

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 150  
Tuesday, November 17, 1992, 1:30 p.m.  
County Commission Room 119  
County Administration Building

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Alberty, Chairman Eller Looney Tyndall Walker		Gardner Jones Wiles	Fields, Building Insp. Glenn, Building Insp.

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, November 16, 1992, at 1:21 p.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

There were no minutes ready to be approved.

**UNFINISHED BUSINESS**

**Case No. 1109**

**Action Requested:**

Variance to permit 2 dwelling units per one lot of record  
- **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6.

Variance of the land area per dwelling unit from 4.4 acres to 3.01 acres - **SECTION 330. BULK AND AREA REQUIREMENTS FOR THE AGRICULTURE DISTRICTS** - Use Unit 6, located 13309 N. 87th E. Ave.

**Presentation:**

The applicant, **Ray Bates**, 6330 N. Utica, informed he is representing S. Ray Lohman, who resides on and is the record owner of the subject tract. He submitted some materials to the Board which included photographs (Exhibit A-1), a site plan (Exhibit A-2), and several statements of people who are in support of the application (Exhibit A-3). The photographs are of other properties within the square mile which show evidence of other second dwellings in the area and what kind of activities are occurring in the area. Mr. Bates informed he does not feel a second dwelling on the subject tract would be inconsistent with other properties in the area. He informed a variance was granted on the property next door to the subject tract.

Case No. 1109 (continued)

Mr. Bates described why the applicant is requesting the variance. When he purchased the property, it had a very modest mobile home on it of considerable age. His original intent was to put a modular home on the subject tract for he and his family and have an older son occupy the mobile home which was already existing on the tract. The modular home is 1440 sq. ft., and he hopes to improve it to be a 2000 sq. ft. dwelling. The home has a steel frame and it does have to be on a foundation. The applicant has allowed the previous owner of the property to live in a fully-contained motor home on the property due to health reasons and to provide security to the property, until the applicant could get the modular home set up. The applicant will then allow the previous owner to live in the existing dwelling on the lot as long as they need it. At that time, the older son will occupy the mobile home as his home, or it will be removed. The applicant does not wish to cause his neighbors any problems or to operate a business off the subject tract. He informed that threats have been made against the property and lives of the applicant and previous owner.

**Comments and Questions:**

Mr. Alberty asked about the neighbor which had a recent Board action, and Mr. Bates informed it was his understanding that the property owner to the north had received a variance for a second dwelling in October.

**Protestants:**

**Rick Yeager**, 13303 N. 87th E. Ave., informed they have had two dwellings on their property since before the law changed. He is concerned that a business will be operated from the property because the telephone directory lists the applicants business, RESCO RV Supply, as being located on the subject tract. He is concerned that the property will be turned into a salvage yard and is concerned about the property values in the area. He also does not want a second dwelling on the lot because it will sit too close to his home. He is concerned about the density of the area. Mr. Yeager informed his mother lives in the second dwelling on his property. He is concerned that the dwellings on the subject tract may at some future date be sold to two separate entities.

**Nowell Williams**, 8610 E. 132nd St. N., informed they want to keep the area as it is with one dwelling unit per piece of property, whether it be a home or a mobile home.

**Mr. Keller**, 8380 E. 132nd St. N., informed he lives to the south of the subject tract. He feels there should be single family dwellings in the area, except in hardship situations.

Case No. 1109 (continued)

**Additional Comments:**

Mr. Alberty asked Mr. Yeager if there is any sign of a business being operated on the property at this time, and Mr. Yeager informed there is not.

Mr. Tyndall asked Mr. Yeager about the dwellings on his lot, and Mr. Yeager described the layout of the dwellings on his lot and how they sit in reference to surrounding properties.

**Applicant's Rebuttal:**

Mr. Bates informed his client has no intention of operating a business on the subject tract. They made a mistake when they listed the applicant's home address in the phone book. At the time the listing was made, the applicant did not have a location for his business, and he needed to provide a way for his customers to reach him and be in contact with him.

