

COUNTY BOARD OF ADJUSTMENT
Agenda (No. 127)
Tuesday, November 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	Gardner Moore Richards	Dent, 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 Monday, October 15, 1990 at 11:32 p.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:00 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 October 16, 1990 (No. 126).

UNFINISHED BUSINESS

Case No. 992

Action Requested:

Appeal the decision of the County Inspector in not permitting a Use Unit 3 (horticultural nursery) in an RE District - **Section 1650. APPEALS FROM THE COUNTY INSPECTOR** - Use Unit 3, located 19200 East 96th Street, Broken Arrow, Oklahoma.

Presentation:

The applicant, **W. B. Hamilton**, 209 East Charlotte, Broken Arrow, Oklahoma, was not present.

Comments and Questions:

Mr. Richards informed that a letter (Exhibit A-1) requesting withdrawal of the application was received from **Marlon Dye**, counsel for the applicant.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **WITHDRAW** Case No. 992, as requested.

NEW APPLICATIONS

Case No. 996

Action Requested:

Variance to permit two single-family dwellings (one conventional and one mobile home) on a single lot of record - **Section 208. ONE SINGLE - FAMILY DWELLING PER LOT OF RECORD** - Use Units 6 and 9, located west of the SW/c of East 106th Street North and North New Haven.

Presentation:

The applicant, **Tam Huynh**, 10500 North New Haven, Tulsa, Oklahoma, was represented by **Bob Cummings**, developer of Cummings Acres. He explained that Mr. Huynh's sister-in-law has recently moved to the United States, and the applicant is proposing to install a mobile home on his property for her family.

Comments and Questions:

Mr. Alberty asked if the applicant also lives on the property, and he answered in the affirmative.

In response to Mr. Alberty, Mr. Cummings stated that the family will reside at this location until they have permanent employment and funds to purchase their own property.

Protestants:

Mr. Alberty stated that a letter of protest has been received from **Walter Sharp** (Exhibit B-1), who stated that the lagoon system installed by the applicant for sewage disposal frequently overflows over his property which is at a lower elevation than the tract in question.

Mr. Cummings informed that the lagoon on Mr. Huynh's property was completed before Mr. Sharp installed a mobile home on his property, and that he suggested that he choose a different location on the lot because of the possibility of overflow.

In response to Mr. Alberty's inquiry as to other lots with two dwellings, Mr. Cummings stated that there are other lots in the addition that have more than one dwelling unit.

Mr. Walker asked if the existing lagoon can accommodate two dwellings, and Mr. Cummings stated that he is not sure, but that the applicant will install another cell to the existing system if that is required by the Health Department.

Mr. Alberty advised that the applicant will be required to comply with all Health Department regulations if the application is approved by this Board. He further noted that the tract is large enough (4 acres) to accommodate two dwellings, based on current zoning, and that Mr. Sharp's concerns regarding sewage disposal will be addressed by the Health Department.

Case No. 996 (continued)

Mr. Dent stated that, if approved, the Board could require that the Health Department review the situation before a Building Permit is issued, and Mr. Alberty suggested that Mr. Dent withhold the Building Permit until Health Department approval is acquired.

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 single-family dwellings (one conventional and one mobile home) on a single lot of record - **Section 208. ONE SINGLE - FAMILY DWELLING PER LOT OF RECORD** - Use Units 6 and 9; subject to a time limit of two years only; subject to a Building Permit and Health Department approval; finding that the AG zoned tract could be split into two lots and comply with the current Zoning Code; on the following described property:

Lot 2, Block 1, Cummings Acres Addition, Tulsa County, Oklahoma.

Case No. 997

Action Requested:

Special Exception to permit a mobile home to remain as a dwelling - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance to permit two single-family dwellings on a single lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 1415 East 59th Street North.

Presentation:

The applicant, **Virginia Kelley**, 1415 East 59th Street North, Tulsa, Oklahoma, stated that the application was previously approved for a period of 5 years, and requested that the mobile home be allowed to remain at the present location. She explained that her mother is in ill health and that she is planning to keep the mobile home at this location only as long as her mother is in need of her care. A letter (Exhibit F-1) was submitted.

Comments and Questions:

Mr. Alberty asked the applicant if she has received complaints during the five-year period, and Ms. Kelley replied that her next door neighbor is opposed to the application.

