

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 160  
Tuesday, September 21, 1993, 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 Looney Tyndall	Walker	Moore Russell Gardner	Glenn, Building Insp.

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, September 17, 1993, at 1:39 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:**

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** the **Minutes** of August 17, 1993 (No. 159).

**UNFINISHED BUSINESS**

**Case No. 1181**

**Action Requested:**

Special Exception to permit a church and private school in an IL zoned district, and a variance of the all-weather surface parking - **SECTION 910. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 5, located north of the northeast corner of West 61st Street and South 65th West Avenue.

**Presentation:**

The applicant, **Solid Rock Fellowship**, was represented by **Larry Tolbert**, 318 West 32nd Place, Sand Springs, Oklahoma. He informed that the property was zoned industrial and they want to obtain an exception to build their church and school on the 40-acre tract. He presented photographs (Exhibit A-1) and explained the application.

**Comments and Questions:**

Mr. Alberty asked the size of the sanctuary, and Mr. Tolbert stated it will be 100' x 100'.

Case No. 1181 (continued)

In response to Mr. Alberty, Mr. Tolbert stated the project will be completed in phases, with the initial building being the first phase of construction.

Mr. Alberty inquired as to the seating capacity for the building, and Mr. Tolbert replied that the facility will accommodate approximately 500 people. He added that the building will be multipurpose, with 50' x 100' of the two-story facility being used for a Christian school, and the remaining 50' x 100' being a gymnasium and sanctuary. Mr. Tolbert informed that the permanent church building will be the next phase.

Mr. Alberty pointed out that there are certain requirements that the Zoning Code would place on setbacks and number of parking spaces, and these requirements would need to be addressed.

In regard to parking, Mr. Tolbert stated that the church would like to gravel the parking lot at this time.

Mr. Alberty asked if the nearby school has gravel parking, and Mr. Tolbert informed that the school driveway is covered with blacktop.

Mr. Alberty asked Mr. Tolbert if he is requesting approval of church use, with these additional uses in concept only, and he replied that the multipurpose building, which will also house their private school, will be phase one.

Mr. Alberty inquired as to the enrollment, and Mr. Tolbert replied that there are approximately 90 students, kindergarten through 12th grade. He added that phase two will basically be to build a separate sanctuary next to the multipurpose building, and possibly a soccer field and baseball field.

Mr. Alberty asked the total church enrollment, and Mr. Tolbert estimated that approximately 1200 members will be served by the church.

In response to Mr. Alberty, Mr. Tolbert replied that he is requesting approval of the church use with these additional uses in concept only, because a detailed site plan is not available at this time.

**Protestants:**

**Vince Moore**, 5613 South 66th West Avenue, stated that he is not opposing the church, but is concerned about flooding. He pointed out that the road is impassable during certain rainy seasons, and requested that the

Case No. 1181 (continued)

County do something to eradicate the flooding problem. He noted that additional impervious surface could add to the existing flooding problem and hamper the efforts of a fire truck or ambulance attempting to serve the area.

Mr. Alberty stated that this project is subject to a subdivision plat and the County Engineer will review the drainage plan.

**Additional Comments:**

Mr. Tyndall inquired as to the length of time the gravel parking will be needed, and Mr. Tolbert replied that it will be approximately two years (during phase one of construction) before the parking lot will be hard surfaced.

**Richard Kosman**, Horizon Engineering, 5350 East 46th Street, stated they are in the process of platting the property. He informed that he is reviewing not only this property, but also the property to the east, because it has a larger watershed area that impacts the site.

Mr. Looney asked if any difficulties are anticipated, and Mr. Kosman stated that there will be no problem during the first and second phase; however, the third phase could be impacted by any construction to the east. He pointed out that Ray Jordan would have a better understanding of the type of flooding problems that could occur under a fully developed condition.

**Board Action:**

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Special Exception** to permit a church and private school in an IL zoned district, and to **APPROVE** a **Variance** of the all-weather surface parking for **two years** only - **SECTION 910. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 5; per presentation (church, private school and daycare); subject to the applicant returning with a detail site plan for Board approval prior to construction; and subject to platting and all County requirements; finding the use to be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

NW/4, SW/4, Section 32, T-19-N, R-12-E, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 1188

Action Requested:

Special Exception to permit a mobile home in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located 849 Long Street, Sand Springs, Oklahoma.

Comments and Questions:

Ms. Russell submitted a letter (Exhibit C-1) from Sand Springs recommending approval of the request.

Presentation:

The applicant, **George Dixon**, 6509 West 9th Street, was represented by **Sarah Dixon** of 6509 West 9th Street, who stated she will be the occupant of the mobile home in question.

Comments and Questions:

Mr. Alberty asked if the land is currently vacant, and Ms. Dixon answered in the affirmative.

In response to Mr. Alberty, Ms. Dixon stated that there are approximately four other mobile homes in this area.

