suggestion to grant the special exception for an additional year, the applicant stated that she is opposed to that fact that she has to pay an application fee each year.

Mr. Looney pointed out to Ms. Dobbs that she agreed to remove the house at the 1988 hearing and that requirement has not been met. He noted that it is the applicant's responsibility to comply with the conditions imposed by the Board.

Mr. Alberty stated that there is an unsightly portion of the house remaining on the property, and the Board has no way of knowing when the removal process will be completed. He suggested that it might be more expedient to pay someone to clean up the property, rather than continue to pay a fee for rehearing the application.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for an existing mobile home in an RS zoned district for a period of one year only; finding that additional time is required for the removal of the remains of a partially burned house, which was a condition imposed by the Board at the March 15, 1988 meeting; on the following described property:

Lots 30, 31 and 32, Branson Addition to Dawson, Tulsa County, Oklahoma.

6.20.89:109(2)

Case No. 891

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1205 - Request a special exception to allow for a home for abused teenage girls to locate in an AG zoned district, located 17004 East 171st Street South.

Comments and Questions:

Mr. Jones informed that the City of Bixby has recommended approval of the application (Exhibit B-1).

Presentation:

The applicant, Nelson Pendergrass, PO Box 26, Bixby, Oklahoma, stated that he and his wife have acquired the subject property to operate Southwater, a home for abused teenage girls. He stated that the large unfinished home has been vandalized, and it is his intent to complete the structure and care for a maximum of 12 children.

Comments and Questions:

Mr. Looney asked the applicant if he can supply a plot plan for the building, and he replied that he does not have a plan.

Mr. Alberty asked how the property is accessed, and Mr. Pendergrass stated that in order to reach the house, you must travel down Highway 64 for approximately three-fourths mile east of Leonard, Oklahoma, turn right and go uphill for approximately one-quarter mile, turn right and continue approximately one-quarter mile, turn right and go down to the property. In response to Mr. Alberty, the applicant informed that the roads are private, with easements.

Mr. Looney asked if the property in question is currently being operated as a girls home, and Mr. Pendergrass answered in the affirmative. He informed that the five girls were moved to the home just before school began last year, but the house will accommodate twelve girls when all of the work is completed.

In response to Mr. Looney, the applicant stated that he and his wife primarily care for the girls, with the help of some volunteers.

Mr. Alberty inquired as to the number of bedrooms in the house, and Mr. Pendergrass explained that the basement has approximately 4000 sq ft of floor space, the first floor has one master bedroom and the upstairs will have four bedrooms and two baths. Mr. Alberty asked what prompted the present Board application, and Mr. Pendergrass stated that he has received a letter from Oklahoma City which informed him that he might qualify for HUD funds if the property complies with the Code.

Case No. 891 (continued)

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow for a home for abused teenage girls to locate in an AG zoned district; subject to a maximum of 12 girls, and any conditions imposed by the Bixby Board of Adjustment; finding that the granting of the special exception request will not be detrimental to the area; on the following described property:

Part of the SW/4, SE/4, Beginning 661' north, 328.77' east of the SW/c, SE/4, thence north 545.65', east 329.03', south 215.18', east 164.46', south 330.33', west 493.16' to the Point of Beginning, Section 26, T-17-N, R-14-E, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 896

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1206 - 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 two dwellings on one lot of record, located 512 South 72nd West Avenue.

Presentation:

The applicant, **Ruby Faye Lamproe**, 512 South 72nd West Avenue, Tulsa, Oklahoma, stated that she owns approximately two acres of property at this location and requested permission for her daughter to install a mobile home behind the existing dwelling. She pointed out that both her mother and son live in nearby mobile homes.

Comments and Questions:

Mr. Looney asked if the mobile will have a septic system, and Ms. Lamproe answered in the affirmative.

Mr. Fields asked the applicant if the soil has passed the percolation test, and she replied that the Health Department has not been contacted at this time.

Protestants: None.

Case No. 896 (continued)

Board Action:

On **MOTION** of ELLER, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1206) 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 two dwellings on one lot of record; subject to the mobile being skirted and tied down; and subject to a Building Permit and Health Department approval; finding that there are numerous mobile homes in the immediate area, and the installation of the mobile will not be injurious to the neighborhood; on the following described property:

The East 50' of Lot 8, Block 7, Twin Cities Addition, Tulsa County, Oklahoma.

