

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 208
Tuesday, September 16, 1:30 p.m.

County Commission Room
Room 119
County Administration Building

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

The notice and agenda of said meeting were posted in the Office of the County Clerk on Thursday, September 11, 1997, at 8:52 a.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 1:33 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 August 19, 1997, (No. 207).

NEW APPLICATIONS

Case No. 1524

Action Requested:

Special Exception to allow a single-wide mobile home in an RS district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICT** - Use Unit 9, located 10921 West 57th Street South.

Presentation:

The applicant, **Jimmy Morawitz**, 10921 West 57th Street South, submitted a site plan (Exhibit A-1) and stated he would like a permit to place a new trailer on the subject property. He submitted photographs of single-wide trailers that are in the immediate area (Exhibit A-2).

Comments and Questions:

Mr. Alberty asked the applicant if this will be the only dwelling on his lot? He answered affirmatively.

Mr. Alberty asked the applicant if he has checked with the Health Department with regard to the sanitary sewer? Mr. Morawitz stated that he will be on a septic tank and he has checked with the Health Department on the sewer system.

Case No. 1524 (continued)

Mr. Alberty asked the applicant if he was in agreement with using tie downs and skirting of the mobile home? He answered affirmatively.

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 allow a single-wide mobile home in an RS district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICT** - Use Unit 9, per plan submitted; subject to tie downs and skirting; subject to the Health Department approval and 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:

Buford Colony, Block 7, W 576.6’ of Lot 2, Tulsa County, Oklahoma.

Case No. 1525

Action Requested:

Variance to allow 3 dwelling units on 1 lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 3913 South 137th West Avenue.

Presentation:

The applicant, **George E. Helmers**, 3913 South 137th West Avenue, submitted a site plan (Exhibit B-1) and stated that in 1984 he received a building permit for the existing trailer. He explained that he currently has three (3) dwelling units on the subject land and has had three (3) dwelling units since 1984. He indicated that his daughter has purchased a double-wide trailer and would like to replace the single-wide trailer with the new trailer.

Comments and Questions:

Mr. Alberty asked the applicant if he was before the Board in October 1982? He stated he wasn’t sure.

After discussion it was determined that the Board cases on record did not indicate that there was any action taken by the Board for the subject property.

Mr. Alberty asked the applicant why he chose to have three (3) dwelling units on a single lot rather than split the lot? He stated that his kids live on the subject land and he prefers not to split the lot.

Mr. Alberty announced that the City of Sand Springs Board of Adjustment looked at this case as a referral and voted unanimously for approval.

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 **Variance** to allow 3 dwelling units on 1 lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; per plan submitted; subject to tie downs and skirting; subject to the Health Department approval and a building permit; finding that the property owner does not want to split the land and would like to keep the land 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:

Case No. 1525 (continued)

A tract of land located in the N/2, SE/4, SW/4, Sec. 21, T-19-N, R-11-E, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beg. at NE/4, SE/4, SW/4, of said Sec. 21, thence E along the N line of said SE/4, SW/4, for 864' to the E ROW line of the County road, thence SWly along the E ROW line of said County road for 681' to the point where the S line intersects with the E line of said County highway, thence E along the S line, for 1036.85', thence N along the E line for 660' to the POB, less and except the following described tract: A tract of land located in the SE/4, SW/4, Sec. 21, T-19-N, R-11-E, Tulsa County, more particularly described as follows to-wit: Beg. at a point 753.85' W of SE/c said N/2, SE/4, SW/4 and on the S line, thence N 129', thence NWly to a point on the E ROW line of the County road which point is 194' NEly from the point where the E ROW line of the County road intersects with the S line, thence SWly along said ROW line for 194' thence E along the S line for 283' to the POB, Tulsa County, Oklahoma

Case No. 1526

Action Requested:

Variance to permit retail sales of farm equipment (horse trailers & flatbed trailers), manufacture custom saddles & tack and to allow a manufactured home for residence on property with business. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Units 17, 15, 9, located SE/c East 191st Street South and South Memorial.

Presentation:

The applicant, **Stanley K. Allen**, 19800 South Memorial Drive, submitted a site plan (Exhibit C-2) and stated he owns the Allen Saddle Shop, which is located at 19800 South Memorial Drive in the center of the Allen Ranch. He explained that he would like to move the saddle shop to the outside of the Allen Ranch because there is no room for expansion at the current location.