**Additional Comments:**

Mr. Alberty asked Mr. Bates if the applicant intends to keep the property under one deed, and Mr. Bates informed they have no intention of splitting the property.

Mr. Alberty asked what the hardship would be for granting this variance. Mr. Bates informed they cannot set up the property as they would like it at this time because his financial situation will not allow him to do so.

Mr. Alberty reviewed the statements which had been made by the applicant and the protestants. He stated that no reasons of hardship for the variance had been given. He feels that is a critical issue.

**Board Action:**

On MOTION of LOONEY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to **DENY** a Variance to permit 2 dwelling units per one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6 and to **DENY** a Variance of the land area per dwelling unit from 4.4 acres to 3.01 acres - **SECTION 330. BULK AND AREA REQUIREMENTS FOR THE AGRICULTURE DISTRICTS** - Use Unit 6, on the grounds of lack of hardship for the variance and lack of a sufficient size lot to have two dwelling units on a permanent basis, on the following described property:

Beg. 1326.40'S NE/c NW thence W659.73' S198.96' E659.77' N198.96' to POB.

**Case No. 1117**

**Action Requested:**

Special exception to permit a mobile home in an RS district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located West of SW/c of W. 50th St. & 49th W. Ave.

**Presentation:**

**Robert Barnes**, 3900 S. 179th West Ave., Sand Springs, informed he would like to remodel the house which is existing on the subject tract. The mobile home would be for temporary use while the remodeling is taking place. Once the house is ready to live in, he would be willing to remove the mobile home from the lot. Only one dwelling at a time will be occupied. There is a water well and septic tank existing on the tract. He would like to have permission for the mobile home for a period of 2 or 3 years.

**Protestants:** None.

**Comments and Questions:**

Mr. Walker informed he is familiar with the area, and he does not think this would be an inappropriate use, especially on an interim basis.

Mr. Walker informed the subject tract adjoins industrial property, and this is an area of mixed use.

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to **APPROVE** a Special exception to permit a mobile home in an RS district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, for a period of three years, subject to a building permit and Health Department approval, and subject to only one dwelling being occupied and the second dwelling being removed upon completion of the remodeling, on the following described property:

Lot 3, Block 2, Austins Addition.

**Case No. 1118**

**Action Requested:**

Variance of the required 30' of frontage on a public street or dedicated right-of-way to permit a lot split - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located NW/c 41st St. and 257th W. Ave.

**Presentation:**

The applicant, **Mike Mason**, was not present.

**Protestants:** None.

**Board Action:**

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to **CONTINUE** Case No. 1118 to the December 15, 1992 meeting.

**Case No. 1119**

**Action Requested:**

Variance of the required lot area from 2 acres to 1.25 acres and for a variance of the land area from 2.2 acres to 1.25 acres - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6, located S. side of 96th St. N. and W. of Sheridan.

**Presentation:**

The applicant, **Peggy Robinson**, was represented by her daughter, **Mary Lou Robinson**. She informed her mother owns 20 acres, and they would like to split off 1 1/4 acres and have it on a separate deed in her name.

**Protestants:** None.

**Comments and Questions:**

Mr. Alberty asked why they did not wish to split off the required 2.2 acres, and Ms. Robinson informed there is a trailer on the east side of the property which has a lagoon system. If they made the property any larger, it would take in the lagoon area. She has had a perc test which indicated the lot would only have to be 1.25 acres. She informed they cannot make the lots any wider because they are required to have 200 feet of frontage for each of the dwellings on the lot. They are trying to avoid building a home with somebody else's septic system on the property.

Mr. Alberty asked if her hardship is that in order to comply with the ordinance it would involve another septic system which is already in existence, and Ms. Robinson informed that is correct.

