

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES (No. 13)
Friday, September 25, 1981, 10:00 a.m.
Room 119, Administration Building
500 South Denver, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Wines Walker Martin Tyndall Dubie, Chairman	None	Lasker Jones Hubbard	Edwards, Building Insp's. Office Raymond, District Attorney's Office

The notice and agenda of said meeting were posted in the Office of the Tulsa County Clerk on Wednesday, September 23, 1981, at 3:29 p.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Chairman Dubie called the meeting to order at 10:01 a.m.

MINUTES:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Walker, Martin, Tyndall, Dubie, "aye"; no "nays"; no "abstentions"; Wines, "absent") to approve the Minutes of August 18, 1981, (No. 12).

UNFINISHED BUSINESS:

Case No. 98

Action Requested:

Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1680 - Request for an exception to permit a machine shop in a CH District. This property is located at 65th Street North and Peoria Avenue.

Presentation:

Bill Thornton was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions"; to approve an Exception (Section 1225 - Light Manufacturing and Industry) to permit a machine shop in a CH District, on the following described property:

Lot 2, Block 4, North Turley Addition to the County of Tulsa, Oklahoma.

NEW APPLICATIONS:

Case No. 104

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RS-1 District. This property is located at 3712 South 55th West Avenue.

Presentation:

Mr. Williams, 3712 South 55th West Avenue, was present to address the Board and asked permission to put a mobile home behind his house. He owns about 2 acres and his neighbor owns an acre and a half on the other side of him. He lives on the corner at a dead end street. Mr. Williams only needs the mobile home for a period of 2 years. There are other mobile homes in the area.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 440.6 - Mobile Homes), subject to Tulsa City-County Health Department approval and County Building requirements with a 2-year time limit on the following described property:

Lot 1, and the North 10' of Lot 2, Walker Heights Addition to the County of Tulsa, Oklahoma.

Case No. 105

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RS District. This property is located at 5911 West 60th Street South.

Presentation:

Bill Batt, 5911 West 60th Street South, was present; however, he did not address the Board.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 440.6 - Mobile Homes) contingent upon meeting Tulsa City-County Health Department approval and County Building requirements, on the following described property:

Lots 5 and 6, Block 1, New Taneha Addition to the County of Tulsa, Oklahoma.

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances - Request for a variance of the front and area requirements to permit a lot-split in an AG-R District; and, an

Exception - Section 410 - Principal Uses Permitted in Agriculture Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680 - Request for an exception to permit a beauty shop as a home occupation in an AG-R District. This property is located at 9202 South 193rd East Avenue.

Presentation:

A letter was submitted from Broken Arrow (Exhibit "B-1") read by Mr. Dubie, stating that the Broken Arrow Board of Adjustment will review this case and need further details of the application including the lot-split. The meeting will be held on Monday, September 28, 1981, at 7:30 p.m., in the Broken Arrow City Council Chambers.

Ray Christian, 9202 South 193rd East Avenue, was present to address the Board and stated that he had talked with Mr. Daroga, City Planner, who gave approval to his request since all the Health Department requirements had been met. Mr. Daroga also stated that this Board has the final authority. Mr. Christian plans to build a home on this tract of land which he bought and have a beauty shop in his home. He plans to sell his present home. The home occupation requirements had been explained incorrectly to Mr. Christian at an earlier date. Mr. Christian stated that it would take 30-days to build his house. He also said that he would not be building this house if it was not feasible to include a beauty shop. His wife and daughter are both beauticians. If this Board approves the application, Mr. Christian is to get in touch with the Broken Arrow Board of Adjustment so that they could cancel their meeting since it was the only thing on their agenda.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts) of the frontage requirements to permit a lot-split (L-14263) in an AG-R District; and, an

Exception (Section 440.2 - Home Occupation) to permit a beauty shop in an AG-R District to operate as a home occupation for a period of three (3) years, on the following described property:

A tract of land described as; beginning at the NE corner of Section 24, Township 18 North, Range 14 East; thence South 343' to the point of beginning; thence West 317.5'; thence South 411.59'; thence East 317.5'; thence North 411.59' to the point of beginning, in Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

Case No. 106

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RS District. This property is located Southeast of 51st Street West and 113th West Avenue.