Case No. 897

Action Requested:

Use variance - Section 310 Principal Uses Permitted In Agriculture Districts - Use Unit 1217 - Request a use variance to allow for an automobile transmission repair business in an AG zoned district, located 14113 West 41st Street.

Comments and Questions:

Mr. Jones stated that Staff has received a letter (Exhibit C-1) from Sand Springs recommending denial of the application.

Presentation:

The applicant, **Shirley McCollough**, Route 2, Sand Springs, Oklahoma, stated that there was a complaint concerning the salvage cars on the back portion of her acreage. She pointed out that the property is zoned for agriculture; however, there is a meat processing business two doors away and a tree service business one-half mile to the west. It was noted by the applicant that the garage is detached from her house and one side is rented to the repair business, which constitutes approximately one-half of her income. She stated that the structure is located approximately 250' from 41st Street, and that she has discussed the business with the neighbor to the east, who is supportive of the repair business.

Comments and Questions:

Mr. Looney inquired as to the days and hours of operation, and Ms. McCollough stated that the business is customarily open from 8:00 a.m. to 5:00 p.m., Monday through Friday, but occasionally some work is done after those hours.

Mr. Looney asked if there is any outside work or storage of automobile parts, and she replied that all work is completed inside. She stated that the operator of the business does not have outside storage, and that the salvage cars belong to her son.

Case No. 897 (continued)

In response to Mr. Looney, the applicant stated that the business has been in operation for approximately two years. Ms. McCollough informed that she is before the Board because there was a protest filed concerning the junk cars, which were not illegal when she moved to the property. Mr. Looney asked if the property could be screened, and the applicant replied that screening would be difficult, because of the shared driveway.

Ms. McCollough stated that the property will probably be zoned commercial in the near future, and Mr. Jones pointed out that the property is designated as low intensity residential by the Sand Springs Comprehensive Plan, and a request for zoning that would allow the business in question would not be in conformance with that plan.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to **DENY** a **Use variance** (Section 310 Principal Uses Permitted in Agriculture Districts - Use Unit 1217) to allow for an automobile transmission repair business in an AG zoned district; finding that the request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The W/2 of Lot 4, less the south 50', Bowles Acres Addition, Tulsa County, Oklahoma.

Case No. 898

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage on a public street from 30' to 0' to allow for an existing lot, located 19510 West 12th Street.

Comments and Questions:

A letter (Exhibit D-1) from the City of Sand Springs recommending approval of the application was presented to the Board by Mr. Jones. He also noted that a portion of the property is located in a flood area.

Mr. Fields stated that he has had contact with the Corps of Engineers and the lot in question has been removed from the flood area.

Presentation:

The applicant, **Betty R. Joyce**, 5460 South 101st East Avenue, Tulsa, Oklahoma, stated that she acquired the subject property approximately five years ago, and is currently making plans to build a home. She explained that an easement to Wekiwa Road has been acquired, and the road is used by several property owners. She informed that she has been before the Sand Springs Board of Adjustment and requested approval of the variance request.

Case No. 898 (continued)

Comments and Questions:

Mr. Looney asked the applicant if she plans to live on the property, and she answered in the affirmative.

In the Sand Springs Board of Adjustment minutes supplied to the Board, Mr. Treadway informed that some of the lot splits in the area were obtained through the Sand Springs Regional Planning Commission, who traditionally accepted 30' easement-of-record as an acceptable access to property. Also, Mr. Ford pointed out that future problems could arise for the applicant in obtaining loans or mortgages if the property is sold.

Protestants: None.

Board Action:

On **MOTION** of ELLER, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the required street frontage on a public street from 30' to 0' to allow for an existing lot; finding that easements have been granted between the subject property and Wekiwa Road to access the subject property; and finding that other properties in the area are serviced by similar private roads; on the following described property:

The west 208.64' of the east 417.3' of the west 589.44' of Government Lot 1, LESS the north 712' thereof, Section 11, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 899

Action Requested:

Special Exception - Section 320 - Accessory Uses Permitted in Agriculture Districts - Use Unit 1206 - Request a special exception for a home occupation to allow for a kennel in an AG zoned district, located north of NW/c of 129th East Avenue and 121st Street South.

