

**COUNTY BOARD OF ADJUSTMENT**  
Agenda (No. 136)  
Tuesday, September 17, 1991, 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, Chairman Eller Tyndall Walker	Looney	Jones Moore	Fields, Building Inspection Glenn, Building Inspection Denise Graham, Asst. District Attorney

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Monday, September 16, 1991 at 12:25 p.m.

**MINUTES:**

On **MOTION** of ELLER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of August 20, 1991 (No. 135).

**NEW APPLICATIONS**

**Case No. 1039**

**Action Requested:**

Special Exception to permit a home occupation, real estate office, in an RS zoned district - **Section 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 3733 South 60th West Avenue.

**Presentation:**

The applicant, **Dan Satterfield**, 3733 South 60th West Avenue, Tulsa, Oklahoma, stated that he is a real estate broker, and requested permission to continue to maintain an office in his home.

**Comments and Questions:**

In response to Mr. Alberty, Mr. Satterfield stated that he does not have employees in the office.

Mr. Alberty asked the applicant if he can comply with the Home Occupation Guidelines, and he answered in the affirmative.

**Protestants:** None.

**Board Action:**

On **MOTION** of ELLER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit a home occupation, real estate

Case No. 1039 (continued)

office in an RS zoned district - **Section 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; per Home Occupation Guidelines; finding the use to be compatible with the residential neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

Lot 5, Block 2, Pleasure Acreage 3rd Addition, Tulsa County, Oklahoma.

Case No. 1040

Action Requested:

Variance to allow two dwelling units (mobile home and single-family) on one lot of record - **Section 208. ONE SINGLE - FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Units 6 and 9.

Variance of the required 2.2 acres of land area per dwelling unit to 1.59 acres per dwelling unit - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Units 6 and 9, located 10520 North New Haven.

Presentation:

The applicant, **Vonda McQuay**, Route 2, Box 2220, Sperry, Oklahoma, requested permission to install a mobile home on her sister's property at the above stated location. She informed that there are approximately 12 mobile homes in the neighborhood.

Comments and Questions:

In response to Mr. Alberty, the applicant stated that there will be one house and one mobile home on the large lot.

Mr. Alberty asked if there are other lots in the area with two dwelling units on one lot of record, and Ms. McQuay answered in the affirmative. She informed that the lots containing more than one dwelling unit are located to the east of the subject property.

Protestants:

**Larry Barnes**, 10141 North New Haven, Sperry, Oklahoma, stated that the addition is for single-family dwellings, and that the 2.2-acre requirement per dwelling should be adhered to. He suggested that the properties in the area that contain two dwellings are probably illegal. Mr. Barnes informed that a previous Board of Adjustment applicant was permitted to have a mobile home on his property for two years, and it has never been removed. He further noted that all dwellings in the area are forced to install lagoons, since the soil cannot pass a percolation test. Mr. Barnes stated that a mobile home was temporarily approved recently and the family has already moved out and left trash and debris on the lot.

**Matthew Howard**, Route 1, Box 767, Sperry, Oklahoma, informed that he lives in the addition, and is opposed to the area becoming a mobile home park. He pointed out that sewage disposal is a problem in the area, and that an additional lagoon is not installed when two dwellings are located on one lot.

Case No. 1040 (continued)

**Interested Parties:**

Mr. Albery informed that the Board has received two letters of support (Exhibit A-1) from property owners in the area.

Ms. Parks stated that she lives on the subject property, and is concerned about the condition of the neighborhood. She informed that her sister has a new mobile home and is in need of a temporary location until she can purchase her own land. Ms. Parks stated that the lagoon can be enlarged if this is a Health Department requirement.

**Additional Comments:**

Mr. Albery asked Ms. Parks how long she anticipates her sister will live at this location, and she replied that Ms. McQuay will probably need the space from two to five years.

Larry Barnes reiterated that there is a resident in the addition that was granted permission to install a mobile home for two years, and it has continued to remain beyond the time limit. He pointed out that it is impossible to improve the area if these conditions are not enforced.

In response to Mr. Barnes, Mr. Albery informed that the County Building Inspector is responsible for enforcing conditions imposed by the Board. He advised Mr. Barnes to discuss the issue with Ron Fields, Building Inspection, to determine if this is a covenant violation or a zoning violation.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Albery, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** to allow two dwelling units (mobile home and single-family) on one lot of record - **Section 208. ONE SINGLE - FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Units 6 and 9; and to **APPROVE** a **Variance** of the required 2.2 acres of land area per dwelling unit to 1.59 acres per dwelling unit - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Units 6 and 9; subject to a time limitation of 5 years only; and subject to a Building Permit and Health Department approval; finding that there are other lots in the area with more than one dwelling unit, and that the granting of the temporary location of the mobile home on the subject property will not be detrimental to the area; on the following described property:

Lot 1, Block 2, Cummings Acres, Tulsa County, Oklahoma.

