

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 227  
Tuesday, April 20, 1999, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Alberty Dillard Tyndall, Chair Walker	Looney	Arnold Bruce Stump	West, Zoning Officer

The notice and agenda of said meeting were posted in the Office of the County Clerk on, Friday, April 16, 1999, at 9:04 a.m., as well as in the Reception Area of the INCOG offices.

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

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**MINUTES:**

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Dillard, Tyndall, "aye"; no "nays", no "abstentions"; Looney, Walker "absent") to **APPROVE** the Minutes of February 18, 1999 (No. 225).

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**MINUTES:**

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Dillard, Tyndall, "aye"; no "nays", no "abstentions"; Looney, Walker "absent") to **APPROVE** the Minutes of March 16, 1999 (No. 226).

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**Walker in at 1:35 p.m.**

## UNFINISHED BUSINESS

### Case No. 1629

#### Action Requested:

Variance to Section 208 to allow two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, located S of SE/c E. 156<sup>th</sup> St. N. & N. Peoria.

#### Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

#### Presentation:

The applicant, **Linda Stanton**, 15460 N. Peoria, Skiatook, OK, 74070, submitted a site plan (Exhibit A-1) and stated that they have eight acres of land and her son would like to put a mobile home on the back part of the land. Ms. Stanton is in the process of building a new home on the front part of the property.

#### Comments and Questions:

Mr. Tyndall asked the applicant if there is a mobile home on the property now and she replied negatively. Ms. Stanton stated that there used to be a mobile home on the property a few years ago.

#### Interested Parties:

**James Cathey**, 15220 N. Trenton, Skiatook, OK 74070, asked if the existing home is going to be removed. He also asked if there will be apartments on the property and the Board replied that there will be no apartments on the property.

#### Comments and Questions:

Mr. Alberty mentioned that the tract is large enough to be split or subdivided to create more housing units than what they are proposing.

#### Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a Variance to Section 208 to allow two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** finding that it meets the requirements of Section 1670.3, on the following described property:

A tract of land that is a part of the S 525' of the N/2 of Lot 2, Section 19, T-22-N, R-13-E, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beginning at a point on the W line of the N/2 of Lot 2, Section 19, T-22-N, R-13-E, that is 525' N of the SW/c thereof, thence S 89°47'01" E along the N line of the S 525' of the N/2 of Lot 2, a distance of 1192.01' to the NE/c thereof; thence S 00°20'22" W along the E line of the N/2 of Lot 2, a distance of 341.0' to a point, said point is 184' Nly of the SE/c of the N/2 of Lot 2; thence N 89°47'00" W a distance of 789.99' to a point that is 400' E of the W line of the N/2 of Lot 2; thence due N and parallel to said W line a distance of 146.13'; thence N 89°47'00" W a

Case No. 1629 (continued)

distance of 400' to a point on the aforementioned W line; thence due N along said W line a distance of 194.87' to the point of beginning.

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## NEW APPLICATIONS

### Case No. 1633

#### Action Requested:

Special Exception to Section 410 – Principal Uses Allowed in Residential Districts – to permit a single-wide mobile home in an RS District. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9**, located 5175 S. 113<sup>th</sup> W. Ave.

#### Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

#### Presentation:

The applicant, **Whitlow Stanley**, 4946 N. Trenton Ave, submitted a site plan (Exhibit B-1) and stated that he would like to put a mobile home on the property. Mr. Stanley inherited the property from his family and he would like to live on it now.

#### Comments and Questions:

Mr. Alberty asked the applicant if there has ever been any development on the property. Mr. Stanley replied no, his great-grandmother had a chicken house on the property but that is all that has ever been on the property.

Mr. Alberty asked Mr. Stanley if there are any other mobile homes in the general area and Mr. Stanley replied that there were about four other mobile homes on the same block. His relatives live on adjoining property and they also have mobile homes.

