

**COUNTY BOARD OF ADJUSTMENT**  
Minutes of Meeting No. 57  
Tuesday, February 19, 1985, 1:30 p.m.  
County Commission Room, Room 119  
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF	OTHERS
Alberty Tyndall, Chairman Walker Wines	Martin	Gardner Jones Phillips	Edwards, Building Inspector

After declaring a quorum present, Chairman Tyndall called the meeting to order at 1:35 p.m.

MINUTES:

On MOTION of WINES and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE the Minutes of January 15, 1985.

UNFINISHED BUSINESS:

Case No. 521

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1217—Request an exception to permit automobile sales in a CS zoned (pending) district; and a

Variance—Section 1217.3—Automotive and Allied Activities—Request a variance to permit open-air storage within 300' of an R district, located at 4339 West 61st Street.

Presentation:

The applicant, Bill Ballard, 4339 West 61st Street, Sapulpa, Oklahoma, informed that his case was continued from an earlier meeting due to a problem with the zoning map. He explained that the subject property was approved for CS zoning 20 years ago, but the new map was never revised to include that zoning. When he came to the Board for the special exception, he also reapplied for the zoning. The County Board of Commissioners approved the CS zoning on February 11, 1985, on the basis of the earlier approval. Mr. Ballard informed the Board that he is requesting the special exception so he can run a small convenience store and used car lot on the subject tract. He stated that he owns the land surrounding the subject property to the north and west. He stated that the CS frontage granted by the County Board of Commissioners will not be sufficient to park used cars on. He would also like permission to park cars on his RS property to the west.

Comments and Questions:

Mr. Alberty asked Mr. Ballard about the current use of the land. Mr. Ballard explained that the land is not in use at the present time.

Case No. 521 (continued)

Mr. Walker asked Mr. Ballard if he is aware of the screening requirements imposed by the Code. Mr. Ballard explained that the adjacent property owner to the east does not want the property to be screened, and since he owns the other adjacent RS properties, he questioned the necessity of screening. Mr. Alberty informed Mr. Ballard that the Code addresses zoning, not ownership. He will be required to screen from any adjacent RS property, unless he seeks relief from the screening requirements.

Mr. Jones explained that the Staff called Mr. Ballard and informed him of the screening requirement and asked if he wished to apply for a waiver of the screening requirement. He did not.

Mr. Gardner suggested that the Board take action on the requests before them at this time. Then, if the applicant so desires, he can readvertise for a screening waiver. Mr. Gardner also explained that there is a small commercial building (small grocery store) on the subject tract which is an existing nonconforming use.

Mr. Alberty asked Mr. Gardner if this use is compatible with the existing uses in the area. Mr. Gardner explained that there is IL zoning to the west of the subject tract, but the remainder of the area is residential in nature. Most of the residents of the area are familiar with, the commercial uses that have been on the subject property in the past.

Interested Parties:

Lyda Winnerholm, 4329 West 61st Street, Sapulpa, Oklahoma, informed that she is not opposed to the proposed use on the subject property, but that she is opposed to the screening requirement. She informed that she lives to the east of the subject property and does not use an air-conditioner. If the screening fence is an eight foot, solid board fence, it will cut off the breeze into her house. She also feels it will hamper her view.

R. L. Winnerholm, 4301 West 61st Street, Sapulpa, Oklahoma, informed that he does not find the use offensive, and is only present to support his sister.

Additional Comments:

Mr. Alberty asked the applicant how many used cars he intends to park on the subject tract. The applicant stated that he will comply with the wishes of the Board, but would like to park at least six there.

Mr. Walker asked the applicant if the parking lot is gravel or hard surfaced. Mr. Ballard informed that the parking lot is bermuda grass, with gravel on it. Mr. Walker explained that the Code requires a hard surfaced parking area.