Case No.1119 (continued)

Mr. Jones informed that a lot split has been filed on this tract and the Technical Advisory Committee has recommended approval. If the Board is inclined to approve this case, approval needs to be subject to the Planning Commission approval of the filed lot split.

**Board Action:**

On MOTION of LOONEY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to **APPROVE** a Variance of the required lot area from 2 acres to 1.25 acres and for a variance of the land area from 2.2 acres to 1.25 acres - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6; subject to TMAPC lot split approval; subject to Health Department approval; finding the applicant cannot meet the lot area requirement, due to the location of a lagoon system which would prohibit an extension of the property to the rear and at the same time meet the 200' frontage requirement; on the following described property:

A tract of land containing a part of the W/2 of the NW/4 of the NE/4 of Section 22, T-21-N, R-13-E of the IBM, Tulsa County, Oklahoma, being further described as follows: Commencing at the NW/c of said W/2 of NW/4 of NE/4, thence East, along the north line thereof, a distance of 200 feet to true point of beginning, thence south a distance of 272.25 feet, thence east a distance of 200.00 feet, thence north a distance of 272.25 feet to the north line of said W/2 of NW/4 of NE/4, thence west, along said north line, a distance of 200.00 feet to the point of beginning, containing 1.25 acres more or less.

**Case No. 1120**

**Action Requested:**

Variance of the required lot width from 200' to 150' - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6.

Variance of the required street frontage from 30' to 20' - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located E. of the SE/c of 177 W. Ave. and Wekiwa.

Case No. 1120 (continued)

**Presentation:**

The applicant, **E. G. Boughton**, P.O. Box 614, Sand Springs, informed he bought the land from his grandfather. He informed his septic system has been approved through the Health Department. He informed he has filed a 10 foot additional strip of land to bring him up to 30' of street frontage.

**Protestants:** None.

**Board Action:**

On **MOTION** of **ELLER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to **APPROVE** a Variance of the required lot width from 200' to 150' - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6**, and to **APPROVE** a Variance of the required street frontage from 30' to 20' - **SECTION 207. STREET FRONTAGE REQUIRED - Use Unit 6**, subject to Health Department approval, and subject to the additional 10' road easement, based on the unusual shape of the lot, on the following described property:

A tract of land lying in the Southwest Quarter (SW/4), Section 6, Township 19 North, Range 11 East of the Indian Base and Meridian and being more particularly described as follows, to wit: starting at a point, said point being the intersection of the South line of paved highway and the East line of the Southwest Quarter (SW/4), also known as the East line of Lot 9, Section 6, T-19-N, R-11-E, Tulsa County, Oklahoma; thence Southwest along the South line of paved highway a distance of 1,800' to the point of beginning; thence due South a distance of 150'; thence in a Northeasterly direction being parallel to South line of said paved highway, a distance of 300'; thence due South to the thread of the Arkansas River; thence in a Westerly direction along the thread of the Arkansas River to a point due South, being 150' in a Northeasterly direction from the point of beginning along South line of said paved highway; thence due North to a point, said point being 170' due South and 150' in a Northeasterly direction along South line of said paved highway; thence in a Southwesterly direction a distance of 170' to a point, said line being parallel to the South line of said paved highway; thence due North 170' to a point on the South line of said paved highway; thence in a Northeasterly direction along South line of said paved highway a distance of 20', to the point of beginning.

## NEW APPLICATIONS

Case No. 1121

### Action Requested:

Special exception to permit Use Unit 20 - Pow Wow in an AG zoned district for 3 days each August for a 9 year time period - **SECTION 310.** - Use Unit 20, located NW/c E. 146th St. N. and N. Lewis.

### Presentation:

The applicant, **James Reed**, was represented by Peter Dowling, 109 W. 5th St., Skiatook. He informed they received approval last summer to have a Pow Wow on the subject tract and did have a very successful one. They had over 500 cars and were only prepared for 250 cars. They did have a great deal of congestion. He informed there is overwhelming community support for this activity. They had only two weeks to prepare for the Pow Wow after they received permission to have it on the property. They desire to be good neighbors. He submitted a site plan of the property (Exhibit B-1) which indicates improvements to be made on the property. Parking on the property would be hard-surfaced parking.

