

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 154
Tuesday, March 16, 1993, 1:30 p.m.
County Commission Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Eller Tyndall Walker	Looney	Gardner Jones Moore	Fields, Building Insp. Glenn, Building Insp.

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, March 12, 1993, at 3:59 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:30 p.m.

MINUTES:

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of February 2, 1993 (No. 153).

NEW APPLICATIONS

Case No. 1137

Action Requested:

Special Exception to permit a mobile home in an AG-R District - **Section 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 9, located 13206 North 95th East Avenue.

Presentation:

The applicant, **Loren Shaw**, 407 North Owalla, Claremore, Oklahoma, stated that he recently purchased the subject property, which included an existing mobile home. Mr. Shaw informed that he is proposing to build a home on the property, and requested permission to leave the mobile at its current location until construction is completed. He pointed out that there are numerous mobile homes in the area.

Protestants:

None.

Case No. 1137 (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 **Special Exception** to permit a mobile home in an AG-R District - **Section 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 9; subject to Health Department approval and a building permit; subject to the mobile unit being skirted and tied down; finding that there are numerous mobile homes in the area, and approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Part of the NE/4, Beginning 714.44' west and 1939' south of the northeast corner of the NE/4, thence west 616.94', south 197.8' east 616.94', north 197.8' to POB, Section 36 T-22-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1138

Action Requested:

Variance of required street frontage from 30' to 15', and a variance of the lot width from 200' to 164.515' and 134.515' - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located south of East 41st Street and west of Skyline Drive.

Presentation:

The applicant, **L. C. Curtis**, 4340 South 65th West Avenue, stated that he owns a long narrow strip of property (approx. 10 acres), and is proposing to split the land into four lots, with a 30' roadway being installed to access the back lots. He stated that similar applications have been approved in the area. A plat of survey (Exhibit A-2) was submitted.

Comments and Questions:

Mr. Alberly asked the applicant to state a hardship that would warrant the granting of a variance, and pointed out that the normal procedure for developing land is to file a subdivision plat. Mr. Curtis replied that one house on an entire ten-acre tract would not be economically feasible.

Protestants:

None.

Case No. 1138 (continued)

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 Variance of required street frontage from 30' to 15', and a Variance of the lot width from 200' to 164.515' and 134.515' - SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6; finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance requests; on the following described property:

NW/4, SE/4, S/2, S/2, Section 30, T-19-N, R-12-E,
Tulsa County, Oklahoma.

Case No. 1139

Action Requested:

Special Exception to allow a cemetery in an AG zoning district - SECTION 310 PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 2, located south of East 191st Street South and South Memorial Drive.

Comments and Questions:

Mr. Alberty advised that the Board has received a letter from the Bixby Board of Adjustment (Exhibit B-1) recommending denial of the application, because the use is incompatible with surrounding uses, upkeep of the property is not assured and complications could arise concerning the existing water table.

Presentation:

The applicant, Jerry Ledford, 8209 East 63rd Place South, submitted a packet (Exhibit B-3), which contained a plot plan and material explaining the Islamic Society. He informed that the proposed cemetery will contain 21 acres, with 660' of frontage on South Memorial Drive. Mr. Ledford stated that the property is located in the Duck Creek Drainage Basin, with a shallow water course dividing the property. He explained that landscape screening will be installed as a buffer for any future development of abutting properties, and that the first phase of development will include two acres on the east half of the property. Mr. Ledford informed that a fence will be erected around the property included in the first phase of development. It was noted by the applicant that all identification markers are imbedded in the ground, and flowers are not used for decoration. He pointed out that the Muslim religion requires that its members be buried in a private cemetery.

Case No. 1139 (continued)

Comments and Questions:

Mr. Alberty asked the applicant if the Bixby Board of Adjustment had access to the same information that has been presented today, and Mr. Ledford stated that it did not.

In reply to Mr. Alberty, the applicant stated that the local Islamic Society will maintain the property; however, the Northern American Islamic Society holds title to the property and will insure perpetual maintenance.