Case No. 521 (continued)

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE a Special Exception (Section 710—Principal Uses Permitted in the Commercial Districts—Under the provisions of Use Unit 1217) to permit automobile sales in a CS zoned district; and a Variance (Section 1217.3—Automotive and Allied Activities) to permit open air storage within 30' of an R district; subject to a six-car limitation on the used car lot; and to CONTINUE the balance of the application until March 19, 1985 to allow the applicant time to readvertise for additional relief, as relates to screening, hard surface, etcetera; on the following described property:

The South 150' of the following described tract: Beginning at a point 184.9' East and 35' North of the SW/c of SE/4 of SW/4 of Section 33, T-19-N, R-12-E, Tulsa County, Oklahoma, thence North 335' to a point; thence West 184.9'; thence South 185'; thence East 100'; thence South 150' to a point 35' North of the South line of the SE/4 of SW/4; thence East 84.9' to a point of Beginning.

Case No. 525

Action Requested:

Variance—Section 207—Street Frontage Required—Use Unit 1206—Request a variance of the required street frontage from 30' to 0' to permit a lot-split in an AG zoned district, located S. of SW/c of 86th Street North and Yale Avenue.

Presentation:

The applicant, Andrew Flynn, 1202 South 141st East Avenue, Tulsa, Oklahoma, was not present.

Comments:

The Staff informed that the County Board of Commissioners approved the CZ zoning on February 11, 1985. A condition was placed on the approval, requiring a subdivision plat to be filed if any additional lots are contemplated.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE a Variance (Section 207—Street Frontage Required—Under the provisions of Use Unit 1206) of the required street frontage from 30' to 0' to permit a lot-split per TMAPC, in an AG zoned district; on the following described property:

N/2, SE/4, NE/4, less 4.68 acres to state for highway, of Section 28, T-21-N, R-13-E, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 529

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Industrial Districts—Use Unit 1219—Request an exception to allow a motel use in an IL zoned district, located on the SE/c of 58th Street and 49th West Avenue.

Presentation:

The applicants, McDonald's Corporation and Campbell's Corporation, was represented by Adrian Smith, of Hammond Engineering, 5157 East 51st Street, Tulsa, Oklahoma. Mr. Smith submitted a description plat (Exhibit "A-1") and a plot plan (Exhibit "A-2") and explained that the subject tract was approved for the restaurant use on August 19, 1983. The developers and property owners assumed that both the restaurant and motel uses were approved. However, when development began on the motel portion of the property, they discovered that the motel use was not approved. This application is based on the earlier approval, and subsequent to the presentation on the August 19, 1983 meeting, at which time the motel use was discussed.

Protestants: None

Board Action:

On MOTION OF ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE a Special Exception (Section 710—Principal Uses Permitted in the Industrial Districts—Under the provisions of Use Unit 1219) to allow a motel in an IL zoned district; per plans submitted; on the following described property:

The South 161' of Lots 4 through 8, Block 3, Bozoarth Acres, an addition to Tulsa County, Oklahoma.

Case No. 530

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1209—Request an exception to allow a mobile home in an RM-2 zoned district, located E. of SE/c of 79th West Avenue and 18th Street.

Presentation:

The applicant, Shirley Hathcock, 7804 West 18th Street, Tulsa, Oklahoma, requested to be allowed to place a 14' x 80' mobile home on the subject property as a permanent residence. A septic tank is on the property. There is not a residence on the property at this time, and there are other mobile homes in the area. She submitted a plot plan (Exhibit "B-1").

Case No. 530 (continued)

Protestants: None

Comments:

The Staff submitted a letter from the Sand Springs Board of Adjustment recommending approval of the application (Exhibit "B-2"). A copy of the minutes of the Sand Springs meeting was attached.

Board Action:

On MOTION of WALKER and SECOND by WINES, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE a Special Exception (Section 410—Principal Uses Permitted in the Residential districts—Under the provisions of Use Unit 1209) to allow a mobile home in an RM-2 zoned district; subject to a Building Permit and Health Department approval; and subject to no time limitation; on the following described property:

Lot 8, Block 5, Lake Subdivision, Tulsa County, Oklahoma.

