

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 436
Tuesday, September 20, 2016, 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

Charney, Chair
Crall, Secretary
Dillard
Johnston
Hutchinson, V.Chair

Miller
Moye
Sparger

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 15th day of September 15, 2016 at 9:22 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

MINUTES

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of August 16, 2016 (No. 435).

UNFINISHED BUSINESS

2591—Michelle Bison

Action Requested:

Special Exception to permit a manufactured home (Use Unit 9) in the RS District (Section 410, Table 1). **LOCATION:** 5723 North Norfolk Avenue East

Presentation:

Michelle Bison, 5706 North Norfolk Avenue, Tulsa, OK; stated she has three pieces of property in north Tulsa. She lives on one piece, a brother-in-law lives on one piece, and

the third piece of property is new to her. She would like to place a single wide mobile home on the third piece of property for her daughter. Ms. Bison presented pictures of her properties to the Board. She has cleaned up the property to help the neighborhood and she hopes to raise her family there.

Mr. Charney asked Ms. Bison if she would be willing to agree to certain conditions that the County requires should the Board approve her request, i.e., the mobile home be tied down, skirted and there be an all-weather surface for parking whether that surface be concrete or asphalt. Ms. Bison stated that she would agree to those conditions.

Mr. Charney asked Ms. Bison if any of her neighbors had spoken to her regarding the application. Ms. Bison answered no.

Interested Parties:

Jeff Kirkham, 1727 East 73rd Street North, Tulsa, OK; stated he has lived in his home since 1973. Mr. Kirkham stated that the applicant has presented her case quite well and has eliminated one of his concerns, but he is concerned about the mobile home. Mr. Kirkham stated that if someone wants to live in a mobile home there is a mobile home park located at 66th Street North and Lewis. He thinks a large portion of Turley is becoming one big mobile home park and it he believes the applicant is creating her own mobile home park little by little. Mr. Kirkham stated the mobile homes and junk yards in the area are not any good for Turley and they only give Turley a bad name. Mr. Kirkham stated that he is opposed to a single wide mobile home being placed on the property.

Rebuttal:

Michelle Bison came forward and stated that she is not trying to build a community mobile home park. Ms. Bison stated this will be her last purchase of property in the area.

Mr. Charney asked Ms. Bison if the other two mobile homes in the pictures presented to the Board had skirting and are tied down as it appears to be. Ms. Bison answered affirmatively.

Mr. Charney informed the audience that the Board has received an e-mail regarding opposition in the agenda packet and each Board member has read the e-mail.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to permit a manufactured home (Use Unit 9) in the RS District (Section 410, Table 1). The approval is subject to the subject mobile home be tied down, skirted and have an all-weather parking surface. Finding the Special

Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

TR BEG 390W & 260S NEC SE SE TH S240 SW328.88 N373.33 E300 POB SEC 1 20 12 2.112ACS, KRUGER TRACTS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

2589—Thomas Tucker

Action Requested:

Variance to allow a second dwelling unit on a lot that does not meet the minimum lot area per dwelling unit requirement in the AG District (Section 208 and Section 330). **LOCATION:** 3206 South Campbell Creek Road West, Sand Springs

Presentation:

Thomas Tucker, 10411 East 450 Road, Claremore, OK; stated he purchased the property and moved his mother-in-law onto the property, but her health has deteriorated to the point where she cannot maintain the property. He would like to move a mobile home onto the property to take care of her.

Mr. Charney asked Mr. Tucker if there was only one home of the subject property currently. Mr. Tucker stated that there was three on the property but apparently the second dwelling was placed on the property without permission. Mr. Charney asked if that was the one the mother-in-law was living in. Mr. Tucker stated that she was not; he razed one and will have the second one removed.

Mr. Charney asked Mr. Tucker if the subject property was 2.3 acres. Mr. Tucker answered affirmatively. Mr. Tucker stated that all the utilities exist on the subject property.

Mr. Charney asked Mr. Tucker if was seeking permission to have two mobile homes on the 2.3 acre tract. Mr. Tucker answered affirmatively.

Mr. Charney asked Mr. Tucker if he would be willing to agree to certain conditions that the County requires should the Board approve his request, i.e., the mobile home be tied down, skirted and there be an all-weather surface for parking whether that surface be concrete or asphalt. Mr. Tucker stated that he would agree to those conditions.