#### Interested Parties:

**Curtis Kough**, 5201 S. 113<sup>th</sup> W. Ave., stated that his property is south of the proposed location. Mr. Kough mentioned that the place where the applicant intends to locate his mobile home is along a creek bank that is at the intersection of two creeks. There is insufficient space to locate a mobile home. Mr. Kough stated that the property has been used for a dump site for over 30 years.

Mr. Alberty asked Mr. Kough if the situation would be helped if there were someone living on the property? Mr. Kough responded that he was not sure.

Case No. 1633 (continued)

**Applicant's Rebuttal:**

Mr. Stanley stated that Mr. Kough has lived on the adjoining property for several years. Mr. Kough has several dogs that chase the neighbors.

**Denisha Stanley**, stated that they have had people come out and doze the property to get it ready to move onto. The Health Department has been out and done perk tests and everything passed the Health Department Inspection. The mobile home will be 14' x 70'.

**Comments and Questions:**

Mr. Tyndall asked Mr. West, Zoning Officer, if there is any flooding problem on the property. Mr. West replied no.

Mr. Walker mentioned that he is familiar with the area and there are creeks that cross the property but he feels that this would be an improvement on the property.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Special Exception to Section 410 – Principal Uses Allowed in Residential Districts – to permit a single-wide mobile home in an RS District, finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9**, on the following described property:

Lot 10, Block 2, Buford Colony Second Addition, Block 2, Lot 10,  
Tulsa County, State of Oklahoma.

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**Case No. 1634**

**Action Requested:**

Variance to Section 208 to allow two dwellings on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, located 22423 W. 46<sup>th</sup> St. S.

**Comments and Questions:**

Mr. Bruce reviewed Staff Comments from the Case Report.

**Presentation:**

The applicant, **Gary Luellen**, was represented by **David Davis**, 406 South Boulder, 4<sup>th</sup> Floor, who submitted a site plan (Exhibit C-1), and stated that the purpose of the request is to allow the Luellens to put a second mobile home on the property for their son and his girlfriend who is pregnant. The son and his girlfriend are still in school. Mr. Davis mentioned that there are other lots that have two dwelling units on them. Down the road is an area that is zoned RMH. There are separate entrances to the property for each of the mobile homes. On the property there is over 600 feet of lateral lines. Mr. Davis submitted a petition of support from 37 neighbors (Exhibit C-2). At one time there were a number of cars on his property and he has since removed them and cleaned up the property. Mr. Davis submitted photos of the cleaned lot to the Board (Exhibit C-7). Mr. Luellen has agreed to move the mobile home that is not being used off the property within 90 days. Mr. Davis asked the Board to approve the application to allow the second mobile home on the property. Mr. Davis believes that the mobile home would not be a detriment to the neighborhood.

**Interested Parties:**

**Jannie Simpson**, 22112 W. 46<sup>th</sup> Street South, Sand Springs, OK, stated that the applicant's property is located within Herrington Acres and they have covenants against having more than one dwelling unit per lot. Most of the lots in Herrington Acres are four to five acres in size and this one is only about one and a half acres in size. Ms. Simpson submitted a petition of opposition with 43 signatures on it (Exhibit C-5) and a site plan of Herrington Acres (Exhibit C-3). Ms. Simpson agreed that the property has recently been cleaned up but it has looked bad for over a year and a half. She also submitted photos of the site (Exhibit C-6). Ms. Simpson believes that this lot is too small to support all of the buildings proposed to be located on it.

**Gary W. Lancaster**, 4515 S. 225<sup>th</sup> W. Ave., stated that the trailer is already up and occupied and the electricity is hooked up. Mr. Lancaster is against the application.

**Cecil Shaffer**, 222 Southwest Boulevard, stated that he owns over one hundred acres west of the subject property. Mr. Shaffer said that the property is junky and has not been cleaned. He indicated that the applicant has several inoperable vehicles on the property and he runs a business out of a building. Mr. Shaffer asked the Board to deny the application.

