

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 418**  
Tuesday, March 17, 2015, 1:30 p.m.  
Ray Jordan Tulsa County Administration Building  
500 South Denver, Room 119  
Tulsa, Oklahoma

**MEMBERS PRESENT   MEMBERS ABSENT   STAFF PRESENT   OTHERS PRESENT**

Crall	Charney, Chair	Miller	West, Inspector
Dillard, Secretary		Moye	
Hutchinson		Sparger	
Walker, Vice Chair			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 12<sup>th</sup> day of March, 2015 at 10:27 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Vice Chair Walker called the meeting to order at 1:30 p.m.

Mr. Walker explained to the applicants that there were only four board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. Walker asked the applicants if they understood and asked the applicants what they would like to do. Everyone nodded their understanding and no one requested a continuance.

\*\*\*\*\*

Ms. Nikita Moye read the rules and procedures for the County Board of Adjustment Public Hearing.

\*\*\*\*\*

**MINUTES**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the Minutes of February 17, 2015 (No. 417).

\*\*\*\*\*  
\*\*\*\*\*

## UNFINISHED APPLICATIONS

### 2512—Howard Perkins

#### Action Requested:

Appeal determination of an Administrative Official that a Salvage Yard is operating in an AG District. LOCATION: 8724 East 86<sup>th</sup> Street North, Owasso

#### Presentation:

**Howard Perkins**, 1912 West C Street, Jenks, OK; stated he represents Ron Berger. Originally Mr. West issued a notice of violation alledging the operation of a salvage yard on Mr. Berger's property. It was appealed and at the same time Mr. Berger was selling the property. The sale went through and at the last meeting he was given a specified amount of time to clean the property. As of today, the property is not all cleared off. Mr. Perkins presented before and after pictures to the Board of the subject property that were taken by him. Mr Perkins stated the pictures will show that there has been a lot of work done but the total clean up is not yet completed. The alternatives are simple and there are only two alternatives as he sees it. Number one is the Board confirms the violation, which there is still an underlying defense because the sell of the property secondarily took care of the issues, in which this can be appealed to the district court. Number two, the Board could allow Mr. Berger some more time. The semis are loaded but cannot be moved because it is too muddy. Mr. Perkins stated that Mr. West has been to the subject property and is aware of what is happening on the property.

Mr. Dillard asked Mr. Perkins if the property had sold. Mr. Perkins stated the property had sold before the last Board meeting. It is just a matter of finishing the clean up. Mr. Perkins stated that as a condition of the sale the buyer required Mr. Berger to post a \$35,000 escrow account to assure that the property is cleaned up by a stipulated deadline. Mr. Perkins stated the deadline is still in the future but is not sure of the exact date. Mr. Perkins stated there is another issue, there is a jurisdictional issue that Mr. Berger no longer owns the property.

Mr. Crall asked Mr. Perkins if he knew the deadline date. Mr. Perkins stated the deadline is coming up soon but is not sure of the exact date. Mr. Perkins stated that Mr. Berger underestimated the amount of the time would be required to clean up the subject property as there is a lot of stuff on the property. Mr. Perkins stated that Mr. Berger has been told that the existing mobile home cannot be moved for at least a week because it so muddy. Mr. Crall stated that he is surprised that Mr. Perkins does not know the deadline date. Mr. Perkins stated the document stated 60 days but he thinks the deadline has been extended because of the weather, he would need to check with the realtor.

Mr. Perkins stated that he understands and is not asking the Board to hold back on a decision because the Board has given Mr. Berger a fair amount of time. Mr. Berger is not complaining on the way he has been treated but the only alternative, as Mr. Berger's advocate, is to immediately take the appeal to the district court. By that time he is certain everything will be abated and will go away.

Mr. Hutchinson asked Mr. Perkins about how many loads have been hauled off the property. Mr. Perkins stated that he does not exactly but he knows there has been a lot taken away. Mr. Perkins stated that Mr. West has visited the site and could testify to the conditions.

Mr. West stated that he visited the subject property yesterday and everything that is on the property has been placed on a trailer in preparation to leave the property, but he cannot say the property is in compliance. Mr. West presented the Board with pictures he took of the subject property yesterday.

**Interested Parties:**

**Lee DeBoer**, 8622 East 86<sup>th</sup> Street North, Owasso, OK; stated he lives next door to the subject property, and he can see that Mr. Berger has done a lot of work. He thinks the Board should allow Mr. Berger a 30 day extension to finish cleaning up the subject property.

**Rebuttal:**

Mr. Perkins came forward and stated he had no rebuttal.