Case No. 531

Action Requested:

Variance—Section 330—Bulk and Area Requirements in the Agricultural Districts—Use Unit 1206—Request a variance of the lot width from 200' to 150', of the lot area from 2 acres to 1.5 acres and of the land area from 2.2 acres to 1.6 acres, all to permit a lot split in an AG zoned district, located E. of NE/c of 225th West Avenue and 41st street.

Presentation:

The applicant, Johnnie Stephens, Route 3, Box 494, Sand Springs, Oklahoma, was represented by Lois Warren of Montie Box Realtors, 11 East Broadway, Sand Springs, Oklahoma. She submitted a picture of the existing dwelling on the subject tract (Exhibit "C-1") and explained that Mr. and Mrs. Stephens are elderly and in poor health. They are requesting the lot split so they can sell the other two lots. Two of the lots will have 187.28' frontages. A plot plan was submitted (Exhibit "C-2").

Protestants: None

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE a Variance (Section 330—Bulk and Area Requirements in the Agricultural Districts—Under the provisions of Use Unit 1206) of the lot width from 200' to 150', of the lot area from 2 acres to 1.5 acres, and of the land area from 2.2 acres to 1.6 acres, all to permit a lot split in an AG zoned district, per TMAPC; on the following described property:

Case No. 531 (continued)

Begin 832' South of the NE/c, SW/4, SW/4 of Section 22, T-19-N, R-10-E, thence West 524.95', South 463.58', East 524.95', North 463.58' to the P.O.B., Tulsa County, Oklahoma.

Case No. 532

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1209—Request an exception to permit a mobile home in an RM-2 zoned district, located at 7320 West 16th Street.

Presentation:

The applicant, Bob Dentis, 7320 West 16th Street, Tulsa, Oklahoma, informed that his house burned on the subject tract about four months ago. The home was on a septic tank and City water. He informed that there are other mobile homes in the area. Mr. Dentis stated that he would like to be granted permanent use of the mobile home.

Protestants: None

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1209) to permit a mobile home in an RM-2 zoned district, permanently; subject to a Building Permit and Health Department approval; on the following described property:

Tract 19, and the West 5' of the North 106.9' of Tract 20, Lot 6, Billington Acre Tracts, Tulsa County, Oklahoma.

Case No. 533

Action Requested:

Variance—Section 208—One Single-Family Dwelling Per Lot of Record—Use Unit 1206—Request a variance to permit three (3) dwelling (two existing and one proposed) units per lot of record in an AG zoned district, located 1/4 mile N. of NW/c of 185th East Avenue and 131st Street.

Presentation:

The applicant, Edward Earl Holt, 509 North 9th Street, Broken Arrow, Oklahoma, informed that he and his wife live on his disability income. He has saved enough money to build a small home on the land his father-in-law lives on. The subject tract is 2.7 acres, on which there are two existing dwelling units. The proposed dwelling unit will be 300' to the rear of the other dwelling units.

Protestants: None

Case No. 533 (continued)

Comments and Questions:

The Staff submitted a letter from the Broken Arrow City Planner, recommending denial of the application (Exhibit "D-1"). The letter cited three reasons for this recommendation: (1) the applicant did not demonstrate any hardship by virtue of application of the Zoning Code; (2) The applicant did not demonstrate that the reason behind the request for the variance was related to peculiar conditions of the property involved; and (3) It is possible that if the relief were granted, the purposes or the intent of the Zoning Code or the Comprehensive Plan would be impaired.

In answer to a question by Mr. Tyndall, the Mr. Holt informed that the two existing homes on the subject property belong to his father-in-law and his brother-in-law, respectively.

Mr. Alberty explained that it is not the policy of the Board to overrule the decisions of another community, when a case has been referred for recommendation.

Mr. Alberty suggested that Broken Arrow Board of Adjustment might support a lot split, if the applicant is inclined to pursue the item further.

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 3-1-0 (Alberty, Tyndall, Walker, "aye"; Wines, "nay"; no "abstentions"; Martin, "absent") to DENY a Variance (Section 208—One Single-Family Dwelling Per Lot of Record—Under the provisions of Use Unit 1206) to permit three (3) dwelling units (2 existing and 1 proposed) per lot of record in an AG zoned district; upholding the decision of the Broken Arrow Board of Adjustment; on the following described property:

The East 435' of the South 270' of N/2, S/2, NE/4, SW/4 of Section 1, T-17-N, R-14-E, Tulsa County, Oklahoma.