Presentation:

The applicant, Jonathan Melton, was represented by Marion Dyer, 319 West Washington, Broken Arrow, Oklahoma, who stated that the structure on the property has previously been used as a kennel, but has been abandoned. He pointed out that the only residence in the area is that of the applicant's mother, who lives to the east of the property, with vacant land being located to the south. Mr. Dyer stated that the owners of this property were present when the case was heard by the Broken Arrow Board of Adjustment, but did not object to the kennel if there is no expansion planned. He informed that the Mr. Melton's aunts own the property to the north of the kennel and support the use. A letter of support (Exhibit E-1) was submitted.

Case No. 899 (continued)

Comments and Questions:

In response to Mr. Looney's question concerning Broken Arrow's recommendation, Mr. Dyer informed that the Broken Arrow Board of Adjustment voted for approval of the request, subject to no additions to the existing structure. Mr. Looney asked if there are presently 31 stalls, and Mr. Dyer replied that there are 31 existing stalls, with a space in the back for four additional units.

Mr. Alberty inquired as to the maximum number of dogs that will be kept on the property, and Mr. Dyer replied that Mr. Melton will probably have no more than 31 dogs, but could have as many as 35 if the four stalls to the rear of the building are completed.

Protestants: None.

Board Action:

On MOTION of ALBERTY, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to APPROVE a Special Exception (Section 320 - Accessory Uses Permitted In Agriculture Districts - Use Unit 1206) for a home occupation to allow for a kennel in an AG zoned district; subject to Health Department approval; subject to a maximum of 35 dogs; and subject to no expansion of the facility; finding that the property has previously been used for this use and has proved to be compatible with the area; on the following described property:

The south 210', East 220', west 660', north 630' and the south 210', north 630', east 660', S/2, NE/4, SE/4, Section 32, T-18-N, R-14-E, Tulsa County, Oklahoma.

Case No. 900

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 to locate in an RE zoned district, located 460 West Osage Drive (Sperry).

Presentation:

The applicant, William Jones, PO Box 248, Sperry, Oklahoma, submitted a plot plan (Exhibit F-1), and asked the Board to allow the installation of a mobile home on his property at the above stated location.

Comments and Questions:

Mr. Looney asked if there are other mobile homes in the area, and Mr. Jones replied that there are seven mobiles in the general area.

Protestants: None.

Case No. 900 (continued)

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home to locate in an RE zoned district; per plot plan; subject to 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; on the following described property:

Beginning 645' west, NE/c, NW/4, NE/4, thence West 105', south 210', west 105', south 49.5', west 135', south 400.5', east 450', north 450', west 105', north 210', to the Point of Beginning, Section 23, T-21-N, R-12-E, Tulsa County, Oklahoma.

Case No. 901

Action Requested:

Variance - Section 930 - Bulk and Area requirements in Industrial Districts - Use Unit 1223 - Request a variance of setback from the north property line from 50' to 3' to allow for the construction of a building, located NE/c 49th West Avenue and South 52nd Street.

Presentation:

The applicant, **B. R. Hutson**, was represented by **Jim Close**, 4812 West 52nd Street, Tulsa, Oklahoma, who stated that Closebend is a company operating at this location, which manufactures welding fittings and has 19 employees. He explained that the company has been at the present location since 1973, and requested permission to construct a building on a small tract of land that is located adjacent to the expressway. Mr. Close informed that it is necessary to maintain an inventory of approximately two million dollars in materials, due to the long waiting period between the initial order and the delivery of supplies. He pointed out that the expansion will alleviate a crowded storage problem which now exists and supply space for the installation of additional equipment for future manufacturing projects. It was noted by Mr. Close that the existing building contains 30,000 sq ft of floor area. He pointed out that the tract in question does not have street access to the north.

Comments and Questions:

Mr. Fields noted that the expressway is elevated several feet above the lot in question, but the Code states that a 50' setback is required for property that abuts a freeway service road and is designated on the Major Street and Highway Plan.