**Comments and Questions:**

Mr. Walker asked Mr. West for his thoughts on a 30 day extension. Mr. West stated his main objective is getting the property cleaned up. If Mr. Berger can accomplish that in the next 30 days it would be okay, if it actually happens.

Mr. Dillard stated he cannot support a 30 day extension, but not 31 days, not 60 days, not 90 days but 30 days only.

**Board Action:**

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **CONTINUE** the request for an **Appeal** determination of an Administrative Official that a Salvage Yard is operating in an AG District to the Board of Adjustment meeting on April 21, 2015; for the following property:

**NE NE NW LESS N50 THEREOF FOR RD SEC 25 21 13 9.247ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

\*\*\*\*\*

## NEW APPLICATIONS

### 2527—Jason McLaughlin

#### Action Requested:

Special Exception to allow a manufactured home in the RS District (Section 410, Table 1). LOCATION: 5906 South 66<sup>th</sup> West Avenue

#### Presentation:

**Jason McLaughlin**, 8241 East 32<sup>nd</sup> Place, Tulsa, OK; stated he purchased the subject five lots and would like to combine them. He was told he could place a manufactured home on the property but he did not understand that it could not be a single wide mobile home, and that is what triggered this request because he thought a mobile home and a manufactured home were the same. There are other single wide mobile homes in the neighborhood and that is why he thought it was okay to place a single wide on the property. Due to the topography he had to place the mobile home in the middle of the subject property which places it on property that is owned by two different people, but he is in the process of purchasing all five lots. When he started the purchase process he was assured by one man that he owned all five lots then he found out that due to nonpayment of taxes he had lost two of the lots.

Mr. Crall asked Mr. McLaughlin if he had any documentation showing proof of the proposed purchase. Mr. McLaughlin stated that he did not bring that documentation with him but he has the plat document.

#### Interested Parties:

**Mike Koch**, 2929 West 63<sup>rd</sup> Street, Tulsa, OK; stated he lives directly behind the subject property. His land has a permanent dwelling on it and Mr. McLaughlin is attempting to place a mobile home on his land. Any time a non-permanent structure is placed close to a permanent structure there is a decrease in value of the permanent structure. His concerns, and the neighbors concerns, are the devaluation of property in the area. Mr. Koch stated there are actually two trailers on the subject property; one is a travel trailer and the other is single wide mobile home. He is concerned, also, about the fact that Mr. McLaughlin owns five lots, and he does not want a mobile home park near his property. The area is the Oakhurst area. The County has given grants and loans to people to rebuild their houses which are one block from him and the subject property. The houses have been rebuilt or remodeled. Those homes are now brick houses. The community is trying to make a come back and build itself back up. The area has a poor reputation and they are trying to make Oakhurst a nice place to live again. He and the neighbors would like to have a permanent structure on the subject property. He and the neighbors do not want to have any more mobile homes in the area and the possibility of the subject property turning into a mobile home park.

**Rebuttal:**

Jason McLaughlin came forward and stated that he could move the travel trailer, and there will be no other mobile homes. He does not have the money to build a house, and this setup was originally for his son when he comes into town and possibly his father.

Mr. Walker asked Mr. McLaughlin if he had purchased the mobile home that he had moved onto the subject property. Mr. McLaughlin answered affirmatively. Mr. McLaughlin stated that he has been painting the mobile home and staying in the travel trailer on occasion when working in the property. The mobile home is set in place but nothing else has been done because he found out the mobile home was not allowed.

Mr. Crall asked Mr. West about the zoning of the subject property. Mr. West stated the property is zoned RS. A single wide mobile home requires a Special Exception but a double wide mobile home is a use by right, and that is where Mr. McLaughlin was confused about the terminology of a manufactured home, a double wide and a single wide.

Mr. Crall asked Mr. West if the ownership has been established. Mr. West stated that if Mr. McLaughlin were to receive approval for the Special Exception he would not be issued a permit until he could show ownership of the lots the mobile home is going to sit on.

Mr. Walker stated that today's issue is whether the Board wants to allow a single wide mobile home in an area that is attempting to rebuild itself.

Mr. Hutchinson if a cement pad for parking would still be required, and the mobile home would need to be tied down and skirted. Mr. West stated that a cement pad will be required for parking his car and the mobile home will be required to be anchored to the ground which is normal DEQ requirements.

Mr. McLaughlin stated that he would be glad to put it in writing that he will have no other mobile home on the subject property, no other travel trailer or anything else. He will keep the property clean and mowed.

**Comments and Questions:**

Mr. Walker stated that he can appreciate a neighborhood that is trying to change and keep out mobile homes for the change. One of the ways the Board attempts to resolve that is to have a modular home on the property.