Comments and Questions:

Mr. Alberty asked Ms. MEEKS if the Building Inspector has had a chance to see the plans? She stated that not to her knowledge, but Mr. Allen has been to their office to discuss his application.

Mr. Alberty asked the applicant if there is anything located on the proposed site? He stated that the subject site is vacant. Mr. Allen indicated that there are approximately seven (7) acres and he owns the three (3) acres adjoining the subject site. He stated that he owns 4 ½ acres located at the Allen Ranch and approximately two (2) acres is in the driveway, 2 ½ in the center with a creek running through it. He explained that he was informed by the Building Inspector that he has built the maximum allowed on the 2 ½ acres. He stated that the traffic will not increase because the business is already established in the subject area.

Mr. Alberty asked the applicant if he was denied a zoning change? He answered affirmatively.

Mr. Alberty questioned if zoning would not have been the best way to handle the applicant's request?

Mr. Stump stated that the Planning Commission's feelings were that establishing commercial zoning for this intersection was premature. The use requested is of an agricultural character and they felt that it would disrupt the agricultural uses to re-zone to CS. He concluded that the Board could place conditions to make this proposal compatible.

Mr. Alberty read the letter of protest from Lloyd & Jean Abbott (Exhibit C-1).

Case No. 1526 (continued)

In response to the protest letter by the Abbott's, Mr. Allen responded that he is not the Allen Ranch and he cannot control what his father does at the Allen Ranch. He stated he does not understand the Abbott's protest since the business is already established in the immediate area. He reiterated that he is simply moving the saddle shop to another site in order to expand. He explained that he owns his own land in the middle of the ranch and he can only control his own business.

Mr. Tyndall asked the applicant where he would place the retail sales of the farm equipment? He stated that occasionally he takes farm equipment on trade for saddles and tack. He explained that he will set the farm equipment out in the yard and sell it. Mr. Allen stated that farm equipment sales does not have to be a part of this application, but in order to be in compliance with the rules he added the request. He revealed that farm equipment sales is not a major part of the business. He claims that he has sold six (6) to eight (8) horse trailers a year, which he parks next to the saddle shop with a for sale sign on the trailers. He explained that two (2) trailers are the maximum he has had for sale at any one time. Mr. Allen concluded that he will withdraw the farm equipment sales if that will satisfy the Abbott's protest.

Mr. Looney asked the applicant what type of parking surface he will have for the parking area? He stated he planned to use gravel, but was informed that the Board may insist that he asphalt the parking. He indicated that he does not have any set plans and will do whatever has to be done to receive the building permit.

Mr. Alberty asked the applicant where he planned to display the farm equipment sales, because the submitted site plan does not indicate the location? Mr. Allen stated that he would park whatever equipment he had on the south end of the saddle shop.

Mr. Alberty stated he could understand why the Abbotts are concerned with the application, because it appears on the site plan that the farm equipment sales could grow. In response, Mr. Allen stated he could omit the farm equipment sales. He indicated that his main business is making and selling custom saddles.

Mr. Alberty commented that he could see the saddle making as not being offensive, but the farm equipment could develop into a business that could be intrusive and offensive. Mr. Alberty stated that he would suggest withdrawing the request for farm equipment sales.

Mr. Tyndall asked the applicant what type of building would the saddle shop be in? He stated that he was planning an all-steel building.

Mr. Looney asked the applicant what type of front he would put on the building? He stated he would put a small porch, approximately 25' or 30'.

Mr. Looney asked the applicant if he would be bricking the front? He answered negatively.

Mr. Allen stated that he would build the saddle shop to be rustic. He explained that currently he has Morton Buildings, which look like hay barns. He commented that he planned to use the same type of buildings for the new saddle shop.

Mr. Looney asked the applicant if he would consider building something that is more in harmony with the surrounding area, such as a residential look or some kind of a farm building look that is more consistent with the location? Mr. Looney expressed concerns with a metal building being placed across the street from a residential home.

In response to Mr. Looney, Mr. Allen stated that if the new shop was built like a hay barn, then it would be in harmony with the area. Mr. Allen described the area as an agricultural area with mobile homes and a few stick-built homes. He stated he would not mind trying to build a saddle shop that looks nice and attractive.

Mr. Tyndall stated that the applicant needs to nail down what his intentions are and present a detailed site plan. Mr. Tyndall commented that it is difficult to see what the applicant's plans are from the submitted site plan.