Presentation:

Corice Jefferson, 51st Street West and 113th West Avenue, was present; however, he did not address the Board.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 440.6 - Mobile Homes), subject to the Health Department regulations and building requirements, on the following described property:

Lot 1, Block 1, Buford Colony Second Addition to the County of Tulsa, Oklahoma.

Case No. 107

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RS District.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Request for a variance to permit two single-family residences on a single lot of record. This property is located at 5802 West 21st Street.

Presentation:

Mark Gillean, 5802 West 21st Street, was present; however, he did not address the Board.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 440.6 - Mobile Homes) to permit a mobile home in an RS District; and, a

Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to permit two single-family residences on one lot, all in accordance with the Tulsa City-County Health Department conditions, on the following described property:

Lot 3, Block 1, 2nd West Tulsa View Acres Addition to the County of Tulsa, Oklahoma.

Case No. 109

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RS District; and, a

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Request for a variance to permit a mobile home on a lot with a residence on it. This property is located at 307 South 71st West Avenue.

Presentation:

Jerry Crawford, 307 South 71st West Avenue, was present; however, he had no comments.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions"; to approve an Exception (Section 440.6 - Mobile Homes) to permit a mobile home in an RS District; and, a

Variance (Section 208 - One Single-Family Dwelling per Lot of Record) to permit a mobile home on a lot with a residence on it, subject to Tulsa City-County Health Department approval, on the following described property:

Lot 12, and the North 25' of Lot 13, Block 4, Twin Cities Addition to the County of Tulsa, Oklahoma.

Case No. 110

Action Requested:

Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Request for a variance to permit four (4) mobile homes on one tract of land in an AG District. (There are 4-pads with all utilities in place prior to the time the property was zoned.) This property is located at 261 West Avenue and 41st Street (Coyote Trail).

Presentation:

Mr. Erwin Phillips advised the Board that this property was first purchased by Mr. Boyle in 1976. Prior to that time it had been perked in 1970 and 2 septic systems were put in to cover 2 lots. In 1970 the 2 lots were severed and a permit was obtained to separate the septic systems. In 1976 Mr. Boyle obtained a loan from the bank and received approval to put the 4 pads and the septic systems in, necessary for mobile homes on the property. Construction of the facilities were made and received approval from the Tulsa City-County Health Department for 4 units on the system that he had. (Case 70-303) Mr. Phillips submitted an inspection report from Danny Thomas, the District Sanitarian, approving that system for the 4 units. After the construction was done, the property was foreclosed by the Sand Springs State Bank who then sold it to Mr. Robinson, the applicant. The Sand Springs

Case No. 110 (continued)

State Bank and the Robinson's are asking the Board to approve the use of the property for 4 mobile homes.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to permit 4 mobile homes on one tract of land, on the following described property:

A portion of the NE/4 of Section 30, Township 19 North, Range 10 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows:

Beginning at a point 1,440 feet North and 1010 feet East of the Southwest corner of said NE/4; thence West 200 feet; thence North 736.74 feet; thence Southeast along the Coyote Trail, 205 feet; thence South 672.64 feet, to the point of beginning.

Case No. 111

Action Requested:

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1420 (f) - Nonconforming Use of Building or Buildings and Land in Combination - Under the Provisions of Section 1680 - Request for an exception to permit the erection of a 60' x 240' building to allow an addition to a nonconforming manufacturing plant (oil field pumps) in an AG District; and, a

Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1420 (f) - Nonconforming Use of Building or Buildings and Land in Combination - Under the Provisions of Section 1670 - Request for a variance to permit the erection of a 60' x 240' building to allow an addition to a nonconforming manufacturing plant (oil field pumps) in an AG District. This property is located at 15601 West 19th Place.