Mr. Jones pointed out that the City Board of Adjustment has an official interpretation made several years ago, that this type of setback does not apply when the property abuts a freeway or a freeway service road and does not have access to such road.

Case No. 901 (continued)

Mr. Alberty requested that Staff look into the wording of such an interpretation regarding setbacks for property that abuts, but has no access to, a freeway or freeway service road.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area requirements in Industrial Districts - Use Unit 1223) of setback from the north property line from 50' to 3' to allow for the construction of a building; finding that the property is adjacent to an elevated expressway and has no access to the expressway service road; on the following described property:

A tract beginning at a point 185' south of the NW/c of the S/2, NW/4, NW/4, NW/4; thence east 330' thence south 120'; thence west 330'; thence north 120' to the Point of Beginning in Section 33, T-19-N, R-12-E; and the south 120', north 305', east 99', west 429', S/2, N/2, NW/4, NW/4 of Section 33; T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 902

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required public street frontage from 30' to 0' to allow access by private streets, located east of NE/c of 161st Street South and 33rd West Avenue.

Presentation:

The applicant, **Mike Mason**, PO Box, Klefer, Oklahoma, stated that he divided approximately 32 acres of land into smaller tracts and found that he is in need of a variance of the required frontage on a public street. He pointed out that the tracts are interior and do not have access to a public street; however, the one owner of the land to the east, west and north has sold him a 30' easement from the east, as well as the west. A location map and copy of the easement (Exhibit G-1) were submitted. Mr. Mason informed that he is in the process of platting the property at this time. A preliminary sketch of Twin Mounds Estates (Exhibit G-2) was submitted.

Comments and Questions:

Mr. Alberty asked how the property was accessed before acquiring the easement, and the applicant replied that there was a lease road to the property. Mr. Mason stated that the buyers of the property understand that they will be responsible for the upkeep of the gravel road.

Case No. 902 (continued)

Interested Parties:

Tom Creekmore, 3800 First National Tower, Tulsa, Oklahoma, stated that he is representing the owner of the property to the east, west and north of the subject tracts. He stated that his client sold the easement to Mr. Mason and requested that a condition of approval by this Board, as well as in the plat, stipulate that the property owners of the tracts will be required to maintain a hard surface road (gravel).

Mr. Alberty advised that this Board has no authority to approve the subdivision plat.

Mr. Jones substantiated Mr. Alberty's statement, but noted that the Board can make the hard surface road a condition of approval and the Planning Commission will consider the condition when reviewing the plat.

Mr. Creekmore requested that the formation of a Homeowners Association also be made a condition of approval, as well as a condition requiring that the seven lots remain as they are, and will not be divided.

Mr. Looney asked Mr. Creekmore if his interpretation of hard surface is a gravel surface, and he replied that his client prefers a blacktop covering, but will not object to gravel if there are no further divisions of the existing lots. Mr. Creekmore pointed out that it is his intent to insure that his clients property is not unduly burdened by the existence of the subdivision.

Mr. Alberty asked Mr. Creekmore if his client sold the land for the road to the developer, or merely issued an easement, and he replied that she owns the land and has granted an easement.

Mr. Alberty asked if **Ray Jordan**, Engineering Department, is in agreement with the request. Mr. Jones and Mr. Fields noted that in the past Mr. Jordan has been in agreement with the signing of a form by all homeowners which stated that the private street is to be maintained by all property owners in the subdivision.

Mr. Mason stated that there will be a good gravel road installed and maintained.

Protestants: None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the required public street frontage from 30' to 0' to allow access by private streets; subject to the restrictive covenants of the subdivision spell out that Tulsa County is released of any responsibility in maintaining any private road on the property, and a vehicle within the ownership of the seven lots be created to state that all roadways in the subdivision be surfaced with a hard surface material (gravel), and that there be no more

Case No. 902 (continued)

than 7 lots, as depicted on the preliminary sketch submitted by the applicant; finding that the tract is landlocked, with no access to a public street; on the following described property:

A tract of land located in the S/2, SW/4, Section 22, T-17-N, R-12-E, Tulsa County, Oklahoma, more particularly described as follows;

