

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 184
Tuesday, October 17, 1995, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Looney Tyndall, Chairman	Eller Walker	Gardner Moore Beach	Glenn, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, October 13, 1995, at 4:14 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Tyndall called the meeting to order at 1:39 p.m.

MINUTES:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** the **Minutes** of September 19, 1995 (No. 184).

NEW APPLICATIONS

Case No. 1373

Action Requested:

Variance of the required 30' of frontage on a public street or dedicated right-of-way - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 9, located northeast of 129th East Avenue and 66th Street North.

Presentation:

The applicant, **Bill Driver**, 14335 East 66th Street North, Owasso, Oklahoma, informed that he is proposing to purchase the subject property, which does not have frontage on a public street. He stated that an easement is available to access the property. A plat of survey (Exhibit A-1) was submitted.

Comments and Questions:

Mr. Looney asked if the easement has been filed of record, and Mr. Driver replied that he does not have that information.

Case No. 1373 (continued)

Mr. Alberty asked if the easement is located on the 10-acre tract to the east, and the applicant answered in the affirmative.

In reply to Mr. Alberty, the applicant stated that he currently lives one-quarter mile east of the subject property.

Mr. Alberty stated that it appears that an attempt is being made to circumvent the platting process by subdividing land without filing a subdivision plat and, therefore, the hardship is self imposed.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **DENY** a **Variance** of the required 30' of frontage on a public street or dedicated right-of-way - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 9; finding there is no hardship, since an attempt is being made to subdivide land without filing a subdivision plat; on the following described property:

W/2, S/2, NE/4, SW/4, Section 33, T-21-N, R-14-E and Use and Utility Easement on south 35', SE/4, NE/4, SW/4, Section 33, T-21-N, R-14-E and east 35', E/2, SE/4, SW/4, Section 33, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1374

Action Requested:

Variance to permit a home occupation office to have one employee - **SECTION 440.B.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 11, located 4311 South 47th West Avenue.

Presentation:

The applicant, **Jim Cunningham**, 4311 South 47th West Avenue, submitted a plot plan (Exhibit B-1) and requested permission to use a detached garage for office space. Mr. Cunningham informed that he operates a plumbing business and is currently maintaining an office, with a secretary, at another location. He stated that the business operation will remain at its current location, and only the office will be moved.

Comments and Questions:

Mr. Tyndall inquired as to the use of the pole barn located to the rear of the property and the applicant replied that he has a dog kennel in that area.

Case No. 1374 (continued)

Mr. Alberty asked the applicant if trucks are stored and dispatched at his business location, and he answered in the affirmative. He noted that only the office will be moved to his home address.

Mr. Looney asked if a sign will be installed, and Mr. Cunningham stated that there will be no signs or customer traffic to his home.

In reply to Mr. Alberty, the applicant stated that his personal business truck will be parked at his home, but the other business vehicles will be parked at the business location.

Protestants:

Ralph Owens, 4636 West 43rd Street, advised that the case map is in error and some of his property is included in the application. He informed that a plumbing business was previously operated on the subject property and, after a complaint was filed, the use was prohibited. Mr. Owens submitted photographs (Exhibit B-3) depicting the proposed office site. He asked the Board to maintain the integrity of the neighborhood and deny the request.

Grady Beeson, 4340 South 47th West Avenue, submitted a petition of opposition (Exhibit B-2) and stated that his dwelling is across the street from the property in question. He pointed out that the roads in the area are narrow and cannot accommodate a business. Mr. Beeson suggested that approval of the request could set a precedent for other businesses to move into the area.

Dan Reed, 4620 West 44th Street, stated that his main concern is the condition of the road. He voiced a concern that the business could move additional heavy equipment on the property.

Interested Parties:

Ms. Cunningham advised that they are not requesting a zoning change. She pointed out that the only change in the use of the property will be the addition of a secretary in an existing garage. Ms. Cunningham noted that the plumbers are scheduled by phone and they drive their business trucks home after work.

Mr. Alberty remarked that, based on the history of the past use of the property and the photographs submitted, he is not convinced that the use would be appropriate. Mr. Alberty stated that the proposed use is not a typical home occupation that is conducted in the home by the residents living there.

Case No. 1374 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **DENY** a **Variance** to permit a home occupation office to have one employee - **SECTION 440.B.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 11; finding that the applicant failed to present a hardship; and finding the use to be inappropriate for the residential neighborhood; on the following described property:

South 91' of the north 281' of the W/2, Lot 4, and all of Lot 6, Bridges Third Subdivision, Tulsa County, Oklahoma, except the north 47.2' of said Lot 6 and south 4.96' said Lot 6.

Case No. 1375

Action Requested:

Special Exception to permit a bed and breakfast inn with 10 special events per year in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 6130 West 39th Street South.

Presentation:

The applicant, **Pamela Hollie**, 6130 West 39th Street South, submitted a plot plan (Exhibit C-1) and requested permission to operate a one-room bed and breakfast in the room above her garage. A brochure (Exhibit C-2) was submitted.