Presentation:

A letter was submitted (Exhibit "C-1") by the City of Sand Springs as a follow-up pertaining to the Board of Adjustment's Case No. 111. They stated that they did not receive the referral hearing notice in time to place the request on the regular meeting agenda of September 8, 1981. They chose not to request a continuance on the application to this Board.

Joe Raymon, Office Manager of Rampart Division - 15601 West 19th Place, was present to address the Board and submitted a plot plan (Exhibit "C-2"). On November 1, 1977, the Rampart Division purchased this property which had manufacturing facilities (approximately 7,000 sq. ft.). It had a single-family house on it, which was used only as an office. On October 2, 1978, a building permit was obtained, even though it was not needed, to add approximately 4,000 sq. ft. to the facility. At that time, they wanted to add the additional 14,400 feet to enlarge the

Case No. 111 (continued)

warehouse and shipping and assembling areas. Mr. Raymon stated that there were businesses and industries along Highway #51 to the west of them, but non adjacent to them. There are single-family dwellings to the east and also to the south of this land. All the houses are on agriculture zoned land.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions") to deny the Exception (Section 1420 (f) - Nonconforming Use of Building or Buildings and Land in Combination) and to approve a Variance (Section 310 - Principal Uses Permitted in Agriculture Districts) to permit the erection of a 60' x 240' extension (addition) to a nonconforming manufacturing plant in an AG District, on the following described property:

(Original) The East 264' of the S/2, S/2, NW/4, SW/4 of Section 8, Township 19 North, Range 11 East of the Indian Base and Meridian. (Brown) The North 209.25' of the East 208.2' of the SW/4 of the SW/4 lying North of the S.L. & S.F. Railroad. (Smith) Beginning at a point on the South line of the W/2, NE/4, SW/4 of Section 8, a distance of 1,317.8' East of the NW corner of the SW/4, SW/4 of Section 8; thence North and parallel to the West line of Section 8, a distance of 392.0' to a point; thence East and parallel to the South line of Section 8, a distance of 267.3' to a point; thence South and parallel to the West line of Section 8, a distance of 392.0' to a point on the South line of the W/2, NE/4, SW/4 of Section 8; thence West a distance of 267.3' to the place of beginning. (Brown II) The North 198.1' of the East 208.2' of the SW/4 of the SW/4 lying North of the S.L. & S.F. Railroad, in Tulsa County, Oklahoma.

Case No. 112

Action Requested:

Section 1660 - Interpretation - Request for a determination that the existing structure is a nonconforming use; and, an

Exception - Section 1420 (f) - Nonconforming Use of Building or Buildings and Land in Combination - Under the Provisions of Section 1680 - Request for an exception to construct or move a building onto the premises for use as a dog grooming facility and storage; and, a Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1670 - Request for a variance to permit a dog kennel and grooming facility in an AG District. This property is located between Peoria and Lewis Avenues on 151st Street South.

Presentation:

Mr. Dubie read a letter (Exhibit "D-1") from the City of Glenpool stating that the above mentioned Case No. 112 will appear before the Glenpool Board of Adjustment in public hearing on September 22, 1981, at 7:00 p.m., in the Glenpool City Hall. A letter was to be sent of the determined recommendations and a copy of the unofficial minutes.

Case No. 112 (continued)