Mr. Alberty asked if there were protestants to the application when the mobile home was approved in 1985, and Ms. Kelley stated that there were no protestants at that time.

Case No. 997 (continued)

Protestants:

Harold Webber, 1401 East 59th Street North, Tulsa, Oklahoma, stated that he lives next door to Ms. Kelley, and pointed out that the serious nature of her mother's illness will probably result in her being moved to a nursing home in the near future. He explained that he is not opposed to the mobile home being at the present location as long as it is needed for her mother, but is opposed to permanent installation of the unit.

Applicant's Rebuttal:

Ms. Kelley stated that she plans to move the mobile home when her mother is no longer living at this location.

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 **Special Exception** to permit a mobile home to remain as a dwelling - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; and to **APPROVE** a **Variance** to permit two single-family dwellings on a single lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; subject to the mobile home being occupied by the applicant's mother **only**, with approval not to exceed 5 years, in any event; and subject to Building Inspector and Health Department approval; finding that the mobile home has been at the present location for a five-year period and will be removed when it is no longer needed for the present occupant; on the following described property:

Lots 23, 24, 25 and 26, Block 8, East Turley Addition, Tulsa County, Oklahoma.

Case No. 998

Action Requested:

Special Exception to permit a mobile home as a dwelling on a permanent basis - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 306 Walnut, Sand Springs, Oklahoma.

Comments and Questions:

Mr. Richards informed that the Sand Springs Board of Adjustment has heard the case on November 13, 1990 and recommended (Exhibit E-1) the application be denied.

Presentation:

The applicant, **Pauline Hughes**, Route 3, Box 920, Sand Springs, Oklahoma, stated that she is presently living approximately 10 miles from Sand Springs, and is proposing to install a mobile home on the subject property, which is closer to her work. A plot plan (Exhibit E-5) was submitted.

Case No. 998 (continued)

Comments and Questions:

Mr. Alberty asked if there is a dwelling on the lot, and Ms. Hughes stated that the lot is vacant, as the house has been removed from the property.

Protestants:

Janet Lancaster Neal, 310 Walnut, Sand Springs, Oklahoma, submitted photographs (Exhibit E-3), a petition and letters of opposition (Exhibit E-2). She stated that her family has owned property in the area for many years, and requested that the Board preserve the integrity of the neighborhood by denying the special exception to permit a mobile home in the residential area. Ms. Neal pointed out that there are mobile home parks in the vicinity, and suggested that the applicant could move her mobile unit to one of these areas.

Mr. Alberty asked if there are other mobile homes in the neighborhood, and Ms. Neal stated that there is only one mobile unit and it is occupied by a disabled veteran.

In response to Mr. Alberty, approximately 13 residents of the area indicated that they are opposed to the installation of a mobile home at the proposed location.

Tom Lincoln, 311 Walnut, Sand Springs, Oklahoma, stated that he lives across the street from the proposed mobile home site, and inquired as to the size of the unit.

Mr. Alberty informed that the plot plan indicates that the mobile home is 14' by 74', and Mr. Lincoln stated that he does not think that the interior of an established residential neighborhood is an appropriate location for a mobile home.

Geraldine Johnson, 109 Walnut, Sand Springs, Oklahoma, pointed out that the property in question is surrounded by older residences, and mobile home use is not appropriate and would be detrimental to the neighborhood.

Violet Lockwood, 202 Walnut, Sand Springs, Oklahoma, stated that the residents of the area are attempting to build up the neighborhood, and asked that the application be denied.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **DENY** a **Special Exception** to permit a mobile home as a dwelling on a permanent basis - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; finding that the placement of a mobile home in the interior of an established residential neighborhood would not be a compatible use, and would be detrimental to the area; on the following described property:

Lot 5, Block 6, Hall's First Addition, Tulsa County, Oklahoma.

Case No. 999

Action Requested:

Variance to waive the all-weather surfacing requirement for a parking lot - **Section 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, and **Section 1350. DESIGN STANDARDS FOR OFF-STREET LOADING AREAS** - Use Unit 5.

Special Exception to permit a mobile home to be used as an office - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 9, located at 4316 East 96th Street North, Sperry, Oklahoma.