Mr. Dillard asked Mr. Tucker if the new mobile home was going to be 16 x 80 also. Mr. Tucker answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a **Variance** to allow a second dwelling unit on a lot that does not meet the minimum lot area per dwelling unit requirement in the AG District (Section 208 and Section 330). The approval is subject to the subject mobile home be tied down, skirted and have an all-weather parking surface. The hardship is the fact that the lot has an unusual configuration and an excessive amount of frontage. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

BEG 369.26S & 540.78E NWC NW NE TH N131.82 E561.60 TO CL CAMPBELL CK RD SWLY 329 NW223 NWLY 230 NW80 S173.41 W55 N71.85 POB LESS E30 FOR RD SEC 22 19 10 2.300ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2593—J. R. Donelson

Action Requested:

Variance of the minimum lot area and land area per dwelling unit to one acre;
Variance of the minimum lot width from 150 feet to 132 feet to permit a lot-split (Section 330. Table 3). **LOCATION:** 6804 East 106th Street North, Owasso

Presentation:

J. R. Donelson, 12820 South Memorial Drive, Bixby, OK; stated he represents the Cherokee Housing Authority. The Cherokee Housing Authority would like create a lot split on the 7.4 acres and construct a single family residence on one acre. The approval of the Variance request will allow the Cherokee Housing Authority to appear before the Planning Commission for the lot split request.

Mr. Charney informed Mr. Donelson that the Board has an allergy against doing this several times. Sometimes people want to split an acre, then another acre, then another acre and that is when the Board feels a plat would be more appropriate. One of the things the Board wants to alert the applicant to this because the Board prefers a platted approach after a single split. Mr. Donelson stated that he and the Cherokee Housing Authority understands.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance of the minimum lot area and land area per dwelling unit to one acre; Variance of the minimum lot width from 150 feet to 132 feet to permit a lot-split (Section 330, Table 3). The hardship being the significant water feature on the larger tract and one acre is necessary to conclude the underlying transaction; for the following property:

E/2 NW NW NW & W/2 NE NW NW & W/2 E/2 NE NW NW LESS W337 THEREOF & LESS N16.5 THEREOF FOR RD SEC 14 21 13 7.209ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2594—J. R. Donelson

Action Requested:

Special Exception to allow weddings and other outdoor events (Use Unit 2); Special Exception to allow commercial recreation, intensive (Use Unit 20); Special Exception to allow community services and similar uses (Use Unit 5); Variance of the all-weather material for surface parking (Section 1340.D). **LOCATION:** 19501 West 41st Street South, Sand Springs

Presentation:

J. R. Donelson, 12820 South Memorial Drive, Bixby, OK; stated the piece of property to be discussed today has been known in the past as Discovery Land. What initiated the initial application to the Board of Adjustment is the new owner of the properties was in the process of cleaning and upgrades on a project. He was informed by the Tulsa County Building Inspections that the property had never gone through the Board of Adjustment process to even allow the Discovery Land venue on the property. Mr. Donelson stated that he and the owner sat down with the County Commissioners, the Inspection Department, and the INCOG staff and worked on a number of ideas that could possibly be on the property so that the owner would not need to come back to the Board of Adjustment again. As a result of those meetings there was a list of things that could possibly be used on the subject property presented to the INCOG staff and the Board of Adjustment. The property owner presently has approximately 900 acres but this application only covers 450 acres which is Discovery Land and a little bit more. When the "possible functions" is mentioned it is possible functions. The owner is presently attempting to upgrade and clean the existing Discovery Land facility and he would like to have functions that would allow activities during the day not only evening functions. The owner has also been in contact with the Tulsa County Sheriff's Department in regards to training for search and rescue. The owner has been approached about riding mountain bikes on the property. Several other functions were discussed, i.e., corporate parties, the Native American Pow Wow thus the list of Use

Units which was done in conjunction with the Tulsa County Inspector and the Use Unit listings were reviewed by INCOG staff. In regards to the Variance, when someone entered the property when Discovery Land was in operation the basic parking was on the grass and the owner would like to continue to utilize that keeping the environment as natural as possible. The owner would like to revitalize the project and staff at Sand Springs is excited about this application as well as the INCOG staff.

Mr. Dillard stated the application states 380 acres and 450 acres was mentioned in the presentation and asked Mr. Donelson which one was correct. Mr. Donelson stated the correct figure is what staff shows, 380 acres. Mr. Donelson stated that part of the property is in the City of Sand Springs and part of it is zoned residential which the owner has no desire to change.