Mr. Alberty asked if screening, other than the proposed landscaping, will be installed, and Mr. Ledford replied that a cyclone fence will be installed around the burial areas. He added that the fencing will be increased as the burial area develops. Mr. Ledford explained that the entire property will be platted, and resubdivision will occur as new areas are required; however, the first phase of development will be sufficient space for 240 burial plots.

Mr. Walker asked the applicant to address the water table issued referred to in the letter from the Bixby planner, and he informed that the first water table from December through April is 2' to 3'. He added that the Bixby Cemetery and the Floral Haven Cemetery have the same measurements as the property in question for the same months.

Interested Parties:

Councilor Gary Watts, 1564 South Gillette, stated that he is a City Council member representing the district that includes the Islamic Center. He informed that the organization has been found to be very constructive while working in various inter-faith activities. Councilor Watts stated that he is not addressing land use, but has found the City's interaction with the Islamic community to be one that is very positive.

Steve Turnbo, 1822 South Cheyenne, stated that he is affiliated with an organization that promotes understanding and respect of all religions. He informed that the Islamic Society is a valuable member of the community, and requested approval of the application.

Case No. 1139 (continued)

De Lane McElroy stated that she is the owner of the property in question. Ms. McElroy informed that she purchased the land for an investment, and Mr. Capstick purchased the 10 acres abutting her property, which was used to store salvage automobiles and other discarded items. Ms. McElroy pointed out that the salvage operation caused a substantial depreciation to her property, and caused it to be undesirable to potential buyers. She submitted photographs (Exhibit B-2) to verify her description of the Capstick property.

Protestants:

Harvey Capstick, 8314 East 191st Street South, Bixby, Oklahoma, informed that he owns property to the north of the proposed cemetery, and the installation of a cemetery on abutting land would permanently devalue his property. He pointed out that sections are available for sale in the Bixby Cemetery.

Gale Capstick, 8106 East 191st Street South, Bixby, Oklahoma, stated that he owns seven acres to the north of the proposed cemetery, and voiced a concern with taking 20 acres out of productivity and removing it from the tax roll. He pointed out that the land is located in the growth path of Bixby, and the cemetery would inhibit further growth in the area.

Nelda Allen, 19600 South Memorial, Bixby, Oklahoma, stated that she is opposed to a cemetery being placed near her home.

Applicant's Rebuttal:

Mr. Ledford informed that a landscaping firm will be employed to maintain the cemetery, and the Islamic Society has sufficient funds to assure perpetual care. He stated that the Islamic community is burying their dead at a rate of 10 to 15 per year, and the first phase of development will provide sufficient burial spaces for many years.

Mr. Walker inquired as to the depth of the permanent water table, and Mr. Ledford stated that it is approximately 60'.

In reply to Mr. Tyndall, **Mujeeb Cheema**, chairman of the Islamic Society of Tulsa, stated that an Islamic burial does not have a grave-side service of any type.

Ron Fields advised that, if approved by this Board, the application will also require approval by the Board of County Commissioners.

Case No. 1139 (continued)

After review, it was the consensus of the Board that a cemetery would be an appropriate land use, and the park-like appearance of the cemetery would be an improvement to the area.

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 cemetery in an AG zoning district - **SECTION 310 PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 2; subject to County Commission approval; per plan submitted; finding the use to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

The south 660' of the north 1320' of the NW/4 of Section 12, T-16-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, less and except the east 1209' thereof.

Case No. 1140

Action Requested:

Variance of the lot width requirement from 200' to 188' on Tract 1, and 176' on Tract 2, a variance of required setback from the centerline of East 201st Street South from 85' to 73' and 80' to permit existing buildings - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6, located 3140 East 201st Street South.

Presentation:

The applicant, **John Barnett**, Route 1, Box 350, Mounds, Oklahoma, submitted a site plan (Exhibit C-1) and stated that the buildings on the lot have been in existence for approximately 25 years. He explained that he has acquired an additional 2½ acres of land to comply with Health Department requirements, and is attempting to create two parcels in order to separate the residence from the commercial use. Mr. Barnett stated that the lot split will permit the sale of the residence.