Case No. 534

Action Requested:

Special Exception—Section 1420(f)—Nonconforming Use of Buildings or Buildings and Land in Combination—Use Unit 1217—Request an exception to permit auto sales, repair and open-air storage in an AG zoned district; located at 5700 South Lynn Lane.

Presentation:

The applicant, Ken Dobbins, 20959 East 37th Street, informed that the subject tract was used for a gas station from 1961 until 1981, when he purchased the property. At that time, the use was changed to a used car lot and automobile repair. The used car lot cannot be licensed in an AG zoned district; therefore, Mr. Dobbins is requesting the special exception to permit auto sales and repair in

Case No. 534 (continued)

the AG zoned district. The gasoline pumps are no longer in service, but the bays are being used for auto repair. The request is pursuant to a change in the requirements for dealership license.

Comments and Questions:

Mr. Jones informed that the application was taken under Special Exception—Nonconforming Use, which requires the applicant to produce evidence of the nonconforming use.

The Staff submitted a letter from the Broken Arrow City Planner, recommending denial of the application (Exhibit "E-1"). The letter noted that the vote was split (2-2), which based on legal opinions was ruled as a denial by the City Attorney.

Mr. Tyndall asked if there are other commercial properties in the area. Mr. Dobbins informed that there are none with commercial zoning, but the twenty acre tract surrounding the subject tract is a light industrial use (i.e. manufacturing campers).

There was discussion about the nonconforming use. Mr. Dobbins informed that the service station was always used for auto repair; however, Mr. Dobbins informed that he has no means of proving the existence of the used car lot prior to 1981. He informed that before the licensing regulations were revised, licenses were acquired through the mail. As a result of such lax standards, many dealers chose not to pay for the license.

Protestants:

David Gordon, 22201 East 71st Street, Broken Arrow, Oklahoma, represented Morrow Trust, which owns 120 acres to the south of the subject tract. This tract is zoned RS-1. He informed that the 200 acres adjacent to the subject property on the west is zoned RS-1 and is in the process of being developed. Both of the aforementioned properties are in the City limits of Broken Arrow. The nearest property to the north of the subject tract is also zoned RS-1. The homes to be built in the Morrow Trust development will be within the \$110,000.00 to \$150,000.00 range. He stated that approval of the application would be in direct conflict with the Broken Arrow Comprehensive Plan. He presented an aerial view of the area, and explained that an automobile sales and repair use does not belong in an area that is planned for single family residences.

Joe Morrow, 5269 South 69th East Avenue, Tulsa, Oklahoma, was present and in protest of the application.

Applicant's Rebuttal:

Mr. Dobbins explained that this use was on the subject tract before these builders decided to develop the adjacent lands, and he resents having his business squeezed out to make room for this type of development. He is before the Board in an effort to abide by the requirements of the State Licensing Board, and is making every effort to conduct an honorable, legal business on his property. He presented pictures of the subject tract for the Board's perusal.



Case No. 534 (continued)

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 3-1-0 (Alberty, Tyndall, Walker, "aye"; Wines, "aye"; no "abstentions"; Martin, "absent") to DETERMINE (based on the evidence presented) that a service station was in existence on the subject tract prior to the Ordinance change in September 1980, establishing a legal nonconforming service station use; and to DENY a Special Exception (Section 1420(f)—Nonconforming Use of Buildings or Buildings and Land in Combination—Under the provisions of Use Unit 1217) to permit auto sales, repair and open air storage in an AG zoned district, based on the recommendation of the Broken Arrow Board of Adjustment, and the failure of the applicant to verify a nonconforming car sales use; on the following described property:

Begin at the SW/c, N/2, N/2, NW/4, SW/4; thence North 123', East 24.75', Southeasterly 90', South 83', West 108.75' to P.O.B., Section 36, T-19-N, R-14-E, Tulsa County, Oklahoma.