### Comments and Questions:

Mr. Alberty asked what permanent improvements would be made on the development, and Mr. Dowling informed they would have sanitary facilities, water, etc. for camping facilities.

Mr. Alberty asked why they requested nine-year approval, and Mr. Dowling informed the property has been leased to the Pow Wow for \$1 a year for 10 years. They would like the Pow Wow to have a sense of permanence and security.

Mr. Eller asked about how things worked out at this years Pow Wow, and Mr. Dowling informed there was a lot of community involvement. They did have a lot of problems because they did not expect the tremendous turnout. Because of the overflow, they did have to prevent some people from entering. One of their chief concerns is safety. They have learned from experience some things which they can improve.

Mr. Tyndall asked if camping on the lot would be only for the three days, and Mr. Dowling informed that it would be for the foreseeable future.

Mr. Looney asked if there is going to be any highway or street widening in this area, and Mr. Dowling informed Highway 20 is going to be widened, but they have taken that into consideration in their plans.



Case No. 1121 (continued)

Mr. Walker asked what provisions will be made for drinking water, and he was informed they hauled water in at the last Pow Wow. Mr. Dowling informed he is not sure how it would be handled in the future.

Mr. Alberty asked about the hours of operation and was informed they are Friday, 6:30 p.m. - 12:00 a.m.; Saturday, 6:30 p.m. - 2 or 3 a.m.; and Sunday, 6:30 - 11:30 or 12:00 a.m.

**Protestants:**

Steve Gallemore, P.O. Box 812, Skiatook, informed he means no disrespect to Native Americans. He informed the Pow Wow was a huge success this year, which is why they had such problems. The parking was a huge problem. They had overflow parking on their two-lane street which effectively made single lane traffic on North Lewis for almost 1/4 mile. There were a lot of people. The Pow Wow was held on about 10 acres this year. Mr. Gallemore submitted area maps (Exhibit B-2). There was a great deal of noise which started about 6:30 p.m. and ended about 4:30 a.m. They had problems with litter in the area. They also had some problems with teenagers from the Pow Wow walking along Lewis and throwing rocks at the neighbors dogs. He submitted the minutes from the Board meeting where the Pow Wow was approved (Exhibit B-3) and informed that basically everything that was promised by the Pow Wow was not fulfilled. They only saw 8 port-a-johns for the area, the water tankers were not utilized, and the litter which was to be picked up every morning was not picked up. Their major problem was with the number of people. There was no security provided--the off-duty Skiatook police which were promised never materialized at any time. Alcohol usage was evident, even though alcohol was banned from the event. Mr. Gallemore informed that people were urinating in the neighbors' yards. One of the neighbors was cursed at for not getting out of the way of the entrance quickly enough. He submitted a copy of the petition opposing this use which was submitted at the previous meeting (Exhibit B-4). The people who signed the petition wish the Pow Wow would be moved to a much larger area. He stated that when the road is widened, the arena will have to be moved closer to the dwellings in the area. Mr. Gallemore informed he feels homeowners have rights which should be protected. He showed a video tape of last years Pow Wow and restated his concerns.

Case No. 1121 (continued)

**Applicant's Rebuttal:**

Mr. Dowling informed boy scouts assisted with traffic and the litter pick-up. They did their best to keep the property clean. They did also find some beer cans and hard liquor. He stated they plan to plant trees to the north to help cut down the noise. He informed there were two mounted security persons involved, but he does not believe they were off-duty Skiatook police officers. There were four other adult men assisting in security.

**Additional Comments:**

Mr. Tyndall asked how many people attended the Pow Wow this year at any given time, and he was informed there were about 2,000.

