

**COUNTY BOARD OF ADJUSTMENT**  
Agenda (No. 128)  
Tuesday, December 18, 1990, 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>
Alberty, Chairman Eller Looney Tyndall Walker		Jones Moore	Dent, Building Inspection 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 Monday, December 17, 1990 at 12:00 p.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:00 p.m.

**MINUTES:**

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the **Minutes** of November 20, 1990 (No. 127).

**NEW APPLICATIONS**

**Case No. 1001**

**Action Requested:**

Variance to permit two dwelling units (one mobile home and one conventional) on one lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Units 6 and 9, located 15900 North 145th East Avenue.

**Presentation:**

The applicant, **William Walton**, 15900 North 145th East Avenue, Collinsville, Oklahoma, submitted photographs (Exhibit A-1) and a location map (Exhibit A-1), and stated that he is representing his father-in-law, **Johnie Hale**. He explained that his wife's parents have moved here from another state and he is proposing to install a mobile home on his property for their use.

**Comments and Questions:**

Mr. Alberty asked Mr. Walton if he resides at this location, and he replied that he lives in the dwelling located on the subject property.

Case No. 1001 (continued)

In response to Mr. Alberty, Mr. Walton stated that he owns two and one-half acres and will install a second septic system to serve the mobile unit.

Mr. Alberty inquired if there are two dwelling units on other properties in the area, and Mr. Walton stated that the son of one neighbor to the north lives in an accessory building on that property.

Mr. Alberty asked Mr. Walton to state a hardship for the variance request, and he replied that Mr. and Mrs. Hales are elderly and are in need of a place to live.

**Protestants:**

**Donald Clapsaddle**, 16012 North 145th East Avenue, Tulsa, Oklahoma, stated that he lives in the immediate vicinity of the subject property, and pointed out that the tracts in the area were originally sold in 10-acre parcels. He informed that some of the land was then divided into 5-acre tracts, and now the applicant is requesting two dwellings on a 2 1/2-acre tract. Mr. Clapsaddle stated that he is sympathetic to the problem Mr. Walton is experiencing; however, the installation of a second dwelling unit on the property would be detrimental to the area.

**Donald Bagwell**, 619 East Detroit, Broken Arrow, Oklahoma, a land owner in the area, stated that he is opposed to two dwelling units on the property.

**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 **DENY** a **Variance** to permit two dwelling units (one mobile home and one conventional) on one lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Units 6 and 9; finding that the applicant failed to demonstrate a hardship that would warrant the granting of a variance; and finding that two dwelling units on the subject property would be detrimental to the surrounding area; on the following described property:

The south 165' of a tract in the E/2 of the SE/4, beginning 989.91' south of the northeast corner of the E/2 SE/4; thence west 660.93', south 329.98', east 661.06', north 329.97' to POB, less the east 16.5' for road, Section 16, T-22-N, R-14-E, Tulsa County, State of Oklahoma.

Case No. 1002

Action Requested:

Variance of the maximum square footage allowed for detached accessory buildings from 750 sq ft to 1350 sq ft - **Section 240. YARDS** - Use Unit 6, located 2552 East 61st Street North.

Presentation:

The applicant, **Jim Jones**, Box 1388, Muskogee, Oklahoma, submitted a plot plan and photographs (Exhibit B-1), and stated that he is the contractor for proposed construction on the subject tract. He explained that the small accessory buildings located on the property will be removed, and a new 1200 sq ft storage facility will be constructed. Mr. Jones pointed out that the lot is large and can accommodate the large building.

Comments and Questions:

Mr. Alberty inquired as to the size of the existing dwelling, and the applicant stated that he is not sure of the square footage, but it is a two bedroom home.

Mr. Looney asked if the applicant will live in the new building, and Mr. Jones stated that the structure will be used for storage only.

In response to Mr. Alberty, the applicant stated that the owner of the property will not use the building for any type of commercial activity.

Mr. Tyndall inquired as to the type of business the property owner is involved in, and Mr. Jones stated that he is not sure, but he may work for the City of Tulsa.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum square footage allowed for detached accessory buildings from 750 sq ft to 1350 sq ft - **Section 240. YARDS** - Use Unit 6; subject to the removal of all existing accessory buildings; and subject to the structure in question being used for personal storage only, with no commercial activity; finding that the subject tract is larger than the minimum RS size lot and the accessory building will not be detrimental to the area; on the following described property:

Lot 1, Block 1, Rodden Acres Addition, Tulsa County, Oklahoma.

Case No. 1003

Action Requested:

Special Exception to permit a mobile home to be used as a dwelling -  
**Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -**  
Use Unit 9, located 6650 North Peoria Avenue.

Presentation:

The applicant, **Richard Corley**, 1223 East 67th Street North, Tulsa, Oklahoma, requested permission to install a mobile home on property at the above stated location.

Comments and Questions:

Mr. Alberty asked the applicant if water and sewer services are available, and he answered in the affirmative.

In response to Mr. Alberty, the applicant stated that he is proposing to remove an existing dwelling that is in bad repair. He informed that the unit will be skirted and tied down. Mr. Corley pointed out that there are numerous mobile homes in the area, and one within a block of the proposed location. A petition of support (Exhibit C-1) signed by area residents was submitted.