Mr. Charney asked Mr. Donelson if the former Discovery Land was located within the 380 acres under discussion. Mr. Donelson answered affirmatively. Mr. Charney asked Mr. Donelson if there were any residential structures within the 380 acres. Mr. Donelson stated there were no residential structures within the 380 acres but they are adjacent to and on roads that lead to the subject property.

Mr. Hutchinson asked Mr. Donelson what the hours of operation for the proposed functions would be. Mr. Donelson stated that he did not know at this time because everything is in the planning process. Mr. Donelson stated that he would guess that the functions would go as late as the amphitheater used to operate. Mr. Donelson guessed that on a Saturday morning it could start as early as 8:00 A.M., i.e., if the Boy Scouts are there camping it could be as early as dawn. Mr. Donelson stated that on weekends the hours could vary.

Interested Parties:

John Moore, 3382 South 177th West Avenue, Sand Springs, OK; stated he and his wife read the notice and it is very generalized in what activities might take place, i.e., ATV riding. ATV riding is a very noisy sport and make for a lot of dust. Mr. Moore stated that he has ridden as well as observed ATVs in the Appalachia Bay area on Keystone Lake and it is not a sport that should be allowed anywhere near a residential area. Mr. Moore stated that he and his wife are against this request. Additionally, the way the case report is written it appears that this could also include motorcycle riding, dirt bike competitions, and a multitude of other activities equally offensive to a residential area. Mr. Moore stated that he and his wife have concerns over concerts and festivals because of the noise and the night time hours because they could hear noise and music from the previous Discovery Land plays. The plays were not overly offensive because they were rather subdued and were over at an early hour, but if it were a rock concert it could be quite different. Mr. Moore is concerned about his property values. Mr. Moore stated that 41st Street South is another concern because it is a narrow two-lane paved road that is in very poor condition at the present time. Presently the street had roadbed deterioration as well as in being in need of a complete repaving. The street is rough with potholes that have to be dodged and is a four mile stretch of two yellow lines marking "no passing" from 129th Street in Prattville west of Discovery Land. There are

no shoulders for this road. The road already has a great deal of traffic and is hazardous to drive. More traffic will not help the situation. Mr. Moore stated that if alcohol is consumed at any of the proposed functions he can see 41st Street becoming more of a hazard that he and the neighbors do not need on a street that they use daily. There is already a facility located 3 ½ miles away from Discovery Land that provides many of the same services listed in the proposal, which Meadow Lake Ranch located on West 137th Street. The neighborhood is a nice neighborhood with newer houses over 2,000 square feet in size and approximately 200 feet or more between the houses. Mr. Moore stated that he, his wife, and the neighbors object to the request because they believe it will be detrimental to the neighborhood and will decrease the property values.

Mr. Charney asked Mr. Moore where he lived in relation to the subject property. Mr. Moore stated that he lives 1 1/10 mile north and east of the amphitheater and only 2,000 feet from where a possible motor cross track could be installed on the 380 acres. Mr. Moore stated that he has lived in his house since 2004.

Linda Tallent, 3308 South 177th West Avenue, Sand Springs, OK; stated she and her husband property in 1999 and developed the subdivisions Twilight Ridge and Twilight Hills. Twilight Hills shares a border with Discovery Land. She and her husband have built their retirement home in the area so this makes it personal for her. When the subdivisions were developed there were criteria to be met by the future home owners. Ms. Tallent stated that if an ATV trail or a motor bike course is allowed to go in next to Twilight they will not be able to sell another lot and it would destroy what has been created. She and her husband thought the area would be a safe investment in Tulsa County because they thought they would be protected from proposals such as the one today. She is totally against the ATVs, the motor bikes, the mudding trucks because the noise pollution would be tremendous. She is also concerned about the proposed RV park.

Mr. Crall asked Ms. Tallent if the proposed RV park would be next to her property. Ms. Tallent stated that she is not sure where the RV park will be placed because everything presented by the applicant is very vague.

Mr. Dillard asked Ms. Tallent what the size of the lots in the subdivision. Ms. Tallent stated that the lots start with two acre tracts and the lots above Discovery Land are one acre tracts.

Ms. Tallent stated that the area is a beautiful quiet neighborhood and she wants to be able to walk outside and hear Mother Nature not ATVs.

Dwight Tallent, 3308 South 177th West Avenue, Sand Springs, OK; stated that he and his wife have developed the subdivision Twilight Ridge. It is Twilight I, Twilight Hills Estates and Twilight Ridge. He has developed 100 acres thus far and by doing so there has been an increase in the tax revenue for Tulsa County. Mr. Tallent does not believe that the proposal will bring any tax revenue to Tulsa County. Mr. Tallent believes the land use that is being proposed for the neighborhood is totally wrong. He believes the

area would be better served in the development of residential houses. Mr. Tallent stated that if today's proposal is allowed he will not be able to sell his remaining acreages.