Case No. 535

Action Requested:

Variance—Section 208—One Single-Family Dwelling Per Lot of Record—Use Unit 1206—Request a variance to allow two (2) dwelling units (one house, one mobile home) per lot of record in an AG zoned district, located on the SE/c of Highway 75 and 76th Street North.

Presentation:

The applicant, Ronnie Hill, Route 1, Box 472, Sperry, Oklahoma, informed that he is a tool and dye maker, and had to sell his home and move to Texas during the recent recession. His father owns the subject tract and has agreed to let him put a mobile home there. He submitted a plot plan (Exhibit "F-1") and informed that there are other mobile homes in the area. The subject property is three acres.

Comments and Questions:

Mr. Alberty asked the applicant if a septic system will be used. Mr. Hill stated that the mobile home will be on a separate system from the house.

Mr. Alberty asked Mr. Hill if there are any situations similar to this one, with more than one dwelling unit per lot of record. Mr. Hill stated that he was not aware of any.

In answer to a question by the Board, Mr. Hill explained that the property to the east of the subject tract is a single-family residence, and the property to the west is an industrial site.

Mr. Alberty explained to the applicant that the mobile home is allowed by right on a two acre tract in an AG zoned district; however, allowing two dwelling units per lot of record is the issue.

Case No. 535 (continued)

Mr. Wines asked how much of the subject tract is affected by the right-of-ways for 76th Street and the expressway. Mr. Hill stated that the right-of-way is marked at an angle across the property. The cut is marked with poles.

Mr. Wines asked the applicant at what point access will be provided to the mobile home. Mr. Hill informed that the frontage is on 76th Street and access will be to that street. Mr. Wines asked if the applicant is aware that the right-of-way will be elevated in front of his property. Mr. Hill informed that he is aware of the situation.

Protestants:

Tommy A. Williams, 4704 East 76th Street North, owns the abutting property to the North and East. There is a 75' right-of-way on the front side of the three acres and a pond in the middle of the three acres. Taking these facts into consideration, the subject tract has slightly less than two acres of useable land. Mr. Williams informed that the pond overflows onto his property during heavy rains. He stated that there are 19 cars and three buildings on the property, as well as a salvage yard, and the property owner hauls trash onto the property and burns it there. Mr. Williams stated that several times he and his wife have come home from work to find their lawn burned, and recently lost a tree to one of these trash fires. Mr. Hill's father has 3 bulldogs that are allowed to run loose on the property. Mr. Williams informed that he cannot walk the south line of his property where it abuts the subject tract, because it is covered with the frames of automobiles, tires, and debris. In answer to a question by the Board, Mr. Williams informed that he is opposed to the additional dwelling on the property, stating that waste flows into his pond from the existing home on the subject tract.

Nathan Horne, 4714 East 76th Street North, Tulsa, Oklahoma, stated that Mr. Williams' description of the subject tract is accurate, and informed that he is opposed to the additional dwelling unit on the subject tract. In answer to a question from the Staff, Mr. Horne informed that he built his home in 1973, and the automobiles were on the subject tract at that time.

Additional Comments:

Mr. Gardner noted that Mr. Williams' testimony implies that the subject tract doesn't percolate, and an additional dwelling will create a problem. He suggested that any motion for approval should be subject to the standard Health Department approval.

Applicant's Rebuttal:

Mr. Hill informed that he cannot be responsible for his father's actions. He has not lived on the subject tract for ten years, and is not responsible for what his father does on his property. He stated that the pond flows away from the protestant's property.