Comments and Questions:

In response to Mr. Alberty, the applicant stated that he cannot comply with the lot width requirement, because of the extra space that is needed to negotiate the turn into the car wash.

Case No. 1140 (continued)

Mr. Jones informed that the Technical Advisory Committee has recommended approval of the lot split, subject to County Board of Adjustment and Health Department approval.

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 **Variance** of the lot width requirement from 200' to 188' on Tract 1, and 176' on Tract 2, and a **Variance** of required setback from the centerline of East 201st Street South from 85' to 73' and 80' to permit existing buildings - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6; per plan submitted; finding that the buildings are existing, and the variance requests are required to clear the title to the property, and permit sale of the residence apart from the commercial use; on the following described property:

N330' of the W243' of the E898' and W110.042' of the E751.321' of the S260.9' of the N590.9' of the NE/4 NE/4 and N330' of the W153' of the E655' and W223.879' of the E641.279' of the S260.9' of the N590' of the NE/4 NE/4 Section 17-16-13, City of Tulsa, Tulsa County, Oklahoma.

Case No. 1141

Action Requested:

Use Variance to permit a mobile auto crusher in an IL zoned district - **SECTION 910. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located 7002 North Peoria.

Presentation:

The applicant, **Dama Bogle**, 5710 East 25th Street, informed that she owns the salvage yard at the above stated location, and requested permission to operate a metal crusher on her property. She informed that her business buys all types of metal, but the major portion of the metal comes from old vehicles, which are crushed and shipped to another location. Ms. Bogle stated that her mobile car crusher serves other salvage operations in the area, and that she was not aware that her business was not properly zoned for use of the equipment. She stated that a fence has recently been installed to screen the salvage business. Approximately 100 letters of support (Exhibit D-3).

Case No. 1141 (continued)

Comments and Questions:

In response to Mr. Alberty, the applicant stated that she began operation of the existing salvage business in June 1992.

Mr. Alberty asked if the salvage business is nonconforming, and Mr. Jones replied that it was in existence at some level of intensity prior to 1980, and is a nonconforming use. He pointed out that the structures on the property makes amortization a moot point.

Mr. Alberty asked if the salvage operation exists independent from the crusher operation, and the applicant stated that she does not use the crusher every day, but it is necessary to the operation of her business.

Ms. Bogle stated that many of the residents in the area are supportive of the operation.

Mr. Fields advised that aerial photos reflect that there were approximately 100 cars on the property in September 1980, and approximately 200 in January 1981.

Protestants:

Barbara Oates, 1532 East 69th Street North, submitted a petition of opposition (Exhibit D-1) and photographs (Exhibit D-2) of the salvage yard.

Frank Oates, 1532 East 69th Street, informed that his wife, Barbara, is cochairperson for District 24, and numerous complaints have been reported concerning the salvage business. Mr. Oates pointed out that most of the residents in the area are not opposed to the salvage yard, but are concerned with manner of operation. He explained that the dust is a problem during the summer, and during rainy seasons the vehicles track mud for one-quarter mile in each direction from the entrance. He added that the scales are located approximately 30' from the street, which causes vehicles to stack in the street. Mr. Oates pointed out that the crushed metal is sometimes loaded very close to the street by a large forklift, which then travels down the street to pick up other cars. He stated that the business provides a 24-hour-a-day, 7-day-a-week service, which is not compatible with the neighborhood. Mr. Oates requested that restrictions be imposed that will cause the business to be more in harmony with the surrounding area. He stated that all attempts to resolve the problems with the owner have failed.

Case No. 1141 (continued)

Maxine Capps, 1822 North Xenophon, stated that she owns property in the area, and is opposed to the condition of the salvage operation. She pointed out that the junk yard was without fencing until recently, when it was partially fenced. Ms. Capps asked that the remainder of the salvage yard be fenced, weeds and grass be cut, hours of operation be limited to 8 a.m. to 5 p.m., Monday through Saturday, and that the driveway be covered with a hard surface material.