Mr. Alberty asked the applicant how many employees he will have? He stated he will have six (6) employees and they will park behind the building. Mr. Allen pointed out that on his submitted site plan he shows a 30 x 60 building setting behind the main building that would store the stock and allow for a UPS pickup area. He stated he planned to install a pipe fence with cable or cattle panels welded to the fence. Mr. Allen indicated that he would not start on the project until the middle of next year.

Case No. 1526 (continued)

Mr. Alberty stated that since the applicant is not planning to start his project until the middle of next year, perhaps a continuation would be appropriate to allow him to finalize his plans. He commented that the applicant has heard the concerns and expressions from the Board with regard to the aesthetics of the building.

Mr. Allen asked the Board what the building should look like? He stated he would build whatever they indicate is appropriate.

In response to Mr. Allen, Mr. Alberty stated that the building should have rural characteristics, needs to have parking areas defined and specifications on the fence. He suggested that the applicant attempt to meet with the Abbotts and try to work out an agreement.

Mr. Tyndall asked if the Board needed to take action on the proposed mobile home? Mr. Alberty stated that the land is zoned AG and does not need the Board's action on the mobile home.

Mr. Stump agreed with Mr. Alberty's statement.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **CONTINUE** Case No. 1526 to October 21, 1997 at 1:30 p.m. to enable the applicant to submit a detailed site plan, sketches of the proposed buildings and meet with the Building Inspector's office.

Case No. 1527

Action Requested:

Variance to allow 2 single-family dwellings on one lot of record in an AG district. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, located 4215 East 106th Street North.

Presentation:

The applicant, **John Clark**, 2020 East 106th Street, submitted a site plan (Exhibit D-1) and stated he purchased 78 acres to live on and would like to move his in-laws on the subject property.

Comments and Questions:

Mr. Alberty asked the applicant if he wanted to split the property? He answered negatively.

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 **Variance** to allow 2 single-family dwellings on one lot of record in an AG district. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; per plan submitted; finding that owner could have a lot split, but chooses to keep the land 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:

W/2, SE/4, Sec. 9, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1528

Action Requested:

Special Exception to permit a single-wide mobile home in an RS district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, and a Variance to permit 3 dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, located 1951 South 154th West Avenue.

Presentation:

The applicant, **Carmen M. Cole**, 1951 South 154th West Avenue, submitted a site plan (Exhibit E-1), Health Department Perc Test (Exhibit E-2) and photographs (Exhibit E-3). Ms. Cole stated that she has a trailer parked on her property. She indicated that there are trailers in the immediate area. She explained that she has moved a friend in to help take care of her husband and the friend lives in the trailer.

Comments and Questions:

In response to Mr. Alberty, Ms. Cole stated that there are two (2) existing stick-built homes and a trailer on the subject property.

Mr. Looney asked the applicant if she recently installed the trailer? She stated she moved the trailer in two (2) months ago without a permit. Ms. Cole explained that she did not realize she needed a permit for the trailer.

Mr. Tyndall asked the applicant who lived in the second house? Ms. Cole stated that her daughter lived in the second home.

In response to Mr. Alberty, Ms. Cole stated that she has lived on the subject property for seven (7) years and the houses were already existing on the property. She guessed that the two (2) stick built homes had been on the subject property since 1960.

Mr. Alberty asked the applicant if the subject property has always been under one ownership? She answered affirmatively.

Mr. Looney asked the applicant if she knew the square footage of her property? She indicated that she has approximately 2 ½ acres or less.

Mr. Alberty stated that the two lots seem to be less than 2 ½ acres.

Protestants:

Harold Harris, 1701 Town And Country Drive, Sand Springs, submitted a petition of protest (Exhibit E-5) and stated he purchased his home two (2) years ago. He expressed concerns in regard to the property value decreasing because of the trailer home being on the subject lot. He indicated that there are three (3) dwellings on ¾ of an acre and it does not fit the surrounding area.

Comments and Questions:

Mr. Alberty asked Ms. Harris if there are other lots in the area with three (3) dwelling units? He stated that there are no other lots with two (2) or three (3) dwelling units. He explained that there are several neighbors that have room for five (5) or six (6) trailers and he doesn't want to set a precedent. Mr. Harris indicated that there is a mobile home park within three minutes of the subject property.