Mr. Alberty reviewed the facts of this case, and informed he feels the function has a right to occur. The question is whether this is the proper and right location. This is a rural area which has undergone some residential character and buildup in the past which will certainly be affected by the function. It interferes with the right of privacy and the right of those nearby to maintain their residential use. The residents were in the area first and have made substantial investments in their homes.

Mr. Tyndall informed he would not be inclined to allow this use over a long period of time. He does not think it seems appropriate in this neighborhood.

Mr. Looney informed he is concerned about the security at the function. When there are large numbers of people, if there is not good security, it just cannot be handled, and there will be problems.

Mr. Alberty stated that the hours of operation seem to be totally inappropriate for the neighbors. He feels this is the wrong location for this activity. He thinks it should be in an area which is totally isolated from residential areas and which will not affect adjacent property.

**Board Action:**

On MOTION of WALKER, the Board voted 4-0-1 (Alberty, Looney, Tyndall, Walker, "aye"; no, "nays"; Eller, "abstaining"; none, "absent") to **DENY** a Special exception to permit Use Unit 20 - Pow Wow in an AG zoned district for 3 days each August for a 9 year time period - **SECTION 310**. - Use Unit 20, based on the finding that

Case No. 1121 (continued)

the use is injurious to the residences in the area because of the noise, traffic and limited facilities; on the following described property:

S/2 SE/4 SE/4 Section 19-22-13 less N208.71'  
S241.71' W208.71' E225.21' containing 18.3 acres.

**Case No. 1122**

**Action Requested:**

Variance of the required lot size from 2 acres to 1 acre, a variance of the setback for an existing house from 85' from the centerline to 82' from the centerline of Memorial and a variance of lot frontage from 30' to zero to permit access from a private road - SECTION 330. - Use Unit 6, located 10022 N. Memorial.

**Presentation:**

The applicant, Pat Winsby, was present and was represented by her attorney, Harold Charney, 202 S. Cedar, Owasso. He informed that a septic tank was already in place on the tract. He told of the documents which have been obtained concerning the widening of the road, roadway easements, and utility easements.

**Comments and Questions:**

Mr. Alberty asked if the applicant had filed for a lot split with TMAPC, and Mr. Charney informed they had. The Technical Advisory Committee has recommended approval of the lot split.

Mr. Alberty asked why the lot could not be split so that the minimum size would be 2.2 acres. Mr. Charney informed the proposed buyer cannot afford more than the acreage of the subject tract.

Mr. Alberty asked what the applicant's statement of a hardship to support the granting of a variance would be, and Mr. Charney informed the hardship is an economic hardship. Mr. Alberty stated that there is nothing peculiar to the land which is the test which the Board must deliberate over and determine if the Ordinance conditions are being met.

Mr. Jones informed the private road sets itself up for a number of lot splits coming in. Staff would not like to see that occur.

There was discussion as to when another application could be filed for this relief should this case be denied. Mr. Gardner informed there is no time limit, but the application must be substantially different.

Case No. 1122 (continued)

Mr. Jones asked if the dedications had been filed of record; and Mr. Charney informed they have not yet been filed.

**Board Action:**

On MOTION of WALKER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to **DENY** a Variance of the required lot size from 2 acres to 1 acre, to **DENY** a variance of the setback for an existing house from 85' from the centerline to 82' from the centerline of Memorial and to **DENY** a variance of lot frontage from 30' to zero to permit access from a private road - **SECTION 330.** - Use Unit 6, due to lack of a hardship which meets the requirements of the Ordinance, on the following described property:

A tract of ground situated in the SE/4 of the NE/4 of Section 14, T-21-N, R-13-E of the IBM, Tulsa County, Oklahoma according to the U. S. Government Survey thereof, to-wit: Beg at a point on the east line of Section 14, 27.0 feet north of the SE/c of the NE/4, thence west along a line parallel with and 27.0 feet equal distance north of the south line of the NE/4 a distance of 1217.21 feet, thence north parallel with the east line of Section 14 a distance of 536.8 feet, thence east along a line parallel with the south line of the NE/4 a distance of 1217.21 feet to a point on the east line of Section 14, thence south along said east line a distance of 536.8 feet to the point of beginning.