Jeff Kirkham, 1727 East 73rd Street North, stated that he is in agreement with the staff comment, which states that the proposed use will have a detrimental impact on the area.

Glenna Cooley Long, 7128 North Peoria, informed that she has lived in the area for 63 years and is opposed to the mobile crusher. She stated that there are many objectionable businesses in the area, and requested that the Board control the operation of this salvage business by imposing conditions that will clean up the operation.

Louise Fancher, 1101 East 71st Street North, stated that she lives to the west of the property in question, and the crusher is noisy and the fence is not properly maintained. She stated that the salvage operation spills out into the street and creates a traffic hazard for passing motorists. Ms. Fancher noted that her front porch faces the junk yard.

Interested Parties:

John Bogle, 7002 North Peoria, stated that he operated the business 24 hours a day at one time during December 1992, due to a financial problem. Mr. Bogle stated that he is proposing to work at another location; however, his mother and brother will continue to operate the business from 8 a.m. to 5 p.m. He stated that the driveway has been covered with rock, but some mud continues to track on the street during rainy periods.

Mr. Eller asked Mr. Bogle if he would be amenable to operating the business from 8 a.m. to 5 p.m., five days a week, and he answered in the affirmative.

Case No. 1141 (continued)

Bob Torix stated that he owns the property in question, and he received a license to operate a salvage business at this location in 1976. Mr. Torix explained that he was not aware of the zoning issue concerning the crusher when he leased the property to Ms. Bogle. He pointed out that the salvage business is assisting in improving the area by providing a place to bring old metal products that are cluttering the neighborhood. Mr. Torix stated that there will be a maximum of 30 cars on the lot at any given time.

H. D. Hughes, 6834 North Peoria, informed that he operates a refuse and recycling business in the area, and pointed out that north Tulsa is greatly in need of a recycling system. He noted that there are numerous stoves, refrigerators, and similar items that have been dumped along the roads in that area. Mr. Hughes stated that he is supportive of the application.

Applicant's Rebuttal:

Ms. Bogle stated that she will not operate her business on Sunday, or after 5 p.m., and that a muffler will be installed on the crushing machine. She added that it was always her intent to install a fence around the salvage operation.

Additional Comments:

Mr. Alberty stated that he is concerned with the fact that the operators of the salvage business have not established credibility with the neighborhood by making necessary improvements before the application was filed. He stated that he is hesitant to support the request, based on the established patterns of operation.

Mr. Walker remarked that he could support an approval for one year to allow the applicant to improve the operation.

Mr. Tyndall stated that the salvage yard is unsightly; however, he would consider a temporary approval of one year, with reduced hours of operation and the removal of all equipment located near the street.

Mr. Eller advised that he lives north of Tulsa, and that it would take the business operator approximately a year to clean up the salvage yard as it currently exists. He stated that he would support the application if the hours of operation were 8 a.m. to 5 p.m., five days a week, and a hard surface entry road was installed. Mr. Eller stated that he is in agreement with the concept, because many people do dump all types of metal articles along the street and highways in the area. He added that he is supportive of the application for a period of one year only.

Case No. 1141 (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 **Use Variance** to permit a mobile auto crusher in an IL zoned district for a period of one year only - **SECTION 910. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS - Use Unit 25**; subject to the hours of operation for the automobile crusher being from 8 a.m. to 5 p.m., Monday through Friday, and the salvage yard operating 8 a.m. to 5 p.m., Monday through Saturday; subject to a solid screening fence being installed around the entire salvage yard; subject to a maximum of 30 cars on the lot at any given time; subject to the driveways being covered with a dust-free surface; and subject to all materials and equipment being contained inside the screening fence; finding that the one-year temporary approval will be sufficient time for the applicant to clean up his property, and prove compatibility with the neighborhood; on the following described property:

NE NE SE less 1.533 acres for RR R/W and less N15' thereof for RD and less E40' thereof for RD and less N100' lying W of RR R/W, Section 36, T-21-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1142

Action Requested:

Variance to permit two dwelling units per one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, located 4925 South 193rd West Avenue.