Case No. 1041

Action Requested:

Special Exception to permit a mobile home in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9**, located 5925 South 56th West Avenue.

Presentation:

The applicant, **Paul Triplett**, 5925 South 56th West Avenue, Tulsa, Oklahoma, stated that he has leased a tract of land and is proposing to install a mobile home for his residence. Mr. Triplett explained that he plans to purchase the property in the future and construct a permanent dwelling.

Comments and Questions:

Mr. Walker asked if the lot is vacant, and Mr. Triplett replied that the house has been removed, but the garage remains.

In response to Mr. Alberty, the applicant stated that there are two other mobile homes near the subject tract.

Mr. Alberty inquired as to the location of the mobile home on the lot, and the applicant stated that he does not have a plot plan, but will comply with all required setbacks.

Mr. Triplett stated that the mobile home will be connected to a public sewer, and will be skirted and tied down.

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eiler, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9**; subject to Building Permit and Health Department approval; finding that there are other mobile homes in the area and the granting of the request will not cause substantial detriment to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lot 7, Block 2, Oakhurst Estates, Tulsa County, Oklahoma.

Case No. 1043

Action Requested:

Use Variance to permit the operation of a cabinet shop in an RE zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 15, located west 41st Street South and 169th West Avenue.

Comments and Questions:

Mr. Jones informed that the City of Sand Springs has submitted a recommendation (Exhibit B-2) for denial of the application.

Presentation:

The applicant, **Craig Waller**, Route 6, Box 190, Sand Springs, Oklahoma, was represented by **David Phillips**, Sand Springs, Oklahoma. He submitted a petition of support (Exhibit B-1) signed by all land owners within 300' of the subject property. Mr. Phillips requested permission for a cabinet shop to be operated on the tract, and pointed out that there are some mobile homes in the area, but no houses within a mile of the property. He informed that Sand Springs has recommended that the property be rezoned to accommodate the proposed use. Mr. Phillips pointed out that there are other businesses in the area, but is not sure if they have Board of Adjustment approval. He added that ingress and egress to the property will be on 169th West Avenue.

Interested Parties:

**Terrell Hunsley**, 3924 South 169th West Avenue, Tulsa, Oklahoma, stated that he lives in a mobile home across the street from the subject tract. He pointed out that the business would be an asset to the community, and the fact that someone would be on the premises during the day would reduce the risk of theft in the area.

Comments and Questions:

Mr. Albery advised that Sand Springs is opposed to a use variance; however, they have pointed out that they may be inclined to support rezoning of the property.

Mr. Tyndall asked if the applicant has been operating his cabinet shop in a residential area of Sand Springs, and Mr. Phillips answered in the affirmative.

Mr. Tyndall suggested that a time limitation could be imposed, to allow the applicant sufficient time to begin the zoning process.

Mr. Walker advised that the required zoning may not be appropriate for the area.

Mr. Albery stated that he is inclined to support the Sand Springs recommendation. He pointed out that the introduction of a nonresidential use would not help the struggling residential area to recover or strengthen.

Case No. 1043 (continued)

Mr. Jones stated that the area is not designated for commercial purposes in the Comprehensive Plan, and it would probably be difficult for the applicant to rezone the property. He further noted that, although the tract is large, the proposed 72' by 42' accessory building is a larger structure than is usually associated with residential use.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **DENY** a **Use Variance** to permit the operation of a cabinet shop in an RE zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 15; finding that the applicant failed to present a hardship that would warrant the granting of the variance request; and finding that the proposed business would be detrimental to the residential area; on the following described property:

W/2, W/2, SW/4, SE/4, Section 19, T-19-N, R-11-E, Tulsa County, Oklahoma.

**Case No. 1044**

**Action Requested:**

Special Exception to keep, raise and sell wild or exotic animals - **Section 291 - WILD OR EXOTIC ANIMALS** - Use Unit 6, located 17018 East 174th Street South.