Stephen Oakley, represented the actual land owner Mr. Shelby Thompson. Mr. Oakley stated that this tract of land is in no man's land. The City of Glenpool was planning to bring this area within its Fence Line at the time that the application was made. The applicant, Mr. Thompson purchased this property in 1961 and also, constructed a dog kennel in the same year. The kennel was expanded in 1965 to its present size. Copies of canceled checks for the enlargement of the kennel were presented (Exhibit "D-2"). At that time, the City of Tulsa was concerned with zoning within a 5-mile radius of its City Limits. This land was not in a 5-mile radius of Tulsa at that time. Mr. Oakley presented a copy of the Ordinance, No. 10399, which is dated March 30, 1966 (Exhibit "D-3") when a vast area was annexed to the City of Tulsa. Mr. Thompson would like to show that this land has a legal nonconforming use. He is currently in semi-retirement and intends to expand his facilities. Currently, the dog kennel is about 4,100 sq. ft. with provisions for 54 dogs. Mr. Thompson would like to build a smaller building in front for the following reasons. It would be used for the grooming of dogs and also for receiving the dogs. It would be home-operated with Mr. Thompson doing the grooming of the dogs. Also he would want to store some of the feeds that he gives to the dogs and his grooming materials. The building itself would be approximately 25' x 40' or 45' with 1,000 or 1,100 square feet. Photos (Exhibit "D-4") were submitted showing how the site relates to adjacent property. Besides Mr. Thompson's home, the nearest one is approximately 200 feet away.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions") to determine (Section 1660 - Interpretation) that the existing structure is a nonconforming use; to grant an Exception (Section 1420 (f) Nonconforming use of Building or Buildings and Land in Combination) to build a maximum 1,000 square foot facility as presented by the applicant and to approve a Variance (Section 1215 - Other Trades and Services) to permit a dog kennel and grooming facility in an AG District, on the following described property:

The E/2 of the W/2 of the NW/4 of the NE/4; and the W/2 of the E/2 of the NW/4 of the NE/4 of Section 19, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 113

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RS District; and, a

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Request for a variance to permit a mobile home on a lot that has a residence on it. This property is located at 1647 East 73rd Street North.

Case No. 113 (continued)

Presentation:

Mrs. Alice Waldrep, the mother of the applicant, Duane Gilbert, was present to address the Board.

Protestants: None.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 440.6 - Mobile Homes) to permit a mobile home in an RS District; and, approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to permit a mobile home on a lot that has a residence on it, subject to the Health Department approval and building requirements; on the following described property:

The East 70' of the West 140' of Lot 9, Block 4, Golden Hills Addition to the County of Tulsa, Oklahoma.

Action Requested:

Interpretation - Section 1660 - Interpretation - Request for a determination that this is a legal nonconforming mobile home park; and, a

Exception - Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Under the Provisions of Section 1680 - Exceptions - Request for an exception to permit 11 mobile homes in an AG District on a tract of land containing 11.176 acres; and, a

Variance - Section 310 - Principal Uses Permitted in The Agriculture District - Under the Provisions of Section 1670 - Variances - Request for a variance to permit same as above. This property is located at the SE corner of Campbell Creek Road and Highway #51.

Presentation:

William J. Doyle, 201 West 5th Street, representing the applicant Coy Ward, stated that the subject property is 11.176 acres situated at the intersection of Campbell Creek Road and State Highway #51. He submitted two maps of the area and several letters from Sand Springs Administration of Public Works and City-County Health Department (Exhibit "A-1"). Mr. Ward purchased the land from his uncle who was liquidating his properties in that area. Mr. Ward made inquiry as to the developmental possibilities of the tract and based upon information he received, purchased the tract of land in January of 1978. Mr. Ward's intent at the time of purchase was to develop the northern portion for commercial use and the southern portion for mobile home park development. The acquisition of the tract constituted a financial strain for Mr. Ward and he was unable to proceed with his development in 1978. He elected to concentrate on the southern portion, which was the mobile home park area. During his inquiries he found out that the park area was not subject to zoning control. At the time of purchase, one house had been constructed which is situated at the SW corner of the intersection of Campbell Creek Road and State Highway #51. Since that time, two other residences have been constructed to the west. The property was purchased for investment purposes with financing from a credit union. In February of 1978, the inquiry was made to the City of Sand Springs regarding the installation of water taps for 35 mobile homes on the subject tract. In October of 1978, additional correspondence was received from the City of Sand Springs regarding the installation of a 2-inch water line and a master meter to serve the subject property, which is reflected in (Exhibit "A-1"). There is some disagreement to the difficulty of putting a 2-inch water line under the road to serve the property and the initial 3 units were served by the standard 3/4ths inch line which was placed under the road. They then determined that it wasn't that difficult to push a line under the road because of the texture of the soil and a 2-inch line was installed. Exhibit 3 shows that in October 1979, permits were issued for the initial homes. The 2-inch line coincides with the much larger loop system which is in existence in that area. This has increased the water pressure. Before, it was a dead-end line serving that area and the area further south. In 1979, Mr. Ward discussed with the Tulsa City-County Health Department the sewer system to serve the subject property and the discussions resulted in approval for a lagoon system. The lagoon was constructed at the SW corner of the subject property, 80 feet from Campbell Creek Road. The lagoon was approved and designed upon the estimated number of units that would be served by that system. Four mobile homes were connected to the lagoon system and according to all