Mr. Dillard stated that he has been to Oakhurst and there are several mobile homes in the area. The problem he is having is that this request is still consistent with the neighborhood, but the other side of the coin is whether Board is here to better the neighborhood.

Mr. Walker stated that if the Special Exception is approved a finding is that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Mr. Hutchinson stated that by the pictures in the Board's agenda packet there are two single wide mobile homes across the street.

Mr. Crall stated that the Board always appreciates a client coming to the Board first. His quandry is was Mr. McLaughlin given the opportunity to choose the correct housing and he did not. Or was everything so vague that he did not understand what was being told to him or asked of him.

Mr. West stated that he believes it is a misunderstanding. When the terminology "manufactured home" is used most people assume that every mobile home is a manufactured home. Once Mr. McLaughlin was advised that a single wide mobile home requires to go before the Board he immediately completed an application, he did not just try to get by with the offense.

Mr. Dillard asked Mr. West how all five lots could be tied together. Mr. West stated that Mr. McLaughlin would need to apply for a lot combination through INCOG. Mr. West suggested the Board could place the condition on an approval, if they are so inclined, to only allow one single wide mobile home on the five lots, that way in the future there would not be two, three or four mobile homes on the subject property.

Ms. Miller stated the Board could also impose a time limitation for the single wide mobile home, then the applicant would come back before the Board for an evaluation of the effects on the neighborhood. The lot combination process is a very simple process at INCOG.

Mr. Hutchinson asked Mr. West if the other three mobile homes were on a time limitation. Mr. West stated they should have been because they are in an RS District but it does not seem that they have, or had, a time limitation placed on them.

**Board Action:**

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Special Exception** to allow a manufactured home in the RS District (Section 410, Table 1), subject to all five lots being tied together through a lot combination. This approval will be for five years, March 2020. There is a requirement that of an all weather surface for the parking; for the following property:

**LTS 9-13 BK 49, TANEHA, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2528 – Fred Kerr**

**Action Requested:**

Variance of the minimum required frontage on a public street from 30 feet to 0 feet to permit a lot split creating Tract B, Tract C, and Tract D (Section 207); Variance of the

minimum lot area requirement in an AG District from 2.0 acres to permit Tract A (1.55 Acres); Variance of the required land area per dwelling unit in the AG District from 2.1 acres to allow Tract A (1.55 acres), Tract C (2.06 acres), and Tract D (2.06 acres) (Section 330, Table 3). LOCATION: 15520 East 161<sup>st</sup> Street, Bixby

**Presentation:**

**Mitch Ingram**, 103 West Honolulu Street, Broken Arrow, OK; stated this relief is for a lot split to allow four lots for family. They would like to have the lot split to allow each family member to have land to build permanent stick and framed houses. On both sides of the lots there are single wide mobile homes, but they want to build permanent houses. The family has worked hard to clean up the land because it originally looked like a junk yard. The hardship for the land is that there is only 160 feet of frontage and in order to build a house on the front lot and requiring easements on each of the lots it would take 90 feet away just for the easements thus the request for only one 30 foot easement. On the east side of the property there are several irregular areas because the previous owner divorced causing a portion to be deeded to his ex-wife. In the rear, Tracts C and D, at least a third of the land is covered in a wooded creek area where building cannot be done.

Mr. Crall asked Mr. Ingram if an easement on the west of the property had been explored. Mr. Ingram answered affirmatively. He is friends with the western land owner and asked him if he could purchase some of the land for the easement and he is not interested in selling.

**Interested Parties:**

**Fred Kerr**, 13018 East 183<sup>rd</sup> Place South, Bixby, OK; stated the easement can be moved to either side of the property, so one straight line can be obtained on either side. He is Mitch Ingram's father-in-law and the property will be for his two daughters, a father-in-law and himself.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance of the minimum required frontage on a public street from 30 feet to 0 feet to permit a lot split creating Tract B, Tract C, and Tract D (Section 207); Variance of the minimum lot area requirement in an AG District from 2.0 acres to permit Tract A (1.55 Acres); Variance of the required land area per dwelling unit in the AG District from 2.1 acres to allow Tract A (1.55 acres), Tract C (2.06 acres), and Tract D (2.06 acres) (Section 330, Table 3). The Board has found the hardship to be the irregular shape of the property and the flood area in the rear; for the following property:

**E/2 E/2 NW NE LESS E170 N257 & LESS S522.72 N779.72 E100 THEREOF SEC 27  
17 14 7.797ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

## **2529—Lori Schmeling**

### **Action Requested:**

Special Exception to permit wedding and events in the AG District (Section 310, Table 1). **LOCATION:** 2926 West 111<sup>th</sup> Street, Jenks

### **Presentation:**

**Lori Schmeling**, 2926 West 111<sup>th</sup> Street South, Jenks, OK; stated she would like to have a wedding chapel and event center on the rear portion of the subject property.