**Raymond Jones**, 5422 S. Dip Creek Road, stated that he passes by the subject property everyday and it is junky and needs to be cleaned up. Mr. Jones mentioned that the property is being used as a business. Mr. Jones submitted photos of the cleaned property (Exhibit C-8) and a letter from the Keystone Volunteer Fire Department (Exhibit C-4).

**Applicant's Rebuttal:**

Mr. Davis mentioned to the Board that they have, in the past, approved applications to allow two dwelling units on one lot in Herrington Acres. The photos circulated that show the lot as it was prior to today are moot because the lot is not like that today. The lot is clean and the applicant has removed the cars. The letter from the Fire Department is moot because it is hearsay. Mr. Davis stated that his client does not have a business on his property. There is a large shed on the property and he works on his own cars in the shed. The shed was on the property when the applicant bought the property. Mr. Luellen will move the extra trailer off the property within 90 days.

**Comments and Questions:**

Mr. Tyndall asked Mr. Davis how long the trailer has been sitting on the property and Mr. Davis responded three or four months.

Mr. Walker mentioned that he is familiar with the area and the corner that the property is on is a very busy corner. Mr. Walker feels that the lot is too small to handle all the buildings on the property.

Mr. Alberty commended the applicant on trying to clean up his property but he feels that the lot is too small for the two dwelling units.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **DENY** Variance to Section 208 to allow two dwellings on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** on the following described property:

Lot 1, Block 4, Herrington Acres, County of Tulsa, State of Oklahoma.

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**Case No. 1635**

**Action Requested:**

Special Exception to Section 410 – Principal Uses Allowed in the Residential Districts – to permit a manufactured home in an RS District. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, located 5855 S. 68<sup>th</sup> W. Ave.

**Comments and Questions:**

Mr. Bruce reviewed Staff Comments from the Case Report.

**Presentation:**

The applicant, **Wayne Mead**, 6700 Southwest Boulevard, Tulsa, OK 74107, submitted a site plan (D-1) and stated that he would like to locate a single-wide mobile home on his property to be used as his primary residence. Mr. Mead submitted a plat with other mobile homes in the area marked (Exhibit D-3) and photos of other mobile homes in the area (Exhibit D-2).

**Comments and Questions:**

Mr. Alberty asked the applicant if he intends to put one mobile home on the property or several? Mr. Mead replied one mobile home.

Mr. Tyndall asked Mr. Mead how many lots the property covers and Mr. Mead responded four lots that are each 25' wide.

Mr. Alberty asked Mr. West, Zoning Officer, if he had any problems with the application. Mr. West replied that the only problem they had with it was because the property was zoned RS.

Mr. Stump suggested making a condition that only one mobile home be allowed on all four lots.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Special Exception to Section 410 – Principal Uses Allowed in the Residential Districts – to permit a manufactured home in an RS District, finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** subject to only one mobile home be allowed on all four lots, subject to on the following described property:

The W 100' of Lots 32, 33, 34 and 35, Block 51, Taneha, County of Tulsa, State of Oklahoma.

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**Case No. 1636**

**Action Requested:**

Variance to Section 206 to permit two dwellings on one lot of record. **SECTION 206. NUMBER OF DWELLING UNITS ON A LOT – Use Unit 9** and a Variance of the required 30' of frontage on a public street of right-of-way to 24'. **SECTION 207. STREET FRONTAGE REQUIRED**, located W of 241<sup>st</sup> W. Ave. and Coyote Trail.

**Comments and Questions:**

Mr. Bruce reviewed Staff Comments from the Case Report.

**Presentation:**

The applicant, **Wanda L. Baker**, 4838 S. 74<sup>th</sup> E. Ave., Apt. 63-3, submitted a site plan (Exhibit E-1) and stated that she and her brother would each like to put a mobile home on the property.

**Interested Parties:**

None.

**Comments and Questions:**

Mr. Alberty asked the applicant if the 24' is an easement or do they actually own the property? Ms. Baker replied that they own the property, it is part of what they are buying.

