

COUNTY BOARD OF ADJUSTMENT
Meeting No. 118
Tuesday, March 20, 1990, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Eller Tyndall Walker	Looney	Jones Moore	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, March 16, 1990 at 8:58 a.m.

After declaring a quorum present, 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, Tyndall, Walker, aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of February 6, 1990 (No. 117).

NEW APPLICATIONS

Case No. 948

Action Requested:

Variance of the required lot width from 200' to 100' and 131' - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6.

Variance of the required lot area of 2 acres to approximately 1 acre and approximately 1/2 acre to allow a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 1805 South Osage, Skiatook, Oklahoma.

Comments and Questions:

Mr. Jones stated that an error in the advertised legal description necessitates readvertising, which will require a continuance of Case No. 948 to April 17, 1990. He informed that the applicant and the surrounding property owners have been notified of the continuance.

Protestants: None.

Case No. 948 (continued)

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **CONTINUE** Case No. 948 to April 17, 1990, to allow sufficient time for readvertising of the corrected legal description.

Case No. 949

Action Requested:

Special Exception to allow a mobile home to be used as a dwelling in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance to permit two dwellings on a single lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 7210 West Cameron.

Comments and Questions:

Mr. Jones advised that the Flood Hazard Review indicates that a portion of the tract could experience some flooding.

Presentation:

The applicant, **Carol Morris**, was represented by her husband, **Ron Morris**, 7210 West Cameron, Tulsa, Oklahoma, who requested permission to install a mobile home at the above stated location. He informed that he acquired the trailer because of a default in a loan which he had cosigned, and that his former daughter-in-law will live in the mobile home at the present time.

Additional Comments:

Mr. Alberty advised that the mobile home cannot be located within the designated flood area.

In response to Mr. Alberty, the applicant informed that there is one mobile home located directly to the south of the subject property.

Mr. Eller inquired as to the elevation of the mobile home, and Mr. Morris replied that the mobile home will be 3' from the ground level, and will be skirted.

Protestants: None.

Board Action:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to allow a mobile home to be used as a dwelling in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; and to **APPROVE** a **Variance** to

Case No. 949 (continued)

permit two dwellings on a single lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; subject to a Building Permit and Health Department approval; finding that the mobile home will be occupied by a family member, and that there are other mobiles located in the neighborhood; and finding that the tract is large enough to accommodate two dwelling units; on the following described property:

The east 252.5' of the north 325' of Block G, Farm Colony Subdivision, Tulsa County, Oklahoma, except a 30' strip of east side for street, Tulsa County, Oklahoma.

Case No. 950

Action Requested:

Variance to permit two dwellings on a single lot or record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, located 3368 South 65th West Avenue.

Presentation:

The applicant, **William Cowan**, was represented by **Mary Cowan**, 3368 South 65th West Avenue, Tulsa, Oklahoma. Ms. Cowan explained that she and her husband are proposing to move a brick house to a vacant lot next door to their home.

Comments and Questions:

Mr. Jones informed that the applicant has more than enough property to create two residential lots if they are served by a City sewer system; however, the Health Department requires that each residence relying on a septic system be located on a half-acre lot. Mr. Jones pointed out that the applicant could apply for a lot split and, if approved, could be allowed to place a house on each lot.

Ms. Cowan stated that she has already acquired Health Department approval for the proposed residence.

Protestants:

Ron Roseborough, 6527 West 35th Street, Tulsa, Oklahoma, stated that he and his wife Trudy live to the west of the subject property. Mr. Roseborough submitted photographs (Exhibit A-3), a copy of the deed of dedication (Exhibit A-1) and a petition of protest (Exhibit A-2), and informed that houses in the area are in the \$80,000 price range. In reference to the impact on the neighborhood, the applicant pointed out that the small house is not comparable to the existing homes in the area and would adversely affect property values. He pointed out that the fact that the lot will not be split is an indication that the property will always be used for rental purposes. It was also noted by the protestant, that residents in the neighborhood have consistently had problems with existing septic systems.

Case No. 950 (continued)

Mr. Alberty advised Mr. Rosenborough that restrictive covenants cannot be considered by the Board, as they are private covenants which can only be enforced in District Court. He further noted that the Board does not control the use of property for rental purposes, as that is an option for any property owner.