Case No. 535 (continued)

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 3-1-0 (Alberty, Tyndall, Walker, "aye"; Wines, "nay"; no "abstentions"; Martin, "absent") to APPROVE a Variance (Section 208—One Single-Family Dwelling Per Lot of Record—Under the provisions of Use Unit 1206) to allow two (2) dwelling units (one house, one mobile home) per lot of record in an AG zoned district; subject to Health Department approval and a Building Permit; and subject to a five-year time limitation; on the following described property:

The East 396' of the North 330' of W/2, NE/4, NE/4 of Section 33, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 536

Action Requested:

Variance—Section 207—Street Frontage Required—Use Unit 1206—Request a variance of the 30' frontage to 0' to permit a lot split in an AG zoned district; and a

Variance—Section 330—Bulk and Area Requirements in the Agricultural Districts—Request a variance of the lot area from 2 acres to 1.6 acres and of the land area from 2.2 acres to 1.6 acres, in an AG zoned district, located at 13610 East 96th Street North.

Presentation:

The applicant, James King, 13610 East 96th Street North, Owasso, Oklahoma, was represented by Dale Jonda, 4240 South Birmingham, Tulsa, Oklahoma, who informed that the lot split is scheduled to be heard by the TMAPC on February 20, 1985. He submitted a plat of survey (Exhibit "G-1").

Comments and Questions:

Mr. Wines asked the Staff if it is customary for the Board to take action before the TMAPC has heard the lot split. Mr. Jones informed that the Board can take action, provided any motion is subject to TMAPC approval.

There was discussion about the plat of survey and the dedicated street.

Protestants:

Jack QJala, 13616 East 96th Street North, Owasso, Oklahoma, informed that he lives on the tract directly east of the subject tract. He informed that the existing street is undedicated. He stated that when they first moved onto this property, there were plans for the street to be dedicated, but that has not been done. It is used only as a private road to Mr. King's property. His concern is whether the land has been platted, and whether there will be covenants governing these lots, as with the existing lots in the area. He stated that Mr. Shag (interested party listed below) owns a home which has a value in excess of \$350,000.00, on a 30 acre tract. If

Case No. 536 (continued)

this lot split is approved and homes are built at the end of a dirt road, the property values all around will be deflated.

John Shag, 9752 East Second Street, Owasso, Oklahoma, agreed with a suggestion by the Board to continue the case to allow time for the lot split to be reviewed by the TMAPC, and to allow the applicant a chance to determine if the existing road has been dedicated.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Martin, Wines, "absent") to CONTINUE Case No. 536 until March 19, 1985.

Case No. 537

Action Requested:

Special Exception--Section 310--Principal Uses Permitted in the Agricultural Districts--Use Unit 1205--Request an exception to allow church use in an AG zoned district; located S. of SE/c of 96th Street North and 129th East Avenue.

Comments:

Mr. Alberty requested that the record reflect his ownership of adjacent property to the subject tract. He stated that he will not abstain from proceedings, and has nothing to lose or gain by the action taken on this application.

Presentation:

The applicant, Church of the Holy Cross, P.O. Box 407, Owasso, Oklahoma, was represented by Ted Larkin, 9901 South Sandusky, Tulsa, Oklahoma. Mr. Larkin submitted a preliminary site plan (Exhibit "H-1") and explained that the subject tract is a four acre parcel (net). Phase One of the Master Plan is a 4500 sq. ft. facility which includes a sanctuary to seat 150 persons, 5 classrooms, a kitchen and restrooms. The Master Plan shows approximately 10,000 to 12,000 additional square feet, which will include a parrish hall, a 300 seat sanctuary, classrooms, and administration. In the first phase of construction, the 300 seat sanctuary will be built, and will accommodate the classrooms, etc. The church feels this will be more practical than building a temporary sanctuary and converting it later. There is one home to the west of the subject tract, and one other which is abandoned and unoccupiable. He stated that the building committee of the church has requested that no parking be visible from the street. The land has a substantial slope, with a 4 percent grade. The property line is drawn on the site plan to show the additional right-of-way planned.

Protestants: None

Comments and Questions:

Mr. Alberty asked Mr. Larkin what type of building materials will be used. Mr. Larkin explained that they plan to use "earthy" materials (e.g. stone, wood shingles, rough sewn lumber). The facility is a

Case No. 537 (continued)

"wrap around" facility with the alter being at the west point. Eastern sunlight will filter into the sanctuary. Due to the slope of the land, the first phase will be four to five feet into the ground on the northwest side. The expansion on the south will be a two-story unit, with the second story being on the same level as the ground level of the first phase.