**Presentation:**

The applicant, **Cheryl Clay**, 17018 East 174th Street South, Leonard, Oklahoma, who submitted photographs (Exhibit C-1) of her serval cat, stated that she has acquired a serval and is requesting permission to continue to keep the animal on her property. She informed that the cat is native to Africa and at maturity is approximately 2' tall and weighs about 35 pounds. Ms. Clay stated that the cat is kept in her home or is outside in a cage with a covered top, and pointed out that, in their natural habitat, these animals have the flight instinct and are usually not aggressive. The applicant stated that she may raise servals in the future, but this is a time consuming task, since the babies must be removed from the mother at one week old and hand fed. Ms. Clay stated that she is before the Board because she was advised that permission is required to keep wild or exotic animals. She stated that the serval pen has been approved by the game warden, and a commercial breeders license has been issued, which must be renewed each year after the pen is inspected. Ms. Clay stated that the serval is a house pet, and asked the Board to approve the application. A shot record (Exhibit C-2) and an aerial (Exhibit C-4) were submitted.

Case No. 1044 (continued)

**Protestants:**

**Don Gibbons**, 1000 Crosswinds Drive, Leonard, Oklahoma, stated that he is representing five families in the area that are concerned that property values will decline if the special exception is approved. He informed that each of their homes is valued at approximately \$200,000.

Mr. Tyndall asked Mr. Gibbons if he would be opposed to breeding and selling dogs, and he replied that the property owners are opposed to a business in the neighborhood.

**Sonny Shannon**, 17115 East 176th Street, Leonard, Oklahoma, stated that the cat cage is near his home, and he is not opposed to the animal on the property.

Mr. Walker asked Mr. Shannon if he would be opposed to the operation if it became a lucrative business, and he replied that Ms. Clay has stated that the serval will only have two litters per year, which would not be a problem. Mr. Shannon stated that he would be opposed to any business that generated a lot of traffic in the neighborhood.

**Adrian Wright**, 17021 East 174th Street, Tulsa, Oklahoma, stated that he moved to the area because of the quiet country setting, and approximately two years ago the animals on Ms. Clay's property began to increase. He pointed out the children are in danger from Ms. Clay's dog, and is opposed to a wildcat in the neighborhood.

Mr. Albery advised that the Board has received a letter of protest (Exhibit C-3) from a property owner in the area.

Mr. Albery informed that Staff received a letter (Exhibit C-5) from Larry Nunley, Tulsa Zoo, which stated that he is opposed to a special exception being approved to permit a private individual to raise and sell servals.

**Applicant's Rebuttal:**

Ms. Clay stated that the serval has been declawed and is not permitted to roam outside. She pointed out that the pen is secure and the animal will not be a threat to the safety of the children in the area.

**Comments and Questions:**

Mr. Walker asked the applicant if she intends to breed several female servals, and she replied that she does not. Ms. Clay informed that a market for the animals would be found before the breeding would take place.

Mr. Jones informed that he and Mr. Fields visited the site and Ms. Clay has many kinds of animals and birds, which are all permitted by right except the serval. He stated that he finds the use to be compatible with the area from a land use standpoint.

Case No. 1044 (continued)

Mr. Alberty stated that Ms. Clay's serval is protected and provided for, and it appears to be no more of a threat to the neighborhood than a domesticated cat or dog that is kept inside.

Mr. Eller stated that there are many dangerous animals in the agriculture district, and it seems that the serval cat, under strict surveillance, would not be a threat to the neighborhood.

Mr. Tyndall suggested that the number of cats should be limited.

In response to Mr. Eller, the applicant stated that the cat could have as many as six in a litter, and all babies should be placed with the new owner within six weeks.

Mr. Jones inquired as to the maximum number of adult serval cats that will be kept on the property, and Ms. Clay replied that she will not have more than two adult servals at any given time.

Mr. Tyndall asked if additional cages will be installed, and the applicant stated that the existing cage is large and can be divided if more space is needed. She stated that no additional cages will be built.

**Board Action:**

On **MOTION** of ELLER, the Board voted 4-0-0 (Alberty, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to keep, raise and sell wild or exotic animals (serval cats only) - **Section 291 - WILD OR EXOTIC ANIMALS - Use Unit 6**; subject to proper State licensing; subject to no more than two mature serval cats being housed on the property at any given time; finding that all kittens born to the adult servals will be removed from the premises at a young age; and finding the use to be compatible with the agriculture zoning, and that approval of the special exception, per conditions, will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 9, less 25' on north and northwest for street, Block 1, RS Airport, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:21 p.m.

Date Approved Oct. 15, 1991

  
Chairman