Margaret Ragsdale, 3538 South 65th West Avenue, Tulsa, Oklahoma, stated that she is opposed to the application and is in agreement with the issues addressed in Mr. Roseborough's presentation.

Applicant's Rebuttal:

The applicant reviewed the protest petition and pointed out that many of the property owners who signed the petition live on another street. She informed that the proposed house will be valued at approximately \$80,000, and comparable to the other homes in the area. Ms. Cowan stated that she has not had a septic problem on her property, and informed that the entire septic system will be located in front of the house, which will not affect Mr. Roseborough's property to the rear.

Mr. Alberty reiterated that the Board cannot consider the private covenants governing the development and, if the Board votes to approve the application, the protestants could pursue the matter in District Court if they feel the covenants have been violated.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** to permit two dwellings on a single lot or record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; finding that the large lot can accommodate two dwellings, and the density will not be increased by the granting of the variance request; on the following described property;

Lot 3, Yearout Acreage Addition, Tulsa County, Oklahoma.

Case No. 951

Action Requested:

Special Exception to permit the drilling and operation of a new oil well - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 24(a), located 3724 South 55th West Avenue.

Presentation:

The applicant, **James M. Voss**, 3812 South 55th West Avenue, Tulsa, Oklahoma, was represented by **Gene Perkins**. Mr. Perkins explained that Timothy Oil Company has previously drilled an oil well on the property to the south of the subject tract, which was capped because of mismanagement. He requested permission to drill a well on property at the above stated location. A letter from the applicant (Exhibit B-1) was submitted.

Case No. 951 (continued)

Comments and Questions:

Mr. Alberty advised that the western one-third of the property is located in a floodplain.

Mr. Eller asked Mr. Perkins if he has acquired a permit to drill from the Corporation Commission, and he informed that they have granted tentative approval, which is contingent upon the outcome of the special exception request. Mr. Perkins informed that the well can be drilled in approximately 24 hours.

Mr. Tyndall inquired as to the state of the property after the drilling has been completed, and he replied that a 25 pump jack will be located on the property. He informed that the pump will be 75 to 100 yards from the nearest residence. Mr. Tyndall asked the location of the pump in relationship to the highway, and Mr. Perkins replied that the pump will be approximately 100' from the centerline of the highway, with the tank battery being located on the back side of the property.

Mr. Jones advised that the Code requires that an oil well or oil related storage be located a minimum of 200' from any residence. Mr. Perkins informed that the oil related storage will be located to the rear (west) of the 600' tract, and there are no homes near the site.

Mr. Alberty pointed out that the west one-third of the tract is in a floodplain and any type of storage in that area could be hazardous. Mr. Perkins remarked that the previous well location, which was approved by the Board, was approximately 100' further to the west than the proposed well site. He further noted that a well on an adjacent tract is now in operation, and is further to the west than the new well location.

Mr. Alberty stated that the previous approval of an oil well on the property is not noted on the agenda, and asked if this action could have been overlooked in researching the case. There was discussion as to whether or not the previous well had Board of Adjustment approval, and if all property owners within 300' have been notified of the intent of the applicant.

Mr. Jones informed that the applicant supplied the names of six surrounding property owners that were within a 300' radius of the subject tract.

Protestants: None.

Case No. 951 (continued)

Board Action:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **CONTINUE** Case No. 951 to April 17, 1990, to allow the applicant sufficient time to submit verification of the floodplain lines and to provide a plan depicting the exact location of the drilling site and tank battery. Mr. Alberty requested that Staff verify that all property owners within 300' of the subject tract were notified, and to contact the Oklahoma Department of Transportation to determine what impact the oil well might have on the proposed Gilcrease Expressway.

Case No. 952

Action Requested:

Special Exception to permit a convict pre-release center in a CH zoned district - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2.

Special Exception to permit a convict pre-release center in an IM zoned district - **Section 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2, located east side of Highway 66, north of West 54th Street South.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, requested by letter (Exhibit C-1) that Case No. 952 be withdrawn.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **WITHDRAW** Case No. 952, as requested by the applicant.

Date Approved

April 17, 1990

W. Alberty
Chairman