Mr. Alberty informed that he had hoped to maintain the undeveloped, rural nature of the area; however, a precedent has been set for church use in the area. A church was approved by this Board for a five-acre tract immediately north of this property. This is the first site plan this Board has seen for a church in this area, and it will set a favorable precedent.

Mr. Alberty expressed some concern over the access points, in light of the fact that several other churches are planned for the area.

Mr. Gardner informed that the platting requirements should relieve any concerns of the Board, in regard to access points.

Mr. Larkin informed that the Health Department recommended, due to the slope of the land, that the lateral lines be placed on the high side of the property, which is the front of the property. This will require pumping, but the church has agreed to comply with that recommendation.

Mr. Walker asked the Staff what the impact of three churches in such close proximity will be on the Comprehensive Plan. Mr. Gardner addressed the potential traffic problem, but explained that the traffic generated should not be significant enough to cause substantial problems, based on the size of the sites.

Board Action:

On MOTION of WINES and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE a Special Exception (Section 310—Principal Uses Permitted in the Agricultural Districts—Under the provisions of Use Unit 1205) to allow church use in an AG zoned district; subject to a subdivision plat being filed; per plot plan submitted; on the following described property:

A part of the NW/4 of the SW/4 of the NW/4 of Section 21, T-21-N, R-14-E, Tulsa County, State of Oklahoma, more particularly described by metes and bounds as follows, to wit: Commencing at the Northwest corner of the SW/4 of the NW/4 of Section 21; thence N. 89°53'14" E. along the North line of the SW/4 of the NW/4 a distance of 33.00 feet to the Point of Beginning; thence N. 89°53'14" E. a distance of 580.80 feet; thence Due South a distance of 300.00 feet; thence S. 89°53'14" W. a distance of 580.80 feet to a point 33.00 feet East of the West line of Section 21; thence Due North a distance of 300.00 feet to the POINT OF BEGINNING and containing 174,239.66 square feet or 4.00 acres more or less.

Case No. 538

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1215--Request an exception to allow a pawn shop in a CS zoned district; located on the SW/c of 75th Place North and Peoria Avenue.

Presentation:

The applicant, Frank C. Gow, 4318 North Peoria, Tulsa, Oklahoma, was not present, but submitted a letter requesting that the Case be withdrawn and the fee be reimbursed (Exhibit "I-1").

Comments:

Mr. Jones informed the Board that the application was made due to an error, and recommended that the fee be refunded.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to WITHDRAW Case No. 538 and to REFUND the \$125.00 filing fee.

SPECIAL ITEMS:

Action Requested:

Adopting updated list of minor variances and special exceptions.

Board Action:

On MOTION of WINES and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to CONTINUE this item to March 19, 1985.

Case No. 513

Action Requested:

Review of site plan for Case No. 513.

Presentation:

The applicant, David Ingles Ministries, was represented by Nelson Pendergrass, 110 West Kenosha, Broken Arrow, Oklahoma, informed that the special exception for church use, as well as a variance to allow a radio station in an AG zoned district, was approved on November 20, 1985. The Federal Communications Commission has placed a time restriction on the radio station, and they are in danger of losing their license. Mr. Pendergrass submitted a plot plan (Exhibit "J-1") and explained that if they can be allowed to place a metal shed on the tract (which can be used in the future for storage of tools), they can operate from that building until the completion of the permanent structure. This will enable them to retain their license.

Case No. 513 (continued)

Protestants: None

Comments and Questions:

Mr. Gardner reminded the Board that there was some question as to the height of the transmitting tower. Mr. Pendergrass presented a scale drawing of the tower and explained that they will be transmitting from one of Channel Eight's tower, and the tower on the subject tract will only be a small one.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE the plot plan submitted as an INTERIM plot plan for Case No. 513 until the permanent plans are ready for review.

There being no further business, the meeting was adjourned at 4:00 p.m.

Date Approved \_\_\_\_\_

  
\_\_\_\_\_  
Chairman

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