Presentation:

The applicant, **R. V. Walling**, 413 West 43rd Street, Sand Springs, Oklahoma, stated that he owns a 60-acre tract, and requested permission for his daughter to install a mobile home on his property.

Comments and Questions:

Mr. Alberty inquired as to the location of an access road, and the applicant stated that 193rd West Avenue provides access.

Protestants:

None.

Case No. 1142 (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 permit two dwelling units per one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; subject to a building permit and Health Department approval; finding that the large tract can easily support two dwellings; and finding that approval of the request will not be injurious to the area, or violate the spirit and intent of the Code; on the following described property:

S/2, SW/4, less N/2, SW/4, SW/4, Section 25, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 1143

Action Requested:

Variance to expand a nonconforming church by the addition of a fellowship hall - **SECTION 1420.A. NONCONFORMING USE OF BUILDINGS AND LAND IN COMBINATION** - Use Unit 5, located 7712 West 14th Street.

Comments and Questions:

Mr. Jones suggested that the application be continued to permit Sand Springs to hear the case. He informed that the property in question is located inside the Sand Springs fence line. Mr. Jones noted that the applicant has been advised of the continuance.

Presentation:

The applicant, **Barry Hacker**, 1316 South 79th West Avenue, was not present.

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. 1143 to April 20, 1993.

Case No. 1144

Action Requested:

Special Exception to permit church use in an RE District - SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5, located south of the southwest corner of East 86th Street North and U.S. Highway 75.

Presentation:

The applicant, **Stephen D. Berry**, 1817 East 66th Street North, stated that he is associate pastor of Northside Freewill Baptist Church, and explained that the church is proposing to purchase the subject tract from the First Bank of Owasso, if the special exception is approved. He informed that the church has approximately 600 in attendance, and is proposing to construct a building on the southeast corner of the property. Mr. Berry stated that the bank acquired the land through a foreclosure, and the former owner, Mr. Kelly, is a resident of the neighborhood. He informed that the proposed church will seat 1500 people, and will be a positive influence in the area. Mr. Berry stated that the church school currently in operation will not be moved to this location.

Comments and Questions:

Mr. Alberty asked if Quebec is an improved street at this location, and Mr. Berry stated that the plat (Exhibit F-3) depicts a 20' easement on Quebec.

Interested Parties:

Bill Kelly, 4448 East 86th Street North, Sperry, Oklahoma, stated that he planned the residential development (Exhibit F-2) approximately 20 years ago, but was unable to develop the entire tract as proposed. Mr. Kelly informed that the land will not pass the percolation test for a church and school, and the existing lake bordering the property could pose a liability problem, since they are liable for all individuals visiting the property. He stated that the land in question does not have access to a public street.

Louise Pennington, 4446 East 86th Street North, Sperry, Oklahoma, requested that the application be denied and the residential atmosphere of the neighborhood be preserved.

Paul Pennington, 4442 East 86th Street North, Sperry, Oklahoma, stated that he owns a 3000 sq ft home near the property in question, and that the value of his home would be drastically reduced if the church is permitted to build at the proposed location.

Case No. 1144 (continued)

There was discussion as to whether or not the lake extends over Quebec, which might block access to the subject property.

Mr. Gardner stated that Mr. Kelly has stated that the land would not support a septic system for the church; however, he had completed the plan for residences on the subject property. He added that the Health Department will determine the type of sewage disposal that can be installed, but the question of access must be addressed by the current owner of the property.

Dale Prevett informed that he is vice-president of the First Bank of Owasso, and the property in question was acquired through a foreclosure action in May 1991. He stated that the property in question has not been formerly platted. Mr. Prevett explained that the property has access via Quebec, which is a dedicated road on the east side of Country Corner Estates. He pointed out that there are existing gas wells on the property that will be plugged if this sale to the church is finalized.

Applicant's Rebuttal:

Mr. Berry pointed out that a church uses less water than a housing addition, and stated that the lake on the property will not be a problem for the church.

David Mann, 7725 East Pine Street, Tulsa, Oklahoma, stated that he is a member of the church, and that the new facility will be an asset to the community.