Comments and Questions:

In reply to Mr. Tyndall, Ms. Hollie stated that she is withdrawing the request for 10 special events per year.

Mr. Beach advised that the Code prohibits special events for bed and breakfast operations in the RS District.

Mr. Looney asked if the driveway is hard surfaced, and the applicant replied that 80' of the driveway is concrete and the remainder is gravel.

Mr. Gardner advised that bed and breakfast businesses are to keep a register of the guests, which will prevent the establishment of permanent living quarters in this type of facility.

In reply to Mr. Alberty, the applicant stated that a bed and breakfast is currently operating in her neighborhood, but she is not sure if it has Board of Adjustment approval.

Case No. 1375 (continued)

Mr. Glenn advised that an occupancy permit is required if the application is approved by the Board.

Protestants:

None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** a **Special Exception** to permit a bed and breakfast inn in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** -Use Unit 9; subject to no special events being conducted on the premises; subject to all-weather parking being provided; subject to signage being limited to 2 sq ft; subject to the bed and breakfast operation being limited to the space above the garage; and subject to an occupancy permit; finding the use, per conditions, to be compatible with the area; on the following described property:

Lot 4, Block 3, Pleasure Acres Two Addition, Tulsa County, Oklahoma.

Case No. 1376

Action Requested:

Variance of the required lot area from two acres to one acre to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 31st Street and 137th West Avenue.

Presentation:

The applicant, **Dan Bradfield**, 13903 West 31st Street, Sand Springs, Oklahoma, was not present.

Comments and Questions:

Mr. Beach advised that Case No. 1376 has been withdrawn.

Case No. 1377

Action Requested:

Variance to permit two dwelling units on one lot of record, and a special exception to permit a single-wide mobile home in an RE zoned district - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** and **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 1801 East 76th Street North.

Case No. 1377 (continued)

Presentation:

The applicant, **Jahleel Mauk**, 1801 East 76th Street North, Sperry, Oklahoma, requested permission to install a temporary mobile home to be used as a residence for his mother-in-law, who is in poor health and in need of assistance. He informed that the mobile unit will be removed when it is no longer needed for her use. A plot plan (Exhibit D-1) was submitted.

Comments and Questions:

Mr. Glenn advised that a 15' setback is required on the west boundary, and Mr. Mauk stated that moving the mobile home 15' from the west property line would result in the unit being against a treed fence line, with no space for a porch or maintenance.

Mr. Alberty stated that he is supportive of the temporary use; however, additional relief may be required.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record, and a **special exception** to permit a single-wide mobile home in an RE zoned district - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** and **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; and to **CONTINUE** the balance of the application to November 21, 1995 to permit the applicant to advertise for additional relief, if needed; subject to the use of the mobile unit being restricted to the mother-in-law of the applicant; subject to the mobile home being removed when no longer needed for her residence; and subject to a building permit; finding that the temporary use will not be detrimental to the area; on the following described property:

East 171', west 183', south 640', SW/4, SW/4, SE/4, Section 30, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1378

Action Requested:

Variance of the required frontage on a public dedicated street from 30' to 0' to permit a lot split - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6', located 509 Valley Drive, Sand Springs, Oklahoma.

Case No. 1378 (continued)

Presentation:

The applicant, **Harrel Wooten**, 509½ Valley Drive, Sand Springs, Oklahoma, was represented by **Clarence Blevins**, who submitted a plot plan (Exhibit E-1) and informed that he is the owner of the subject property. Mr. Blevins noted that a house is existing on the lot and the property is accessed by a driveway that has been in place for approximately 20 years..

Comments and Questions:

Mr. Alberty asked if there are homes on both lots, and Mr. Blevins answered in the affirmative.

In reply to Mr. Gardner, Mr. Blevins advised that he is proposing to sell the lot to the rear of his dwelling.

Mr. Looney asked if the access easement has been filed of record, and Mr. Blevins stated that it has not been filed.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** a **Variance** of the required frontage on a public dedicated street from 30' to 0' to permit a lot split - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6'; subject to a 20' access easement being filed of record; and subject to Health Department approval; finding that the dwelling and access driveway have been in place for many years and approval of the request will not be detrimental to the neighborhood; on the following described property:

Beginning at a point 140' east of the NW/c Lot 14, Block 18, Charles Page Home Acres No. 2; thence east 260'; thence south 100'; thence west 260'; thence north 100' to the POB, Tulsa County, Oklahoma.

Case No. 1379

Action Requested:

Variance of lot width from 200' to 108', lot area from 2 acres to .98 acres and land area from 2 acres to .98 acres to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, located 3001 & 3005 South 137th West Avenue.

Case No. 1379 (continued)

Presentation:

The applicant, **Paula Breisch**, 3005 South 137th West Avenue, Sand Springs, Oklahoma, informed that the subject property contains two dwellings and one has formerly been used for rental purposes. She informed that the property is now being split in order that she and her husband can live apart and each own a portion of the land.