Comments and Questions:

Mr. Richards informed that the Board approved church use on the property in 1985, with the condition that the parking lot be paved within a one-year period; however, the applicant returned in 1986 and was granted additional time to install a hard surface parking area.

Presentation:

The applicant, **Derek Chute**, was represented by **David Weaver**, 4325 East 51st Street, Suite 110, Tulsa, Oklahoma, who explained that the church has not had funds to install the required hard-surface parking lot. He requested an extension of the variance to waive the all-weather surface requirement, and approval of a special exception to allow a mobile home to be temporarily used as office space for the preacher and his secretary. Mr. Weaver stated that the rooms presently being used for office space will be converted to classrooms. A plot plan (Exhibit C-1) and plat of survey (Exhibit C-2) were submitted.

Comments and Questions:

In response to Mr. Alberty's question as to opposition to the requests, Mr. Weaver stated that the church is not near a residential area, and the applicant has encountered no opposition to the installation of the office unit, or the gravel parking lot.

Mr. Chute noted that the mobile unit does not have a kitchen and was not designed for use as a residence, but was actually constructed for office use.

Mr. Alberty asked if future plans include an office addition to the building, and Mr. Chute stated that offices will be constructed in the future, but construction plans have not been finalized at this time.

Protestants: None.

Case No. 999 (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 **APPROVE** a **Variance** to waive the all-weather surfacing requirement for a parking lot for a period of one year only - **Section 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, and **Section 1350. DESIGN STANDARDS FOR OFF-STREET LOADING AREAS** - Use Unit 5; and to **APPROVE** a **Special Exception** to permit a mobile unit to be used as an office for a period of five years only - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 9; subject to a Building Permit and Health Department approval; finding that the temporary use, as presented, will not be detrimental to the area; on the following described property:

The north 405' of the west 390' of the E/2 of the NW/4 of the NE/4 LESS and EXCEPT Highway Right-of-way, Section 21, T-21-N, R-13-E of the IBM, Tulsa County, Oklahoma.

Case No. 1000

Action Requested:

Use Variance to permit a kennel - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 15, located 3800 East 171st Street South, Bixby, Oklahoma.

Presentation:

The applicant, **Stephen Oakley**, 250 Law Building, 500 West 7th Street, Tulsa, Oklahoma, submitted photographs (Exhibit D-1) and stated that he is representing **Shelby Thompson**, who is currently operating a kennel south of Bixby on 151st Street. He explained that the operator of the business is being displaced by the widening of 151st, and he is proposing to move the operation to the above stated location, if approved by the Board.

Comments and Questions:

Mr. Alberty inquired as to the size of the kennel, and the applicant stated that the applicant is proposing to have 20 dog runs at the new location. He informed that dogs will not be boarded on the premises on a regular basis, but he does train dogs. Mr. Oakley stated that the business is similar to a home occupation, except the operation is not inside a customary accessory structure. Mr. Oakley stated that the business is family operated and does not have a sign.

Mr. Gardner advised that, if inclined to approve the application, the Board could grant a special exception for a home occupation for a dog kennel, and a variance of the condition of the home occupation rule that states the operation must be conducted in the home or a customary accessory building.

Mr. Alberty stated that a limited type of kennel seems to be appropriate in the Agriculture District, and asked if a change in the Zoning Code is being considered.

Case No.1000 (continued)

Mr. Gardner stated that this issue is currently being considered by the Rules and Regulations Committee.

There was discussion concerning the possibility of an outside employee in the future, and it was the consensus of the Board that the applicant could file another application if the nature of the business should change in the future.

Protestants: None.

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 **Special Exception** to allow a dog kennel as a home occupation - **Section 320. ACCESSORY USES IN AGRICULTURE DISTRICTS - Use Unit 6**; and to **APPROVE** a **Variance** to permit a home occupation to be conducted outside an enclosed principal building or a customary accessory building - **Section 440.B.3 SPECIAL EXCEPTIONS IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; subject to a maximum of 20 dog runs; finding the use to be compatible with the AG zoned district, and that the granting of the requests will not violate the spirit and intent of the Code; on the following described property:

W/2, NE/4, NW/4, Section 33, T-17-N, R-13-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:25 p.m.

Date Approved Dec. 18, 1990

A. Alberty
Chairman