**Case No. 1123**

**Action Requested:**

Special exception to permit a cemetery (Use Unit 2) in an AG zoned district - **SECTION 310.** - Use Unit 2, located S. of the SE/c of S. Memorial Dr. and E. 191st St. S.

**Comments and Questions:**

At the beginning of the meeting, Mr. Jones informed a letter was received from the applicant's attorney, Timothy McCormick, requesting that this case be continued to the next meeting and be referred back to Bixby. He informed the subject tract is located within the fenceline of Bixby, and it is customary policy to refer these cases to Bixby. This case was referred to Bixby, but there was some mix-up and the applicant was not at the meeting. Bixby heard the case and recommended denial of it. The applicant would like to have an opportunity to present the case to the City of Bixby. The applicant was not present.

Case No. 1123 (continued)

Mr. Jones explained the procedure that had taken place with this case. The applicant is claiming that they did not receive notice of the Bixby meeting.

**Protestants:**

The following protestants were present and were opposed to the continuance: **Norman Pruitt**, P.O. Box 363, Bixby; **Gayle Capstick**, 8106 E. 191st St. S., Bixby; **Harvey Capstick**, 8314 E. 91st St. S., Bixby; **Melva Allen**, 19800 S. Memorial, Bixby.

Mr. Pruitt informed the protestants were present at the Bixby meeting.

**Additional Comments:**

Mr. Walker asked if the applicant knew about this meeting, and Mr. Jones informed they did.

Mr. Alberty informed he is inclined to hear the case today.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; Looney, "absent") to **DENY** a Continuance of Case No. 1123.

**Presentation:**

**Timothy McCormick**, attorney for the applicant, who arrived later in the meeting and learned of the earlier denial of the continuance, requested that this case be withdrawn to allow them to start the process over again in Bixby.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to **WITHDRAW** Case No. 1123 as requested.

**Case No. 1124**

**Action Requested:**

Variance of the maximum square footage for a detached accessory building from 750 sf to 1280 sf - **SECTION 240.2.E.** - Use Unit 6, located 6530 N. Madison.

**Presentation:**

The applicant, **LaRue Carlson**, 6530 N. Madison, submitted a site plan (Exhibit C-1) and informed the purpose of the building is to provide a recreation room for his family, to provide a work area and hobby area for his son who is

Case No. 1124 (continued)

involved with woodworking, and to provide an area of storage for his business records. He described the subject tract and additional property which he owns in the area. The dwelling on the subject tract is a double wide mobile home which sits on a permanent foundation. There is a small barn building where they keep their tools. The proposed building is 910 sq. ft. in size. It is a 14' x 65' mobile home, but it is not their intention to use it as a second dwelling. The mobile has been gutted of all plumbing, has no water and is not livable. There are no sewer lines running to it, only electricity.

**Comments and Questions:**

Mr. Fields informed if the Board is inclined to approve the request, the Building Inspector's office would like for the kitchen to be removed so that the mobile home would not be used as a dwelling. Mr. Carlson informed most of the kitchen appliances have been removed already. They would like to leave the cabinets and the shelving for storage. If the case is approved, they would agree that it will never be used as a residence.

**Protestants:**

**Doralene Rose**, 223 S. Lombard Lane, Skiatook, informed she is the daughter of the property owners directly to the north and west of the subject tract, Mr. and Mrs. Frank Garrison. She informed there are four accessory buildings on the subject tract at this time. She showed pictures of the subject tract, and also read a letter from Mr and Mrs. Anderson who live across the street from the subject tract to the west. The reasons the Anderson's oppose this request are as follows: 1. There are already four accessory buildings on the property; 2. They are concerned no one will follow up to see if the mobile home is to be used for a dwelling; 3. There is no sewer in the area, and they have a great deal of water problems when it rains. Ms. Rose informed the following buildings are located on the subject tract: the existing mobile home, a large barn, a metal building, the mobile home which has been moved in, and a small storage building. She stated they are concerned about what might happen on the lot in the future if the applicant were to sell the property.