tests and reports of the City-County Health Department, the system is working within the health guidelines, (Exhibit "A-1"). Mr. Ward was directed to remove some of the trees from the bank where the lagoon system was. In removing trees, the lagoon system was made more visible from the road. He then thought the solution to that problem was, to camouflage the bank by letting the grass grow. The City-County Health Department did not approve and he has since cut the grass. It is a catch 22 position. He has been trying to comply with what they directed him to do. The development of the property continued. The Sand Springs Water Department continued to install additional water taps, the road was continued, etc., until September of 1980, which was the first time his land was included within Tulsa County Zoning control. Mr. Ward had his first tenants in the mobile home park in January 1978. In the summer of 1981, Mr. Ward became aware of the AG zone that had been placed on the property and the apparent incompatibility of that zoning with his use of the property. Commissioner Terry Young placed this matter on a TMAPC docket as an INCOG zoning request. After the hearing before the Planning Commission, the matter was dismissed by Commissioner Young. The suggestion was made at that time that the proper form should be an application before this Board. That is why we are here. It is important that the factual circumstances which brought Mr. Ward into the development of the mobile home park and the timing of that development be understood. The intent of Mr. Ward to develop the property into a mobile home park is apparent through his actions and his words and all indications are that he was to develop that area as a mobile home park. The property that he purchased is covered with trees. It is not suitable for agriculture. It is situated at the intersection of what the City of Sand Springs in its zoning matters designates as a Type II activity center. The Type II activity center would include numerous land uses. The Staff recommendation of the TMAPC indicated at the time of the hearing that the northern tract was undeveloped and the southern tract was a mobile home park. The location of the initial mobile homes were adjacent to Campbell Creek Road. With the location of the mobile homes adjacent to the road, it would be illogical for Mr. Ward to develop the interior for anything other than mobile homes. He would landlock the balance of his land for other use if he could not continue the development of the entire park. Mr. Ward's application provides for 11 mobile homes in the first phase which coincides with the number of mobile homes presently on the property. Mr. Ward does intend to continue the development of his park so that the southern portion, second phase, will contain a total of 22 lots and 22 mobile homes. Each lot would be 66 feet wide and 120-foot deep. The standard RMH (residential mobile home park) zoning would permit a much greater concentration of mobile homes. Exhibit "A-6" shows where Mr. Ward intends to continue his mobile home park. Mr. Ward's density is even less than could have been provided in RS residential single family District.

Mr. Ward realized that his project was in serious financial jeopardy if the zoning matter was not resolved. His plans were for leasing those 11 spaces and he carried out those plans knowing full-well that at the conclusion of this zoning matter he might have to modify the use of the property. He had little choice but to continue with those people who had already signed up to move in his park. He was able to cancel one of the parties. The last fellow had already put up his water deposit and was moving into the park and could not be canceled.