Mr. Alberty asked if the mobile home will be skirted and tied down, and Ms. Dixon answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; subject to a building permit and Health Department approval; and subject to the mobile home being skirted and tied down; finding the use to be compatible with the surrounding neighborhood; on the following described property:

All of Lot 13 sm. triangle tract of Lot 14, Block 2 of replat of Lots 12, 13 and 14, Block 2, Hall's Garden Addition, Tulsa County, Oklahoma.

Case No. 1189

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Unit 9 and 6, located 13607 East 111th Street South.

Comments and Questions:

Ms. Russell informed that the Broken Arrow Board of Adjustment considered this case and has recommended approval for a one year period only (Exhibit D-1).

Presentation:

The applicant, **Patty Pound**, Route 1, Box 97, Broken Arrow, Oklahoma, requested permission to install her mobile home on a 5-acre tract owned by her parents.

Comments and Questions:

Mr. Alberty noted that there is a home and several outbuildings on the property, and Ms. Pound stated that there is a dwelling, barn, wash house and three sheds, one of which will be removed.

The applicant stated that the dwelling is occupied by her brother, and she and her two children will live in the mobile home.

Mr. Gardner stated that areas to the west and north are within the Broken Arrow City limits, and have developed as conventional residential subdivisions; therefore, future residential development could occur, making mobile home use inappropriate at this location.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record for **one year** only - **SECTION 208. ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Unit 9 and 6; subject to a building permit and Health Department approval; finding that the temporary use will not be detrimental to the area; on the following described property:

E/2, SE/4, SE/4, SW/4, Section 28, T-18-N, R-14-E,  
Tulsa County, Oklahoma.

Case No. 1190

Action Requested:

Special Exception to permit a mobile home in an RM-2 District - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located southeast corner of South 73rd West Avenue and West 16th Street.

Presentation:

The applicant, **Allen Townsley**, 515 South 54th West Avenue, informed that he owns the subject property, and requested permission for his son to install a mobile home for his residence. Mr. Townsley informed that there are other mobile home units in the immediate vicinity.

In response to Mr. Alberty, the applicant stated that a percolation test has been completed, and pointed out that there are numerous mobile homes in the neighborhood.

Mr. Alberty noted that the Board has approved approximately seven other mobile homes in the general area.

Mr. Gardner advised that there are mixed types of homes in the neighborhood.

Protestants:

None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RM-2 District - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; subject to a building permit and Health Department approval; and subject to the mobile home being skirted and tied down; finding the use to be appropriate for the area, and in harmony with the spirit and intent of the Code; on the following described property:

Lots 217, 218 and 219, Block H Billington Acres Resub, Tulsa County, Oklahoma.

**Case No. 1191**

**Action Requested:**

Special Exception to permit an airport in an AG zoned district - **SECTION 1202 AREA-WIDE SPECIAL EXCEPTION USES** - Use Unit 2, located 7272 West 51st Street.

**Presentation:**

The applicant, **Charles Sittler**, 7272 West 51st Street, asked the Board to approve an airport on property at the above stated location. He explained that insurance companies will not write a policy on planes that are landing anywhere other than airports, and he requested permission to construct a small private strip on his property. Mr. Sittler stated that he has spoken with his neighbors and addressed their concerns.

**Comments and Questions:**

In response to Mr. Alberty, the applicant stated that he owns three airplanes.

Mr. Alberty asked the applicant if he is asking for permission to land only his own planes on a grass airstrip, and he replied that he would like to accommodate any aircraft that might want to land there. Mr. Sittler informed that there is a possibility that once every year or two he might have a hamburger fry and have some of his friends fly in. He explained that all aircraft traffic will be landing from the north and taking off to the south, due to a large hill on the north end of the tract. He added that the FAA has no problem with the installation of the airstrip. Mr. Sittler pointed out that it is mandatory that the airstrip be classified as an airport in order to permit insurance coverage.

In response to Mr. Alberty, Mr. Sittler stated that there will be no hangers, fuel sales or commercial activities on the property. He pointed out that the only use will be to land and take off aircraft on a grassy strip.

Mr. Tyndall stated that future development in the area could cause the airstrip to be inappropriate; however, he would be supportive of a temporary approval for approximately three years.

Mr. Alberty and Mr. Looney agreed that a five-year approval for the airstrip may be appropriate for the agricultural area.

**Protestants:**

None.

Case No. 1191 (continued)

**Board Action:**

On MOTION of TYNDALL, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to APPROVE a Special Exception to permit an private airport in an AG zoned district for **five years** only - **SECTION 1202 AREA-WIDE SPECIAL EXCEPTION USES** - Use Unit 2; subject to no hangers or fuel sales; finding the temporary use to be compatible with the existing development in the area; on the following described property:

Part of the NW/4, NE/4, Section 31, T-19-N, R-12-E of the IBM, Tulsa County, Oklahoma, according to the U. S. government survey thereof being more particularly described as follows to-wit: Beginning at the SW/c of NE/4 of said Section 31, thence N 0°04'00" E along the west line of the NW/4, NE/4, of said Section 31, a distance of 826.22' to a point thence S 74°14'00" E a distance of 749.87' to a point on the south line of the NW/4, NE/4, of said Section 31, thence N 89°45'00" W along the south line of the NW/4, NE/4 of said Section 31, a distance of 277.64' to the POB less and except a 30' roadway easement running along the parallel to the north property line.