Commencing at the SW/c , S/2, SW/4, Section 22, thence N 00°00'19" W a distance of 1321.76', thence S 89°48'06" E a distance of 660.06' to the Point of Beginning, thence S 89°48'06" E along the north line of said S/2, SW/4, Section 22, a distance of 1320.12', thence S 00°2'31" W a distance of 1319.60' to a point on the south line of said S/2, SW/4, Section 22, thence N 89°51'50" W along the south line of said S/2, SW/4, Section 22, a distance of 791.38', thence N 24°49'43" E a distance of 171.42', thence N 64°06'12" W a distance of 80', thence N 00°00'37" E a distance of 294.00', thence N 89°51'50" W a distance of 528', thence N 00°00'37" E a distance of 837.13' to the Point of Beginning, Tulsa County, Oklahoma.

Case No. 903

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 405 Terrace Drive (Sand Springs).

Comments and Questions:

It was noted by Mr. Jones that the City of Sand Springs has recommended approval of the application (Exhibit H-1).

Presentation:

The applicant, **Mike Wells**, 315 North Washington, Sand Springs, Oklahoma, requested permission to install a second mobile home on the subject property. He informed that a 14' by 80' mobile will be placed near an existing residence and all utilities will be disconnected from the house and hooked to the mobile unit. Mr. Wells stated that the house will be used for storage purposes. A plot plan (Exhibit H-2) was submitted.

Comments and Questions:

Mr. Alberty asked what will be stored in the house, and the applicant replied that only personal household items will be stored in the structure.

In response to Mr. Looney's question concerning the removal of plumbing from the existing house, the applicant stated that he could remove it, but had only planned to disconnect the sewer system where it enters the septic tank.

Case No. 903 (continued)

Protestants:

Janice Barrett, 402 Terrace Drive, Sand Springs, Oklahoma, stated that she lives across the street from the vacant lot next to the existing house. She stated that she has lived at this location for approximately 11 years and the presence of the mobile home would decrease her property value. Ms. Barrett stated that a storage building would likely cause an accumulation of materials outside the building and is opposed to that use. She pointed out that the other mobile home is located on the back portion of the tract.

Mr. Looney asked if the property is well maintained, and Ms. Barrett answered in the affirmative.

In response to Mr. Alberty's question concerning the possibility of another location on the lot, the applicant stated that she is opposed to the mobile home.

Louise Osburn, 401 Terrace Drive, Sand Springs, Oklahoma, stated that there is only one mobile home in the immediate area, and she did not receive notification before it was installed. She stated that she lives south of the subject property and owns other property in the block. Ms. Osburn stated that she is opposed to the mobile home location, and pointed out that the other mobile home is toward the rear of the large tract and is not near her home.

Applicant's Rebuttal:

Tim Soles, 405 Terrace Drive, Sand Springs, Oklahoma, explained that he obtained a lot split and sold his brother the back portion of the property for the existing mobile home. He informed that the remaining tract is now approximately 135' deep. Mr. Soles pointed out that the mobile home will not be located on the vacant lot, but will be installed 35' from the existing house. He stated that there are numerous mobile units in the area. He assured the Board that the house will not be used for rental purposes.

Mr. Looney asked Mr. Soles if he owns the property in question, and he replied that he owns the land at the present time, but is in the process of selling the property at this time.

Additional Comments:

Mr. Alberty asked the protestants if they received a notice of the Sand Springs Board of Adjustment meeting, and they replied that the notice was received, but they failed to read the hearing date correctly.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, 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 no outside storage of materials; subject to the mobile home being tied down and skirted, and subject to a Building Permit and Health Department approval; finding that

Case No. 903 (continued)

there are other mobile homes in the area and the granting of the special exception request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 12, Block 20, Charles Page Home Acres II Addition, Tulsa, County, Oklahoma.

OTHER BUSINESS

Case No. 902

Action Requested:

Consider a partial refund of filing fees.

Comments and Questions:

Mr. Jones informed that the applicant, Mike Mason, was inadvertently charged an additional \$50.00 at the time of application, and requested that the Board approve a refund to the applicant.

Board Action:

On MOTION of ELLER, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to APPROVE a REFUND in the amount of \$50.00, due to an overcharge at the time of the initial application.

There being no further business, the meeting was adjourned at 3:00 p.m.

Date Approved

July 18, 1989

Wayne Alberty
acting Chairman