**Cathy Cacperdo**, 1004 E. 66th St. N., informed they own the property on the east side of the subject tract. They do not understand the need for the additional building, and they are concerned that more people will be living on the subject tract.

Case No. 1124 (continued)

Mr. Frank Garrison informed he was concerned that the mobile home would be used as a home. He was satisfied by the applicant's presentation that it will not be, and he withdrew his protest.

**Applicant's Rebuttal:**

Mr. Carlson informed there is an old dilapidated tool shed on the property which is being removed. The additional structure on the lot they did not consider to be an accessory building--it is completely open on the west side and is a loafing shed. He stated that there will not be anybody living in the proposed mobile home. He pointed out that at one time there were four homes on the subject tract. There are water and gas lines and septic tanks in place for all four homes.

**Additional Comments:**

Mr. Alberty informed the applicant actually needs only 1210 sq. ft.

Mr. Alberty asked if the applicant is planning to do anything to the building which will make it not appear as a dwelling. Mr. Carlson informed they do intend to skirt the building, but there will be no gas lines, water lines, or sewer lines to the building. There will be electricity in the structure. He stated that all the plumbing underneath the structure has been removed.

Mr. Looney asked Mr. Carlson about the possibility of screening the west side, and Mr. Carlson informed there is a creek on the west side of the property as well as a fence.

Mr. Alberty asked the Building Inspector if a loafing shed is considered to be an accessory building, and he was informed that it is considered an accessory building. Mr. Alberty informed the small tool shed and the loafing shed are not included in the calculations of the 1280'.

**Board Action:**

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to **APPROVE** a Variance of the maximum square footage for a detached accessory building from 750 sf to 1210 sf - **SECTION 240.2.E.** - Use Unit 6, subject to the following conditions: (1) The requested mobile home will never be used as a residence and that all of the kitchen appliances be removed; (2) the 5' x 6' tool shed will be removed; (3) the trailer will be placed on a proper foundation and will be skirted; (4) the mobile home will not be connected to utilities other than electricity; and (5) the loafing

Case No. 1124 (continued)

shed will be removed, finding the use as restricted herein to be compatible with the surrounding area, on the following described property:

N/2 Lot 1, and W/2 S/2 Lot 1 and N140 W/2 Lot 2,  
Block 7, North Turley Addition.

**Case No. 1125**

**Action Requested:**

Special exception to allow a church and customary accessory uses in an AG zoned district - **SECTION 310.** - Use Unit 5, located East of the NE/c of E. 111th St. S. and S. 129th E. Ave.

**Comments and Questions:**

Mr. Jones informed the applicant gave a legal description which was in error. The error was not caught until after notification was given and sent to Broken Arrow. The case needs to be continued until proper advertisement can be given with the correct legal description.

Mr. Gardner informed there is a contract which is to expire this month. In order for them to keep the sale intact, they may have to get an extension of the contract period, which they may not be able to get. He advised the applicant that, even though the property was misadvertised, they may wish to present the case to the Board and let the Board give them some kind of feedback.

Mr. Jones informed this is a Broken Arrow referral, and Broken Arrow refused to hear the case until it could be properly advertised. Broken Arrow had a lot of stipulations, and this case would need to be referred back to them. He stated that Broken Arrow often refers denials on applications because they want the property to be annexed if they are going to use Broken Arrow water. He does not want the Board to get into a position where they might be inclined to approve the application and have Broken Arrow deny utilities to it.