Mr. Walker stated that this area is in transition and there are mobile homes scattered throughout the area.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney, "absent") to **APPROVE** Variance to Section 206 to permit two dwellings on one lot of record. **SECTION 206. NUMBER OF DWELLING UNITS ON A LOT – Use Unit 9** and a Variance of the required 30' of frontage on a public street of right-of-way to 24'. **SECTION 207. STREET FRONTAGE REQUIRED**, finding that the size of the parcel can accommodate two dwelling units and the fact that the lot already exists at 24', on the following described property:

The SW/4 SE/4 SW/4 and the W/2 SE/4, SE/4 SW/4, and the S/2 NW/4 SE/4 NW/4 and the SW/4 NE/4 SE/4 SW/4 all in Section 20, T-19-N, R-10-E, Tulsa County, Oklahoma according to the US Government survey thereof, less and except the following described tracts, the W 470' thereof and the E 496' of the S 495' thereof Tulsa County, State of Oklahoma.

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## Case No. 1637

### Action Requested:

Setback variance from the west property line from 75' to 58'. The purpose of the request is to allow the construction of a 40' x 60' metal building on the property. **SECTION 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**, located 4150 W. 55<sup>th</sup> Place.

### Comments and Questions

Mr. Bruce reviewed Staff Comments from the Case Report. Mr. Bruce stated that the property has recently been rezoned to IL. He noted that the site plan as submitted placed the structure 1' into the W 55<sup>th</sup> Place setback. The structure would need to be reduced accordingly.

### Presentation:

The applicant, **Tracy Gant**, Route 3, Box 228, Mounds, OK, submitted a site plan (Exhibit F-1) and stated that he would like to put a body shop on the property. Because of the shape of the property, there is no other way to situate the building. Mr. Gant stated that he has spoken to the surrounding property owners and none of them have any problem with what he is proposing. Mr. Gant mentioned that there is an existing building on the property and he is going to remodel it and use it for an office.

### Interested Parties:

None.

### Comments and Questions

Mr. Walker asked the applicant where he is located in regard to the expressway and Mr. Gant replied that his property is about two blocks to the west.

Mr. Walker stated that this is an area in transition.

Mr. Alberty mentioned that the 75' setback was intended to protect existing substantial neighborhoods from encroaching industrial uses. This area is planning to go industrial. Mr. Alberty has no problem with the setback.

### Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Setback variance from the west property line from 75' to 58'. The purpose of the request is to allow the construction of a 40' x 60' metal building on the property. **SECTION 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**, finding that it meets the requirements of Section 1670.3, on the following described property:

Case No. 1637 (continued)

Lots 1, 2 and 3, Block 5, Opportunity Heights Addition, Tulsa County, State of Oklahoma.

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**Case No. 1638**

**Action Requested:**

Special Exception to the uses allowed in the AG District to allow an outdoor soccer field (U.U. 20 – Commercial Recreation NEC). **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 20** and a Variance to the hard surface parking requirements. **SECTION 1320.G. GENERAL REQUIREMENTS**, located 2424 W. 91<sup>st</sup> St. S.

**Comments and Questions**

Mr. Bruce mentioned to the Board that Staff had been reviewing the legal description and it appears that the legal description does not line up with the area intended subject parcel.

Mr. Bruce stated that the legal description provided by the applicant, did not describe the area in question. Therefore, proper notice was not given to all of the surrounding property owners. The case will have to be readvertised and continued to the meeting of May 18, 1999.

**Board Action:**

None Taken.

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**Case No. 1639**

**Action Requested:**

Variance to permit two dwelling units on one lot of record in an AG District. **SECTION 208. ONE SINGLE FAMILY DWELLING PER LOT OF RECORD – Use Unit 6**, located 20222 S. Garnett Road.

**Comments and Questions**

Mr. Bruce reviewed Staff Comments from the Case Report.