**Case No. 1192**

**Action Requested:**

Special Exception to permit church use in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5, located northeast corner of West 31st Street South and South 57th West Avenue.

**Comments and Questions:**

Ms. Russell informed that the application has not been properly advertised, and suggested that Case No. 1192 be continued to October 21, 1993.

**Presentation:**

The applicant, **Leon Ragsdale**, 1615 North 24th West Avenue, was not present.

**Protestants:**

Mr. Alberty explained to the protestants that the applicant is in need of additional relief, which must be advertised, and it will be necessary to continue the item until the next scheduled meeting.



Case No. 1192 (continued)

Mr. Gardner advised that the applicant is advertised for church use only, and it appears that there are additional uses proposed. He suggested that the application be continued to allow the Board to consider all uses proposed for the property.

**Board Action:**

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to CONTINUE Case No. 1192 to October 19, 1993.

**Case No. 1193**

**Action Requested:**

Variance of the required lot width from 200' to 110', a variance of the required lot area from 2 acres to 1.667 and a variance of the land area per dwelling unit from 2.2 acres to 1.667 acre.

**Comments and Questions:**

Ms. Russell stated this property is within the Broken Arrow fence line, and Broken Arrow heard the case and recommended that the applicant go through the rezoning process rather than seek variances (Exhibit D-1).

**Presentation:**

The applicant, **Patrecia Ebey**, 12775 South 129th East Avenue, Broken Arrow, Oklahoma, informed that her property consists of 3 1/3 acres, which she is proposing to divide into two lots. Ms. Ebey explained that she proposing to sell the lot containing the existing dwelling and build another house on the remaining lot for her residence.

**Comments and Questions:**

Mr. Alberty asked the applicant if she was present at the Broken Arrow hearing, and Ms. Ebey replied that she was present, but is not proposing to develop a large residential area. She added that rezoning would seem more appropriate for a large development, therefore, she chose to ask for the variances regarding her small tract.

**Comments and Questions:**

Mr. Alberty stated that the size of the proposed lots will be similar to others in the area, and the applicant could divide the tract into several lots through the rezoning process.

**Protestants:**

None.

Case No. 1193 (continued)

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Variance** of the required lot width from 200' to 110', a **variance** of the required lot area from 2 acres to 1.667 acres and a **variance** of the land area per dwelling unit from 2.2 acres to 1.667 acres - **Section 330. BULK AND AREA REQUIREMENTS IN AGRICULTURE DISTRICTS**; finding that there are numerous lots in the area that are smaller or comparable in size to the lots proposed; and finding that the tract could be divided into several lots if rezoned; on the following described property:

A tract of land specifically described as follows: Starting from a point at the NW/c, SW/4, NW/4, SW/4, of Section 4, T-17-N, R-14-E, Tulsa County, Oklahoma, thence going southward on a line N 00°00'37" E a distance of 439.79' to a point of beginning, thence southward on a line N 00°00'37" E a distance of 10' thence eastward on a line S 89°37'37" E a distance of 660.56' thence northward on a line S 00°01'22" W 10' thence westward on a line S 89°31'37" E 660.58' and thus returning to the POB and the south 210' of the SW/4, NW/4, SW/4, Section 4, T-17-N, R-14-E, Tulsa County, Oklahoma and particularly described as follows: Starting at the NW/c, SW/4, NW/4, SW/4, Section 4, T-17-N, R-14-E, Tulsa County, Oklahoma, thence south via a line N 00°00'37" E a distance of 449.79' to the POB, thence south via a line N 00°00'37" E a distance of 210' thence east via a line 89°31'37" E 660.50' thence north via a line S 00°01'22" W a distance of 220' thence west via a line S 89°31'37" E a distance of 660.56' thus having returned to the POB, Tulsa County, Oklahoma.

**OTHER BUSINESS**

**Election of Officers**

Chairman Alberty stated the floor is now open for nominations for chairman of the County Board of Adjustment.

John Tyndall nominated Roland Walker for chairman and there were no other nominations for that office.

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **ELECT** Roland Walker to serve as chairman for the County Board of Adjustment.

Election (continued)

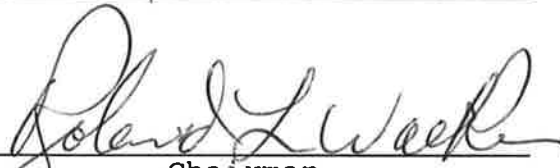
Ron Looney nominated John Tyndall for the office of vice-chairman, and there were no other nominations.

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **ELECT** John Tyndall as vice-chairman for the County Board of Adjustment.

Ron Looney nominated Lee Eller to serve as secretary for the County Board of Adjustment, with no other nominations being made for that office.

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **ELECT** Lee Eller as secretary to the County Board of Adjustment.

Date Approved 10-19-93

  
Chairman