Additional Comments:

Mr. Alberty stated that single-family residential use has been established, and the construction of a church behind the residences would result in a higher intense use on the interior portion of the property. He suggested that, if the Board is inclined to support the request, the case be continued to allow clarification of some of the technical issues.

Mr. Eller agreed with Mr. Alberty's suggestion to continue the case, and stated that a decision could be more adequately rendered if all points in question are clarified at the next meeting. Mr. Eller informed that he would not be supportive of school use on the property.

It was the consensus of the Board that school use would not be appropriate for the subject property.

Case No. 1144 (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. 1144 to April 20, 1993, to allow sufficient time for the applicant to provide information concerning easements, road access, available utilities, actual location of the lake, intent of use (school, day care, etc.) and Health Department determination concerning sewage disposal.

Case No. 1145

Action Requested:

Special Exception to permit a mobile home in an RS zoned district, and a variance to permit more than one dwelling unit per lot of record - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS, and SECTION 208. ONE DWELLING UNIT PER LOT OF RECORD** - Use Unit 9, located 4914 West Edison.

Presentation:

The applicant, **Richard Blevins**, 10416 South Louisville, requested permission to install a mobile home on the subject property in order to be near his mother. He informed that she is ill and the doctor (Exhibit G-2) has recommended that some family member live nearby. Mr. Blevins stated that he is proposing to demolish the existing structures on the property and construct a new dwelling. A plot plan (Exhibit G-1) was submitted.

Comments and Questions:

In response to Mr. Alberty, the applicant informed that he and his brother own the property in question.

Mr. Alberty asked if the property is occupied at this time, and Mr. Blevins stated that there were initially three homes on the property; however, two structures were destroyed by wind and the one remaining is not habitable.

Mr. Alberty asked if the mobile home will be removed after the dwelling is constructed, and the applicant stated that the mobile will remain.

Protestants:

Dessie Buckner, 4915 West Easton, stated that she is opposed to two dwellings on the property. She stated that the tract does not have a sewage disposal system, and has been vacant for many years.

Case No. 1145 (continued)

Mr. Alberty inquired if there are other mobile homes in the area, and Ms. Buckner stated that there is a mobile office, but no mobile home dwellings.

Faye Norris, 4904 West Edison, stated that she has lived in the neighborhood since 1950 and the property has not been maintained for many years, and is in deplorable condition. She informed that the owners would not permit abutting land owners to clean up the property.

Ginger Ramsey, 4908 West Edison, requested denial of the application. She stated that the land has been poorly maintained and the creek running across the property is clogged with debris and junk.

Applicant's Rebuttal:

Mr. Blevins stated that he is in agreement with the protestants. He informed that the land has been unattended for over 25 years, but his intent is to clean up the property and comply with all Health Department requirements.

Additional Comments:

Mr. Tyndall remarked that he could support temporary mobile home use on the property.

Mr. Walker stated that he lives in the area, but is undecided as to what use would be appropriate for the property.

Mr. Alberty stated that he is opposed to mobile home use at this location.

Mr. Eller noted that the neighborhood would benefit from the clearing of this property.

Board Action:

Mr. Walker's motion for denial of the application died for lack of a second.

On **MOTION** of **TYNDALL**, the Board voted 2-2-0 (Eller, Tyndall, "aye"; Alberty, Walker, "nay"; no "abstentions"; Looney, "absent") to **APPROVE*** a **Special Exception** to permit a mobile home in an RS zoned district for a period of 3 years, and to **DENY** a **Variance** to permit more than one dwelling unit per lot of record - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS, and SECTION 208. ONE DWELLING UNIT PER LOT OF RECORD - Use Unit 9.**

*The application was denied, due to the lack of three affirmative votes.

Case No. 1145 (continued)

Part of Government Lot 1, Beginning 650' east and 24.75' south of NW/c, NE/4, NE/4, thence east 150', south 330', west 150', north 330' to the POB, Section 5-19-12, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:37 p.m.

Date Approved

April 29, 1993

Wayne Albeck
Chairman