Case No. 114 (continued)

The recent zoning decision should not be so literally enforced that it causes financial ruin for Mr. Ward. He circulated a petition (Exhibit "A-2") which in essence stated that the undersigned were supportive of Mr. Ward's mobile home park located on the southern 500 feet of his 11 acres. The petition further stated that the trees would be maintained as much as possible, that the lots were a minimum of 8,000 square feet, that each lot would be constructed with its own septic tank and lateral lines and that the lagoon continue to meet the Health Department standards (Exhibit "A-3"). The petition further continued that the mobile homes would be skirted, that the average number of people in the mobile homes would not exceed 4. No junk cars, shade tree mechanics, or tenants doing business would be allowed. There was also a limit of 1 dog per home which must be maintained in a 150 x 200 square-foot fenced area towards the back of the home, and the size of the park would be limited to 22 spaces on the south 500 feet of the 11 acres. The park would use the one existing access point on Campbell Creek Road. The petition contains the signatures of 322 people. Of those 322 people, 184 of those folks live within 3-miles of Mr. Ward's place.

Mr. Ward has applied for relief under two sections of the Code regarding nonconforming use and a variance.

Points to remember:

1. Coy Ward did intend to develop that area for mobile home use long before the zoning Statutes had been changed. A letter from Sand Springs indicates the request made in 1978.
2. The agreement by Coy Ward to limit his development to the southern portion of the property to 22 units, to large units of 65 x 120 feet, and to such other things like pet control, septic tank systems for the balance of the homes, leaving the trees that are there..., etc.
3. The exceptional position in which Mr. Ward finds himself. (His house is second mortgaged, the economic disaster which will become upon him if he is not allowed to continue at least this much of his development).

Questions:

Mr. Walker asked what year was the lagoon built? Mr. Doyle replied that it was built in the fall of 1979. Mr. Walker then asked the size of the lagoon. Mr. Doyle answered that the Health Department permitted 3 1/2 units, which depends on the number of bedrooms. Mr. Doyle advised that there are other mobile homes in the general area.

Protestant's Comments:

Mr. Erwin Phillips, 2101 Osage Ridge Drive, Sand Springs, Oklahoma, representing the residences of Lotsie, stated that a careful examination of the Ordinances of the City of Sand Springs would reveal that the subject area is outside Sand Springs regional jurisdiction, extending to their fence line and not out side it. Lotsie, which is controlled by Ordinance (Exhibit "A-4") did not feel that it needed a neighborhood park since it sets south and west of the Sand Springs Fence Line, east of the Mannford Fence Line, and north of Sapulpa. Residents of

Case No. 114 (continued)

the Town of Lotsie inquired at the middle of this year concerning an expansion of the mobile home park. There were 4 connected to the utilities at that time. During the inquiry they were informed that they needed to make their protests to Tulsa County with the change in jurisdiction. Several months ago, Mr. Ward was informed that he could not proceed with these developments without the consent of the proper health approvals, planning approvals, etc. That commenced the hearings before the County Planning Commission for rezoning which was withdrawn and precipitated the application to this Board. The Town of Lotsie wants to be on record as opposing the mobile home park on this property. The land owned by the incorporators of Lotsie would personally protest the approval of this application. At the most, this nonconformity could only extend to the 4 units.

Applicant's Comments:

The Board asked the question of how many mobile homes constitutes a mobile home park and Mr. Doyle answered, "Anything over one."

Protestant: Attorney Kenneth W. East Business Address: 2727 E. 21st St.
Home Address: Rt. 3, Box 218
Coyote Trail

Protestant's Comments:

Mr. East, attorney representing 106 protestants, (Exhibit "A-5"), 2727 East 21st Street, stated that INCOG was the zoning applicant with Mr. Ward as being a secondary applicant to the action of the Planning Commission. It was INCOG's understanding at the time the Zoning Ordinance became effective for the County that there was a mistake made concerning Mr. Ward's property. According to the information that INCOG received from Mr. Ward, all the work had been done and it was a mere matter of approving the zoning. It became obvious to Commissioner Young that there was a possible misrepresentation of the facts. On Commissioner Young's MOTION the Board allowed the withdrawal of the application.