**Presentation:**

The applicant, **Larry Nimrod**, 20222 S. Garnett Road, Bixby, OK, submitted a site plan (Exhibit G-1) and stated that he and his wife reside on five acres and they would like to allow their daughter, husband and grandson to put a double-wide trailer on the property until they can afford to purchase their own tract of

Case No. 1639 (continued)

land. Mr. Nimrod mentioned that this would be a temporary situation for about five years.

**Interested Parties:**

None.

**Comments and Questions**

Mr. Walker asked the applicant if there are other mobile homes in the area? Mr. Nimrod replied affirmatively.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Variance to permit two dwelling units on one lot of record in an AG District. **SECTION 208. ONE SINGLE FAMILY DWELLING PER LOT OF RECORD – Use Unit 6**, finding that there is adequate size for two dwelling units, on the following described property:

N/2, SE, NE, NE, Section 18, T-16-N, R-14-E, Tulsa County, State of Oklahoma.

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**Case No. 1640**

**Action Requested:**

Variance to allow two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, located 19824 S. 129<sup>th</sup> E. Ave.

**Comments and Questions**

Mr. Bruce reviewed Staff Comments from the Case Report. Mr. Bruce stated that the property is 77.5 acres.

**Presentation:**

The applicant, **Denisha Martin**, 19902 S. 129<sup>th</sup> E. Ave., Bixby, OK, 74008, submitted a site plan (Exhibit H-1) and stated that her fiancé is one of the landowners and they would like to put a mobile home on their portion of the property. Their mobile home would be 725' away from another mobile home on the property.

**Interested Parties:**

**Barbara Fields**, 217 S. 129<sup>th</sup> E. Ave., stated that she thought the property was only five acres. There was discussion about the location of the subject property

Case No. 1640 (continued)

and Ms. Fields stated that she had no problem with the mobile home being located on the 77.5 acres.

**Board Action:**

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Variance to allow two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** finding that it meets the requirements of Section 1670.3, on the following described property:

S/2 SE/4 less the N 200' of the E 544' SE SE, Section 8, T-16-N, R-14-E, Tulsa County, State of Oklahoma.

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**Case No. 1641**

**Action Requested:**

Variance of the required frontage on a public street from 30' to 20'. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 4**, located E of NE/c E. 66<sup>th</sup> St. N. & N. 129<sup>th</sup> E. Ave.

**Presentation:**

The applicant, **Dean Solberg**, was not present.

**Interested Parties:**

**Terry Hogan**, 13705 E. 100<sup>th</sup> Street North, Owasso, submitted a site plan (Exhibit I-1) and stated that the subject property belongs to his brother-in-law. Mr. Hogan stated that he owns the property to the south. He believes that his brother is trying to sell the property. Mr. Hogan believes that he dedicated 10' of right-of-way when he purchased his portion of the property.

**Comments and Questions**

Mr. Bruce mentioned to the Board that the request comes out of a title opinion done by the attorney Dean Solberg.

Mr. Alberty stated that since Mr. Hogan is in support of the application and because the application was derived out of a technicality he supports the application.

Mr. Alberty asked Mr. Hogan if they plan to maintain the road and he replied affirmatively.

Case No. 1641 (continued)

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Variance of the required frontage on a public street from 30' to 20'. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 4**, finding that it meets the requirements of Section 1670.3, on the following described property:

The E/2 of the E/2 of the SW/4 of the SW/4 less and except the S 660.00' thereof and the W 10' of the E 361.33' of the N 10' of the S 26.5' of the E/2 of the SW/4 of the SW/4 and beginning 341.33' W of the SE/c of the SW/4 of the SW/4, thence W 10'; thence N 690'; thence E 20'; thence S 30'; thence W 10'; thence S 660' to the point of beginning all in Section 33, T-21-N, R-14-E of the IBM, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 3:00 p.m.

Date approved:

May 18, 1999

John M. Tyndall  
Chair