Comments and Questions:

In reply to Mr. Alberty, Ms. Breisch stated that the property was divided in this manner because of existing accessory buildings on the property.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** a **Variance** of lot width from 200' to 108', lot area from 2 acres to .98 acres and land area from 2 acres to .98 acres to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**; finding a hardship demonstrated by the irregular shape of the property and the fact that two dwellings, with accessory buildings, are existing; and finding that approval of the requests will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Commencing at the SE/c, SW/4, Section 16, T-19-N, R-11-E, Tulsa County, Oklahoma; thence N0°51'27"W, 491.77' to the POB; thence N0°51'27W for 165'; thence N88°51'02"E for 115'; thence S60°03'30"E for 325'; thence S89°15'44"W, 394.16' to the POB, Tulsa County, Oklahoma.

Case No. 1380

Action Requested:

Special Exception to permit a single-wide mobile home in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located north of NW/c 73rd West Avenue & West 61st Street.

Presentation:

The applicant, **Don Tunnell**, PO Box 484, Oakhurst, Oklahoma, informed that a mobile home is being installed on the subject property to be used for rental purposes.

Comments and Questions:

In reply to Mr. Looney, the applicant stated that one dilapidated house is existing on the property. He informed that three houses have been demolished and removed.

Case No. 1380 (continued)

Mr. Alberty asked if the existing house will be removed and replaced by a mobile home, and the applicant stated that the old house may also remain on the property. Mr. Alberty explained that only one dwelling unit is permitted on one lot of record and , if the mobile home is approved, the old house must be removed.

Mr. Alberty asked if there are other mobile homes in the area, and the applicant answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** a **Special Exception** to permit a single-wide mobile home in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; subject to skirting, tie-downs, a building permit and Health Department approval; and subject to the existing dwelling being removed before the installation of the mobile home; 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, purpose or intent of the Code; on the following described property:

Beginning at the point of intersection of the east line of the SE/4, SW/4, Section 31, T-19-N, R-12-E, and the south line of highway R/W; thence westerly along the south line of the highway R/W for 220', southeasterly 220', easterly 165' to east line SE/4, SW/4; thence north 220' to POB, Tulsa County, Oklahoma.

Case No. 1381

Action Requested:

Special Exception to modify the height restriction in an AG District to permit a 180' monopole - **SECTION 220. HEIGHT EXCEPTIONS** - Use Unit 4, located 1/4 mile north of NW/c 144th Street South and Garnett Road.

Case No. 1381 (continued)

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, requested that his client, AT&T, be permitted to install a 180' monopole tower to support the antenna for transmitting cellular telephone signals. He informed that a 60' tower is permitted by right in the AG District. A plot plan (Exhibit F-1) and photographs (Exhibit F-2) were submitted. Mr. Johnsen stated that the property is located in a floodplain, as are surrounding properties, and is a part of the Haikey Creek Watershed. He asked the Board to approve the use at this time, and any other floodplain issues will be addressed as required in the building permit process.

Comments and Questions:

In reply to Mr. Alberty, Mr. Johnsen advised that the site is 1' above the base floodplain elevation. He further noted that the floodway issue could be a problem; however, it is his opinion that this issue can be resolved.

Mr. Johnsen stated that, if the floodplain regulations cannot be met, this Board has the authority to vary those regulations

Mr. Alberty pointed out that the use is permitted by right and it is the height limitation that is before the Board at this time.

Protestants:

None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** a **Special Exception** to modify the height restriction in an AG District to permit a 180' monopole - **SECTION 220. HEIGHT EXCEPTIONS** - Use Unit 4; finding that the floodplain issue is not a part of this application and has not been addressed by the Board; and finding that a 60' monopole is permitted by right and the extended height will not be detrimental to the area; on the following described property:

East 55 acres, N/2, SE/4, Section 7, T-17-N, R-14-E, IBM, Tulsa County, Oklahoma.

Case No. 1382

Action Requested:

Special exception to permit a mobile home in an AG-R zoned district, and a variance to permit two dwelling units on one lot of record - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICT** and **SECTION 208. ONE SINGLE FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 10148 East 120th Street North.

Case No. 1382 (continued)

Presentation:

The applicant, **Robert Holt**, 10148 East 120th Street North, Collinsville, Oklahoma, submitted a plot plan (Exhibit G-2) and explained that he purchased a mobile home and had it moved to his parents property before he found that he was violating the Code. He informed that the neighborhood is supportive of the application (Exhibit G-3) and noted that there are numerous mobile homes in the area. Photographs (Exhibit G-1) were submitted.

Protestants:

None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an AG-R zoned district, and a **variance** to permit two dwelling units on one lot of record - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICT** and **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; finding that the two dwelling units will be occupied by family members; and finding that mobile home use is consistent with development in the area; on the following described property:

East 180', west 1936', S/2, N/2, SW/4, less north 25', Section 6, T-21-N, R-14-E, IBM, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:08 p.m.

Date Approved

Nov. 21, 1995

John N. Tyndall
Chairman