**Presentation:**

The applicant, **Beverly C. Burgess**, was represented by Bill Burgess, 4328 S. Chestnut, Broken Arrow. He informed this is a five acre plot of land which has an existing dwelling on it. They would like to place a church on the subject tract in the future. He submitted a packet of information including a plot plan (Exhibit D-1) and building plans (Exhibit D-2). He stated that Broken Arrow had indicated to them that if they wished to use Broken Arrow sewage they would have to be annexed. They have applied for a septic system on the lot. He



Case No. 1125 (continued)

stated there is no nearby sewer line available to the lot at the present time. The dwelling on the subject tract is vacant at this time. The dwelling is in good condition, and they will use it for church offices to begin with.

**Additional Comments:**

Mr. Alberty asked if there is a floodplain associated with the tributary in the area, and Mr. Burgess informed there is not.

Mr. Jones informed if the Board approves this, it will be subject to a plat.

Mr. Alberty advised the applicant to get a good strong reading from the Broken Arrow planner, as the Board will rely heavily on Broken Arrow's recommendation.

There was discussion about requirements which could be placed on the property: It was suggested that the applicant's start working with the City Engineer to see what the requirements would be.

Mr. Alberty informed he would not particularly have a problem with church use on this tract, but the more intricate parts of developing the property will be more of a concern to him.

Mr. Walker informed he would tend to endorse the concepts presented.

Mr. Tyndall informed he has no problem with church use on the property; however, he may have a problem with related activities such as day-care, bingo halls, etc. He also may be concerned about screening requirements at some point.

Mr. Looney and Mr. Eller concurred with the comments of the other Board members.

Mr. Alberty stated that the Board probably would support the church use, but they would look specifically at the conditions which will come from Broken Arrow.

Mr. Gardner informed the applicant that the church will have three years to establish church use on the property.

**Protestants:** None.

Case No. 1125 (continued)

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to **CONTINUE** Case No. 1125 to the December 15, 1992, meeting.

**Case No. 1126**

**Action Requested:**

Special exception to permit a mobile home in an RS zoned district, located 4329 W. 61st St. S.

**Presentation:**

The applicant, **Brenda Sherman**, 1302 N. St. Louis, Tulsa, represented the person who has lived on the subject tract for about 40 years. They would like to move a mobile home on the tract and then tear down the existing dwelling. There is a septic tank on the tract for the existing home, and they will just tie into that. She submitted photographs of the existing home on the lot (Exhibit E-1).

**Comments and Questions:**

Mr. Alberty asked how long it will take to clear the existing structure, and Ms. Sherman informed they would start tearing it down within 24 hours of moving into the mobile home.

Mr. Alberty informed there has apparently been a mobile home on this tract in the past.

Mr. Tyndall informed it appears there are other mobile homes in the area.

Mr. Gardner suggested putting a time limit on the removal of the existing structure.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to **APPROVE** a Special exception to permit a mobile home in an RS zoned district, subject to Health Department and Building Inspector Department approval, and subject to the existing dwelling unit being torn down and completely removed within 180 days, on the following described property:

Tract No. 14, Howard Tracts: Beg. at a point 3635' west and 35' north of the SW/c of Section 33, T-19-N, R-12-E, thence west parallel with the south line of said section a distance of 150' to a point,

Case No. 1126 (continued)

thence north parallel with the eastline of said section a distance of 335' to a point, thence east parallel with the south line of said section a distance of 150' to a point, thence south parallel with the east line of said section a distance of 335' to the POB, containing 1.15 acres more or less.

**OTHER BUSINESS**

Consider amending the Board of Adjustment Rules of Procedure to allow three members to constitute a quorum per Amended State Statute.

**Comments and Questions:**

Mr. Jones informed that a few months ago State Statutes were amended to allow three members to constitute a quorum.

**Board Action:**

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to **AMEND** the Board of Adjustment Rules of Procedure to allow three members to constitute a quorum per Amended State Statute.

There being no further business, the meeting was adjourned at 4:15 p.m.

Date Approved

December 15, 1992

Wayne Alberty  
Chairman