Mr. Looney asked the applicant if he will reside in the mobile home, and he answered in the affirmative.

Protestants: None.

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 **APPROVE** a **Special Exception** to permit a mobile home to be used as a dwelling - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -** Use Unit 9; 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, or violate the spirit, purposes or intent of the Code; on the following described property:

Beginning at a point that is 440' north and 148.5' west of the southeast corner of Section 36, T-21-N, R-12-E of IBM; thence west along a line parallel to the south line of said Section 36 a distance of 224.6' to a point; thence in a northeasterly direction a distance of 110.7' to a point, said point being 356.65' west of the east line of said Section 36; thence east along a line parallel to the south line of said Section 36 to the westerly right-of-way line of State Highway No. 11; thence southwesterly along the westerly right-of-way line of said highway to a point that is 228.9' southwesterly from a point on the westerly right-of-way line of said highway that is 660' north and 72' west of the southeast corner of said Section 36; thence at an angle 90° to the right a distance of 10' to a point; thence in a southwesterly direction along said westerly right-of-way line of said highway a distance of 5.7' to the POB; subject to a road easement on the north 10' thereof, in Tulsa County, State of Oklahoma.

**Case No. 1004**

**Action Requested:**

Special Exception to permit a Use Unit 24 (removal of top soil) within the 100-year floodplain) - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 24, located northeast corner 66th Street North and Mingo Road.

**Comments and Questions:**

In response to Mr. Alberty, Mr. Fields informed that the applicant will be required to obtain a Development Permit before beginning any type of earth change operation. He stated that structures or soil cannot be moved into the floodplain areas; however, the removal of soil is permitted in such areas. Mr. Fields advised that the County Inspection Department is not opposed to the application, but the operation will be monitored.

Mr. Alberty informed that **Ray Jordan**, Tulsa County Engineer, has requested by letter (Exhibit D-1) that roadway easements and a channel change easement, which are located inside the area under application, be excluded from the earth change area.

**Presentation:**

The applicant, **Pete Kourtis**, PO Box 419, Owasso, Oklahoma, stated that he is proposing to purchase the property, contingent upon the outcome of this Board hearing. He informed that the property in question is located along Bird Creek, and the maximum excavation depth will be 15'. Mr. Kourtis stated that he is proposing to use the land for pasture purposes after the soil is removed, with a pond in the low area.

**Comments and Questions:**

Mr. Looney asked the applicant if he has acquired a State Mining Permit, and Mr. Kourtis stated that he has not made application for the permit at this time.

**Protestants:** None.

**Board Action:**

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a Use Unit 24 (removal of top soil) within the 100-year floodplain) - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 24; subject to the applicant obtaining a Development Permit and a Mining Permit (if required) prior to beginning excavation; subject to the County roadway easements and channel change easements being excluded from the application; and subject to reclaiming being accomplished as required by law; finding that the granting of the request, as presented, will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Case No. 1004 (continued)

That part of the SW/4 lying west of AT & SF RR R/W and north of Bird Creek, Less and Except the north 85' thereof and that part of the SW/4 lying east of the AT & SF RR R/W, all in Section 31, T-21-N, R-14-E, Tulsa County, State of Oklahoma:

LESS

A part of the S/2, SW/4, Section 31, T-21-N, R-14-E of the IBM, Tulsa County, Oklahoma, according to the US Government Survey thereof: Beginning at the SW/c of the S/2, SW/4, Section 31; thence N9°56'20"E a distance of 735.13' to a point; thence N88°33'47"E a distance of 100' to a point; thence N1°26'13"W and parallel to the west line of said Section 31 a distance of 600' to a point on the north line of the S/2, SW/4, Section 31; thence S88°42'30"W along said north line a distance of 245' to the NW/c of the S/2, SW/4, Section 31; thence S1°26'13"E along the west line of said Section 31, a distance of 1321.31' to the POB, containing 4.576 acres, more or less;

LESS

Commencing at the NW/c of the S/2, SW/4, Section 31; thence N88°42'30"E along the north line of the S/2, SW/4, Section 31, a distance of 245' to a point; thence S1°26'13"E and parallel to the west line of said Section 31, a distance of 79.46' to the POB; thence continuing S1°26'13"E a distance of 520.54' to a point; thence N88°33'47"E a distance of 350' to a point; thence N1°26'13"W a distance of 265' to a point; thence N55°17'57"W a distance of 433.38' to the POB, containing 3.156 acres, more or less;

LESS

Beginning at the SW/c of the NW/4, SW/4, Section 31; thence N88°42'30"E along the south line of the NW/4, SW/4, Section 31 a distance of 245' to a point; thence N16°03'09"W a distance of 812.42' to a point; thence N1°26'13"W and parallel to the west line of said Section 31 a distance of 205' to a point; thence S88°33'47"W a distance of 40' to a point on the west line of said Section 31; thence S1°26'13"E along the west line of said Section 31 a distance of 990.51' to the POB, containing 2.828 acres, more or less, Tulsa County, Oklahoma.

OTHER BUSINESS

1991 Meeting Schedule

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Alberly, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the 1991 Meeting Schedule, as presented.

There being no further business, the meeting was adjourned at 2:10 p.m.

Date Approved 1-15-90

Wayne Alberly  
Chairman