

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 206
Tuesday, August 19, 1997, 1:30 p.m.

County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chair Eller Tyndall Walker	Looney	Beach Huntsinger Stump	Meeks, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, August 15, 1997, at 3:49 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Alberty, Eller, Tyndall, "aye"; no "nays", no "abstentions"; Looney, Walker "absent") to **APPROVE** the minutes of July 15, 1997, (No. 207).

NEW APPLICATIONS

Case No. 1519

Action Requested:

Variance to allow two dwelling units on one lot of record zoned AG. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, and a Variance of Lot area from 2 acres to .46 acres and land area from 2.2 acres to .46 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, located 3619 South 137th West Avenue.

Mr. Walker In at 1:34 p.m.

Presentation:

The applicant, **Earl B. Summar**, 3619 South 137th West Avenue, submitted a site plan (Exhibit A-1). Mr. Summar stated he would like to place a mobile home on the subject property for his in-laws to live in.

Case No. 1519 (continued)

Comments and Questions:

Mr. Alberty asked the applicant if his in-laws have a home on the subject property currently? He answered negatively.

Mr. Summar explained that originally the subject property had two (2) dwelling units located on it but he tore the two (2) dwellings down and built a new home in 1980. He indicated that the in-law's mobile home will be a 14' x 56'. The in-law's are in bad health and need to live near relatives.

Mr. Alberty asked the applicant if the mobile home will be used strictly for the in-laws and removed once it is no longer needed? He answered affirmatively.

Mr. Alberty asked the applicant if there are any other lots with two (2) dwelling units in the subject area? He answered negatively.

Mr. Beach informed the Board that the subject lot is considerably smaller than is permitted in the AG district and the density is greater than what is allowed in the AG district. Additional dwellings on the subject property would make it even denser than what RE allows. The applicant could accomplish this request by seeking an RS zoning and it would be more appropriate.

Mr. Alberty explained to the applicant that the zoning on the subject property is AG and the lot is approximately ¼ of the size that the AG district allows. He informed the applicant that he is already in a non-conforming situation. The Board's records do not reflect there having been any variances granted in the subject area and typically without a good reason the variance is not granted. He explained that when your property already exceeds the density for the zoning district it is very difficult to grant a variance.

Mr. Walker stated he is familiar with the subject area and the lots are the smallest lots on the street. He commented that the subject lots are already below standards.

Board Action:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **DENY** a **Variance** to allow two dwelling units on one lot of record zoned AG. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, and a **Variance** of Lot area from 2 acres to .46 acres and land area from 2.2 acres to .46 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**; finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance request; on the following described property:

Beg. at a point 145' S from the NW/c, SE/4, Sec. 21, T-19-N, R-11-E, and running thence S along the W line of SE/4 122', thence E 330', thence N 122', thence W 330' to the POB, Tulsa County, Oklahoma.

Case No. 1520

Action Requested:

Variance to allow two dwelling units on one lot of record zoned AG. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 5714 South 157th West Avenue.

Case No. 1520 (continued)

Presentation:

The applicant, **Jess L.T. Summar**, 5714 South 157th West Avenue, Sand Springs, submitted a site plan (Exhibit B-2) and stated his son would like to place a mobile home on the west end of the subject three (3) acres. He explained that he will be traveling with his job and he would like to have someone looking after the property. He explained that the subject property would not be suitable to split up because it would not have enough street frontage. He indicated that there are many mobile homes in the area.

Comments and Questions:

Mr. Alberty informed the applicant that his lot is a little larger than the previous application, however he still has the same issue of a density problem. The three (3) acres do not meet the density requirements for the AG district and the applicant would need four (4) acres to maintain density that is comparable on the other tracts.

Mr. Alberty stated that the Sand Springs Board of Adjustment heard this case on August 12, 1997 and voted 3-0-0 to recommend approval of the request.

Interested Parties:

Vernon Ellis, Ponca City, stated he owns (7) acres adjacent to the subject three (3) acres. He explained that there is a ¼ mile of road that comes from 61st Street to the subject area. He stated he is not protesting and he has no objection to the request. He expressed concerns with the perc test passing and maintaining the 25' gravel road that belongs to the County. Mr. Ellis concluded that the subject property needs to be cleaned up and old car bodies removed.

Comments and Questions:

Mr. Alberty informed Mr. Ellis that if the County accepts dedication of a roadway they will maintain the road. The road must meet County Standards or the County will not accept the dedication. Mr. Alberty suggested that the property owners talk with their County Commissioner regarding the road.

Applicant's Rebuttal:

Mr. Summar stated it will be a hardship if he does not get approval of the variance. He explained that he has three (3) boys and purchased three (3) acres with the intention to turn the land over to his sons. He addressed the issues of the septic system and explained that the perc test did pass the City/County Health Department. He stated that he has maintained the 25' gravel roadway for 19 years. He indicated he purchased equipment to help with the maintenance of the road. He stated he has written permission from Ms. Charlene Ryan to use her drive to reach his son's mobile home if the variance is approved.

Comments and Questions:

Mr. Alberty asked the applicant if he has car bodies on the subject property? He stated he does have a couple of car bodies on his property. He indicated that he has given one of the car bodies away and will be removed soon. The other car body is an antique and belongs to his son for refurbishing.

Mr. Walker asked the applicant if his other two sons will eventually want to move mobile homes onto the property? He indicated that two of his sons will probably never move back onto the land.