Concerning the economic hardships facing Mr. Ward, the County told him that if more trailers were moved in that they might need to be moved out. Mr. Ward proceeded to move them in. A protest petition (Exhibit "A-5") was circulated for 3 days in the immediate area concerned, which contains 106 signatures. Half of these people live in mobile-type homes, they also have their own sewer system, live on acreages, and other essentials necessary for living in the country in a mobile home which are not present at this location. The purpose of the zoning originally was to relieve overcrowding. He presented 4 pictures of the area (Exhibit "A-6"). Having these mobile homes here would increase the traffic substantially. Sand Springs has a minimum of water available and now are being asked for more. This violates the spirit and intent of the zoning laws. On August 26, 1981, at 1:30 p.m., the zoning application went before the Planning Commission. Mr. Ward moved several trailers on the site before that date. There have been a lot of misrepresentations made by the applicant. Mr. East urged a strong denial to the application.

Case No. 114 (continued)

George Campbell, Box 434, Sand Springs, Oklahoma, represented his neighbors and friends, pleaded for this area to be used for camp, recreation and other activities by the community. He stated he first learned of what was going on when the lagoon began to stink.

Applicant's Rebuttal:

Mr. Doyle stated that the application is for approval of the 11 units occupying the property and also for an extension of 11 additional homes. The petition circulated by Mr. Ward further states that if the Board so directed to abandon the lagoon system and put in septic tanks for those homes he would agree.

The Board asked why Mr. Ward did not apply for zoning, knowing all the time that he was going to build a mobile home park there. Mr. Doyle answered that this area did not require zoning to put in a mobile home park when Mr. Ward first began construction.

Applicant's Comments:

Mr. Ward stated that he put together a petition (Exhibit "A-2"), going door to door in a 2 or 3 mile radius surrounding his property. His neighbors were not opposed to the mobile home park. Some expressed their disapproval of the open lagoon. Ten people who signed the protest petition also agreed and signed the petition in favor of the park.

Questions for the Applicant:

The Board asked when were the 4 original mobile homes moved on the property? The applicant stated that three of them moved on, in January and the fourth in May of 1980. When the County put the zoning control in effect in September of 1980, the Staff tried to accurately evaluate the County land use and in my opinion, my property got overlooked. Mr. Ward stated that he extended the same road which was built for the original 4, straight east into his property and added 7 more spaces. He stated that in the middle of construction he was faced with a protest. The Board asked when were the perk tests received by you? Mr. Ward replied that he received them in the spring from the Health Department and the trailers were moved in during the summer.

Staff Comments:

Mr. Lasker gave some background on the Planning Commission action. The Staff was notified by the County to initiate the zoning application because of a possible mistake in the zoning. It went to the Planning Commission with a lot of heated discussion. The area is rural in nature, and the RMH zoning was more of an urban-type designation even though that is our only mobile home park designation in the Zoning Code. Commissioner Young made a motion to withdraw the application. Mr. Lasker stated that there is a nonconforming use of the property to some amount. How much ground does that include? It would probably be limited to the 4 spaces that were there before the zoning was put into effect. This Board has options of expanding the nonconforming use.

Tyndall made a MOTION to DENY the application, which died for a lack of a second.

After further discussion, on MOTION of TYNDALL and SECOND by MARTIN, he Board voted 4-1-0 (Tyndall, Wines, Martin, Dubie, "aye"; Walker "nay";, no "abstentions") to DENY an Exception - Section 1420 (f) -

Case No. 114 (continued)

Nonconforming Use of Buildings or Buildings and Land in Combination - Under the Provisions of Section 1680 - Exceptions - to permit 11 mobile homes in an AG District on a tract of land containing 11.176 acres; and, a

Variance - Section 310 - Principal Uses Permitted in The Agriculture District - Under the Provisions of Section 1670 - Variances - to permit same as above, on the following described property:

A part of the NW/4 of the NW/4 of Section 14, Township 19 North, Range 10 East of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows, to wit:

Commencing at the SW corner of said NW/4, NW/4 of Section 14; thence North $89^{\circ}52'58''$ East along the South line of said NW/4, NW/4, for a distance of 765.93' to the point of beginning; thence North $23^{\circ}35'00''$ East for a distance of 141.23' to a point of curvature; thence along a curve to the left having a radius of 1,240' for a distance of 416.37' to a point of tangency; thence North $4^{\circ}20'40''$ East for a distance of 653.38' to an intersection with the South Right-of-Way line of Oklahoma State Highway #51; thence North $89^{\circ}24'09''$ East along said Right-of-Way line for a distance of 344.17' to a point on the East line of said NW/4, NW/4; thence South $0^{\circ}24'41''$ East along the East line of said NW/4, NW/4 for a distance of 1,185.58' to the Southeast corner thereof; thence South $89^{\circ}52'58''$ West along the South line of said NW/4, NW/4, for a distance of 558.66' to the point of beginning, containing 11.176 acres.

Case No. 115

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670 - Request for a variance of the setback requirements from 75' to 10' along the north and east boundaries in an IL District. This property is located at 6900 Mingo Valley Expressway.

Presentation:

Charles Helscel, (who resides at Route 3, Box 229, Milwaukee) was present to address the Board stating that they are proposing to add on to their present building on the east side coming within 10 feet of the property line at one point. Letters by the property owners closest to this tract of land were written saying that they have no objection to the building being within 10 feet of the property line. A letter from the Owasso Board of Adjustment was submitted (Exhibit "E-1") stating the conditions and requirements on the building. The letter was read before the Board by Mr. Dubie.

These 2 conditions were placed on the building: 1. That the building corner nearest the NW corner of Tract B, be moved north to provide 20' of space between the building and the corner; and, 2. that an opaque buffer fence be erected starting from the SE corner of the building, continuing along the entire border between the IL and the RE zoning boundaries on the east side of the subject property. Mr. Helscel was aware of the requirements and conditions submitted by the Owasso Board of Adjustment.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 4-0-0 (Martin, Walker, Tyndall, Dubie, "aye"; no "nays"; no "abstentions") (Wines was out of the room) to approve a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts) of the 75' setback requirements, subject to the following conditions on the following described property:

TRACT A: The NW/4 of the NW/4 of the SW/4 of Section 32, Township 21 North, Range 14 East, LESS 2.46 acres for Highway Right-of-way and LESS the East 155' of the North 482.55' and LESS the East 193' of the South 178' and LESS the West 140' of the East 333' of the South 145' and LESS the South 20' for roadway; and,

TRACT B: The West 140' of the East 333' of the South 145' of the NW/4 of the NW/4 of the SW/4 of Section 32, Township 21 North, Range 14 East, Tulsa County, Oklahoma, LESS the South 20' for roadway.

1. That the building corner nearest the NW corner of Tract B, be moved north to provide 20' of space between the building and the corner; and, 2. that an opaque buffer fence be erected starting from the SE corner of the building, continuing along the entire border between the IL and the RE zoning boundaries on the east side of the subject property.

Case No. 118

Action Requested:

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1202 - Area-Wide Exception Uses - Under the Provisions of Section 1680 - Request for an exception to permit a temporary open air outdoor country music concert use in an AG District; and, an

Case No. 118 (continued)

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1220 - Commercial Recreation: Intensive - Under the Provisions of Section 1680 - Request for an exception to permit an outdoor country music concert in an AG District. This property is located at 9600 North Memorial Drive.

Presentation:

Both the applicant and protestants were represented by counsel.

Mr. Buddy Fallis represented a group of protestants and cited from the State Statutes that legal notice is required fifteen (15) days prior to the public hearing rather than the ten (10) days having been used by the County Board of Adjustment in all previous hearings. David Carpenter, Assistant District Attorney, concurred with Mr. Fallis, as did the attorney for the applicant, Elizabeth B. Demeree.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions") to continue this case (No. 118) to October 20, 1981, on the advice of legal counsels to both the applicant and the protestants.

There being no further business to come before the Board, the Chair declared the meeting adjourned at 12:36 p.m.

Date Approved _____

Nov. 20, 1981

William J. Lyndon

Chairman