Robin Carder, 17881 West 35th Street South, Sand Springs, OK; stated that her property abuts the subject property. Ms. Carder stated that Discovery Land attracted a specific demographic. Not everyone wants to attend a Rodgers and Hammerstein musical. Ms. Carder stated that she fears this property will turn into another Rocklahoma or Woodstock, even once a year it would be detrimental. Ms. Carder stated that she has lived in the area for 25 years and 41st Street has never been repaved. She has to dodge potholes every day and has blown out a couple tires because of the potholes. Ms. Carder stated that she has \$500,000 invested in her home which was originally six acres but she donated ½ acre to the County for the road installation. She is in the process of investing another \$100,000 in the property for an outdoor living space with a pool. She also has three children that are interested in building homes on her 5 ½ acres. The noise will be a problem because her husband works nights and she works from home which is primarily conference calls daily. Ms. Carder stated that 380 acres seems like quite a bit of land for weddings. Ms. Carder stated that she does not have a problem with the proposed horseback riding if it is moved away from her property. Ms. Carder stated that the Girl Scout participation that is being proposed is a moot point because since the horrific events of 1977 the Girl Scouts of Tulsa County are in a secure location and they do not advertise that location. The proposed ATV riding would create too much havoc in the neighborhood because the one or two ATVs that the kids ride in the neighborhood are a nuisance. Ms. Carder stated that she is concerned about the impact the proposal will have to hers and the neighbor's property values.

Mr. Crall asked Ms. Carder if she was opposed to the horseback riding. Ms. Carder stated that she is opposed to the noise in general. There are horses in the neighborhood and the noise of the ATVs, motorcycles or whatever from the proposed venue would also impact those horses. Ms. Carder stated that the request is open ended and if the Board approves ATV riding the next thing will be a motocross event then X-Games. Ms. Carder stated the request is too vague.

John Olsen, 18133 West 35th Street South, Sand Springs, OK; stated he has two 5-acre properties that are north of the subject tract. Mr. Olsen stated that he cannot imagine waking up to the noise of concerts, powwows, plays, music festivals, food festivals, corporate functions, ATV tracks, mountain bikes, or military style tactical training exercises. All of these activities disturbing the neighborhood, disturbing the family, disturbing the children, and lowering the property values. Mr. Olsen believes these functions are incompatible and injurious to the property values of the single family residences north and east of the subject tract. Mr. Olsen would request the Board to deny the Variance.

Trelinda Olsen, 18133 West 35th Street South, Sand Springs, OK; stated that she is sad to see Discovery Land close but they did not operate in the hours that the applicant

is proposing. Ms. Olsen stated the request is very vague. Ms. Olsen stated the area is beautiful and that she has invested a lot into their property. The area has a great deal of echoing and noise can be heard from far away. This request will impact the entire neighborhood 24/7 and she wants to know if there will be alcohol served. Ms. Olsen requests the Board deny this application.

Stephen Day, 1405 West San Antonio Street, Broken Arrow, OK; stated he recently purchased land off West 41st Street for himself and his family for his future home. The impact he is concerned about is the noise, the traffic, the concerts. Mr. Day stated that with a small country road as it exists, emergency services will have difficulty getting to the property or to the neighborhood. Mr. Day stated that he does not have a problem with weddings being held or the Boy Scouts or the horseback riding. Mr. Day stated that he has already been told there will be a motorcycle race held on the subject property and that noise will echo through the hills. Large festivals will bring in a lot of cars and the land will be torn up, and if it is wet the mud will run into the creek possibly so heavily that there will be fish kills. Mr. Day stated that the request is too vague and he cannot tell what this will be because it is so open ended.

Kim Bradbury, 5314 Spruce Drive, Sand Springs, OK; stated his mother lives on the property that is adjacent to the former Discovery Land and her property is east and south of the property line. His mother has owned her property for 40 years and has 10 acres. Mr. Bradbury stated that if he and the neighbors had known that Discovery Land had been operating illegally he and the neighbors probably would have done something about it because the noise did carry. Mr. Bradbury stated that some of the uses requested by the applicant may not be intrusive but a lot of the uses are intrusive. Mr. Bradbury stated that the application is open ended and looks like almost anything could be done on the property. Mr. Bradbury stated that he would like to have the application continued for another 30 to 60 days so he could study the request and maybe receive more specific information, and then maybe come to an agreement with the applicant.