Mr. Walker stated that he is familiar with the subject area, which is a rural area on a dead-end road. He commented he did not know how to justify a hardship for this application.

Case No. 1520 (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** to allow two dwelling units on one lot of record zoned AG. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance request; on the following described property:

The N 3 acres, SE/4, NW/4, SW/4, Sec. 32, T-19-N, R-11-E, IBM, Tulsa County, Oklahoma, according to the US Government Survey thereof, more particularly described as Beg. at a point 1983.75' N of S line and 1321.5' E of the W line; thence N 89°55'67"W for 660.75' to the NW/c, SE/4, NW/4, SW/4, Sec. 32; thence S 0°09' W for 197.75'; thence S 89°55' E for 660.95'; thence N 0°06' E for 197.77' to POB.

Case No. 1521

Action Requested:

Variance to permit two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 8901 North Hudson Avenue.

Presentation:

The applicant, **Donald Wayne Dunn**, 8901 North Hudson Avenue, submitted a site plan (Exhibit C-1) and an application for a building permit (Exhibit C-2). Mr. Dunn stated he wanted to move a mobile home onto his land for his daughter to live in. He indicated that the perc and septic system have been approved by the Tulsa City/County Health Department pending the result of today's hearing. He stated the subject property is on a dead-end, which had been dedicated to the County and paved. Mr. Dunn concluded that there are utilities available and the mobile home should not further impact the neighborhood nor traffic.

Comments and Questions:

Mr. Alberty asked the applicant if the existing trailer on the subject property is a storage area? He answered affirmatively.

Mr. Alberty stated that technically with the zoning the applicant can have more than what is requested on the ten (10) acres. He asked the applicant if he wanted to split the property or keep the property under one ownership? Mr. Dunn stated he did not want to split the ten (10) acres.

Mr. Beach asked the applicant how far the trailer will setback from the north property line? He stated it will be 25' back from the north property line.

In response to Mr. Alberty, Mr. Dunn stated he did check with the County Inspector regarding the 25' setback from the north property line.

Case No. 1521 (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 **APPROVE** a **Variance** to permit two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; per plan submitted; subject to the approval of the Health Department, subject to a building permit; subject tie downs, and skirting; finding that the owner could split the subject property, but prefers to keep the subject property under one ownership; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

SW/4, NW/4, SE/4, Sec. 22, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1522

Action Requested:

Special Exception to allow a duplex in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICT** - Use Unit 7, located SE/c West 31st Street & South 63rd West Avenue.

Presentation:

The applicant, **Jack D. Lollis**, 3622 South Rolling Oaks Drive, submitted a site plan (Exhibit D-1) and stated that the subject structure is an existing structure. He described the subject structure as being under special exception for the last 12 years as a daycare center for 46 kids. He explained that the subject structure has a large septic system that was designed for the daycare. Mr. Lollis concluded that it is difficult to make a living in the daycare business and so he has decided to make the subject structure into a duplex.

Comments and Questions:

Mr. Alberty asked the applicant if he would be remodeling the subject structure into a duplex? He answered affirmatively.

In response to Mr. Alberty, Mr. Dunn stated that the external portion of the subject structure will not be changed.

Mr. Alberty asked the applicant if he was aware that he needed to file for a permit to convert the daycare center into duplexes? He answered affirmatively.

Mr. Beach stated that the driveways appear to be only wide enough for one vehicle and it is required that the driveways are 18' wide to meet required parking.

In response to Mr. Beach, Mr. Dunn stated that there will be an additional driveway made off of 31st Street for the second unit.

Mr. Stump stated the driveways need to be 18' wide and paved with an all-weather surface.

In response to Mr. Stump, Mr. Dunn stated he can make the driveways 18' wide if that is the requirement.

Case No. 1521 (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 **APPROVE** a **Special Exception** to allow a duplex in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICT** - Use Unit 7; per plan submitted; subject to the driveways being a minimum of 18’ wide; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Lots 1 & 2, Block 4, Berryhill Acres, Tulsa County, Oklahoma.

Case No. 1523

Action Requested:

Special Exception to permit a single wide manufactured home in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICT** - Use Unit 9, located NE/c West 56th Street & South 45th West Avenue.

Presentation:

The applicant, **Deanna Clark**, 5601 South 45th West Avenue, submitted a site plan (Exhibit E-1) and an application for a building permit (Exhibit E-2). Ms. Clark stated that she would like to move a mobile home on the subject property for her brother-in-law to live in. She indicated that she owns five (5) lots and the mobile home will be placed on one of the lots. Ms. Clark stated that there are eight (8) mobile homes in the subject area.

Comments and Questions:

Mr. Alberty asked the applicant what type of sewer system would the mobile home be using? She stated the mobile home will be on a septic system that has already passed a perc test.

In response to Mr. Alberty, Ms. Clark stated that the mobile home will be tied down and skirted. She indicated that the mobile home will be a permanent structure with rooms added on in the future.

Mr. Walker stated that the subject area is in transition and this is an appropriate use for the subject 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 permit a single wide manufactured home in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICT** - Use Unit 9; per plan submitted; subject to Health Department Approval; subject to skirting and tie downs; subject to a building permit; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Lot 7, Block 3, Doctor Carver, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:05 p.m.

Date approved: 9/16/97

B. Wayne Alberty
Chair