Mr. Looney asked Mr. Harris if there are any mobile homes in the immediate area? He stated that on the main drive there are no mobile homes.

Protestants: (continued)

Todd Sanders, 1809 Town And Country Drive, Sand Springs, stated he has lived in the subject area for approximately 16 years. He commented that the area is a single-family dwelling addition, except for the subject lot. He indicated that there are two trailer parks within one mile that can handle the trailer home.

Robert Barker, 1810 Town And Country Drive, Sand Springs, stated he moved into the subject area two (2) years ago. He indicated he can see the trailer home from his house. Mr. Barker stated that there were no permits for the trailer home to be moved in and nothing was inspected. He commented that the applicant tapped into an existing septic tank and the water is run from another home on the subject property. There was nothing done legally or properly when the trailer was moved in. Mr. Barker stated that there is less than 15' to 20' between one house to the other. He commented that there is not enough room on the lots for three (3) dwelling units. He expressed concerns with the septic system handling three (3) dwelling units.

Comments and Questions:

Mr. Alberty asked the staff if the City of Sand Springs Board of Adjustment received a referral on this case? Mr. Beach stated that due to staff error, the City of Sand Springs BOA did not receive a referral. He explained that the City of Sand Springs BOA did indicate that if the Tulsa County Board of Adjustment is inclined to approve this case, that it would be appropriate to continue the case so that the City of Sand Springs BOA can hear the case first.

Applicant's Rebuttal:

Ms. Cole stated that she did have a perc test performed and Indian Electric hooked up the trailer's electricity. She commented that everything is legal and she will put a privacy fence up so no one can see the trailer. She indicated that there are two (2) other trailers in this housing addition.

Comments and Questions:

Mr. Looney asked the applicant to state her hardship for the trailer being on the subject property? She stated that her husband has cancer and the man in the trailer helps out with the care for her husband.

Mr. Looney explained that the hardship has to be relative to the land. She stated that there is no hardship for having three (3) dwelling units with regard to the land.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **DENY** a **Special Exception** to permit a single-wide mobile home in an RS district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, and a **Variance** to permit 3 dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; finding that the use is inappropriate for the subject area and the lot is too small for three (3) dwelling units; 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:

A tract of land described as follows: Beg. 999.19' S 0°03' E, NE/c, SE/4, SW/4, Sec. 8, T-19-N, R-11-E, Tulsa County, Oklahoma, according to the US Government Survey thereof; thence N 89°46' W for 200', thence S 0°03' E for 153.76'; thence S 70°17' E for 212.50', thence N 0°03' W for 224.26' to the POB, Sly 40' thereof reserved for roadway, Tulsa County, Oklahoma.

Case No. 1529

Action Requested:

Variance of the required 30' street frontage to 0' to allow a lot split. **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located South, SE/c East 131st Street & South 129th East Avenue.

Presentation:

The applicant, **Patricia Ann Brittain**, failed to appear for the hearing.

Comments and Questions:

Mr. Alberty asked the audience if they were protestants to Case No. 1529? They answered affirmatively.

Mr. Alberty stated he does not like to take action on a case when the applicant is not present. He commented that the applicant had the opportunity to be present and the protestants are present. He explained that he was inclined to recommend denial of the subject application, however he was prepared to hear this case with an opened mind.

In response to Mr. Alberty, Mr. Beach confirmed that INCOG did not receive a request for a continuance nor did the applicant indicate that they would not be present.

Board Action:

On **MOTION** of **LOONEY**, 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' street frontage to 0' to allow a lot split. **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; finding that the request is not appropriate and the applicant failed to appear for the hearing; 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:

A tract of land in the S/2, N/2, SW/4, Sec. 9, T-17-N, R-14-E, I.B.M., Tulsa County, Oklahoma, according to the US Government survey thereof, more particularly described as follows, to-wit: Beg. at a point on the W line of said S/2, N/2, SW/4, 30' N of the SW/c, thence due N along said W line for 30', thence S 89°39'15" E and parallel to the S line for 430', thence N and parallel to the W line for 512.72', thence S 89°37'19" E and parallel to the N line for 1159.09', thence S 0°06'35" W and parallel to the E line for 542.07' to a point that is 30' N of the S line, thence N 89°39'15" W and parallel to said S line for 1587.88' to the POB.

There being no further business, the meeting was adjourned at 2:18 p.m.

Date approved: 10/30/97

Wayne Alberty
Chair