Mr. Dillard asked Ms. Schmeling what she means by events. Ms. Schmeling stated events are family reunions, birthday parties, corporate parties, small events but not large ticket items like a jazz festival. It will be sweet and simple.

Mr. Dillard asked if there would be hunting or archery events or a gun range on the property. Ms. Schmeling stated there would be none of that because she has horses and deer on the property.

Mr. Crall stated that if the Board approves her request today then she reinterprets what the Board says, based on her perception, so the Board will ask questions to make everything more clear by what the applicant means by the terminology events.

Mr. Crall asked Ms. Schmeling about hiring an outdoor DJ at an outdoor wedding. Ms. Schmeling stated the wedding chapel will be in the rear portion of the property and what is imposing on the neighbors, currently, is the loud squeaky oil well that the owner will not repair. She does want to be able to have outdoor weddings, but a wedding is a quiet event not a festival.

Mr. Walker asked staff if there was a decibel level on outdoor events because he has heard the bass from the bed and breakfast across the street from his house. Ms. Schmeling stated she is not going to be break dancing at her events.

Mr. Crall stated that the Board understands her intent but if her perspective client says they are bringing their own DJ to play their genre of music, you aren't going to tell the perspective client they can't play their type of music. Ms. Schmeling stated she would tell the perspective client that they are at the wrong place and that there are other event centers. Mr. Walker stated the issue is the outdoor events. Ms. Schmeling stated that she is not planning on having a DJ because she is going to have a stereo sound system.

Mr. Crall asked Ms. Schmeling if her chapel was enclosed. Ms. Schmeling answered affirmatively. Ms. Schmeling stated there will be two restrooms and a kitchen.



Mr. Crall asked Ms. Schmeling what her plans were for serving alcohol. Ms. Schmeling stated that her father does not allow alcohol on the property and never has but she had planned on asking the Board about the serving of alcohol. Mr. Walker stated that if her events evolve over to the corporate venue they will very often want an alcoholic service. Mr. West stated a corporate party is a special event, and the terminology "special events" has a broad range. Mr. Crall stated the Board is attempting to discover if Ms. Schmeling cares about the harmony of her neighborhood. Ms. Schmeling stated that she does care about her neighbors and neighborhood.

Mr. Hutchinson asked Ms. Schmeling if the pictures she presented of the pre-fab lofted barn is going to be her wedding chapel. Ms. Schmeling stated that it is, but it will be wider than the diagram presented and she will have an attached open area for people to sit and smoke. Ms. Schmeling stated that she has not had anyone give her any negative feedback on the proposed wedding chapel.

Mr. Crall stated that is what Ms. Schmeling needs to be cognizant about is that the neighbors will support her until she stops caring about them. Ms. Schmeling stated she will always care about the neighbors because the property has been in her family for approximately 70 years.

Ms. Miller stated that the Board might think about a time limit or a maximum amount of people that may be at the event.

Mr. Hutchinson asked Mr. West about the fire code regulations for the size of the proposed structure, is there a limitation to the amount of people. Mr. West stated there is a commercial CMO building code that will be in effect for the capacity. Ms. Schmeling stated the 16 x 40 structure presented in the diagram is not correct; she is planning a 24 x 40 structure.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Special Exception to permit wedding and events in the AG District (Section 310, Table 1). The business will close at midnight and will have a five year time limit, March 2020. There is to be an all weather parking surface required. The events at the business will be as presented to the Board, i.e., family reunions, corporate parties, outdoor weddings. The signage allowed is to be no larger than 4'-0" x 8'-0"; for the following property:

E 699.34 W 1230.34 N 854.03 NW/4 SEC 34 18 12 13.71 ACRES, OF TULSA COUNTY, STATE OF OKLAHOMA

\*\*\*\*\*  
\*\*\*\*\*

**NEW BUSINESS**

None.

\*\*\*\*\*  
\*\*\*\*\*

**OTHER BUSINESS**

None.

\*\*\*\*\*  
\*\*\*\*\*

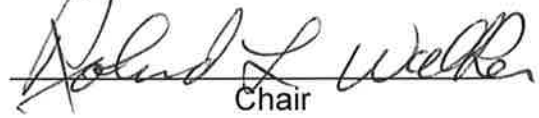
**BOARD COMMENTS**

None.

\*\*\*\*\*  
\*\*\*\*\*

There being no further business, the meeting adjourned at 2:35 p.m.

Date approved: 4-21-15

  
Chair