Gerald Goshorn, 3710 South 179th West Avenue, Sand Springs, OK; stated his property is adjacent to the border of Discovery Land. He has the same concerns as everyone that spoke before him. Mr. Goshorn stated that the ATVs and motorcycles, if allowed, will scare away the wildlife and cause noise pollution. Mr. Goshorn stated that he has a lot of concerns about this request and property values is one of the concerns.

Jessie Cranford, 3624 South 179th West Avenue, Sand Springs, OK; stated this is a good neighborhood and everyone looks out for everybody. This applicant is proposing something that the residents do not want in the neighborhood. Mr. Cranford stated that he has a problem with beer cans on the subject property, noise from the ATVs that come out there to ride, and language that is not appropriate for his grandchildren to hear. Mr. Cranford stated that he would not have a problem with weddings or something for the young boys and young girls but the other uses is not appropriate for the area.

Linda Tallent came forward and asked the Board about the event that has already been planned to be on the subject property. The event is called Hogtoberfest Motorcycle Rally and is to be held in October. She is concerned about the alcohol that the event will bring into the area and she does not believe they will shut down at 9:00 P.M. or 10:00 P.M. She is also concerned about the fact that an event is being advertised and held and this application has not even been approved. Ms. Tallent stated that if this request should be approved she would like to have hard surface parking as a requirement.

Rebuttal:

J. R. Donelson came forward and stated this project all began because the applicant was in the process of cleaning up and remodeling the former Discovery Land and he was told to stop by Tulsa County. He was informed at that time that he needed a building permit to do what he was doing. The applicant could not receive a building permit because the property was not compliant. The applicant made every effort possible to be in compliance and the first step was to have a meeting with the Inspector, Terry West and the staff at INCOG. The applicant tried to come up with something that was all inclusive and that is why the request is very vague. It was suggested to list the Use Units 2, 20, and 5 because the applicant did not really know. The Discovery Land and the Rodgers and Hammerstein program "Oklahoma" was one of the things the applicant would like to reinstate. In regards to the County, there was never mention of the hours of operation and that is why the application is vague at this time. Mr. Donelson stated that when he and the applicant sat with staff they were just attempting to get guidance and feedback. Mr. Donelson stated that the applicant is fully aware that 41st Street is need of repair but there are various bond issues and projects, and that is something the applicant could sit down with Mr. Tom Rains and discuss the street. Mr. Donelson stated that there have been a number of concerns brought up today and the applicant would like to work with the adjacent property owners. No matter how much property a person has there will be issues arise. The applicant wants to be a good neighbor and have something that will attract people to this part of Oklahoma and this part of Tulsa County. That is the initial goal the applicant has.

Bryan Adair, 114 South Elm Place, Broken Arrow, OK; stated he is one of the owners. Mr. Adair stated there is 450 acres on the north side of the property and there is 300 acres on the south side of the property and that is where the event would be held. The amphitheater is located in the central portion of the property. Mr. Adair stated that he wants to be a good neighbor and he is not trying to turn the property into an ATV park. It will be more for a family to bring their children to so they can have trails to ride on. Mr. Adair stated that if that is done there would be no trails adjacent to the residents. Mr. Adair stated that when he purchased the property there were problems. He has had the Sheriff out almost every day because of vandals and theft. He has allowed the Police to use the property for their training. He has allowed the Boy Scouts to use the property for camping. Mr. Adair stated there has been no additional property cleared but trees have been cleared. The machinery on the property has been used to raze old buildings. Mr. Adair stated that 41st Street has been used for 20 years by Discovery Land and they had 2,500 people at night attend the play during the summer and that

worked and he does not think that it has changed that much. Mr. Adair stated that he is not looking for hard rock bands but he would like to have Blue Grass festivals and country concerts. He wants a viable family activity place. Mr. Adair stated that there were company parties held on the property for years and there was alcohol served at those parties and he does not think there was any issue. He would like to do the same thing. Mr. Adair stated that the hotels in Sand Springs are interested in this project and have offered reduced rates if people using the facility stay in the Sand Springs hotels. Mr. Adair stated that this project will be very lucrative for Sand Springs and they are very excited about it. Mr. Adair stated that he is excited about this project and wants to build it back up to what it once was.

Comments and Questions:

Mr. Charney stated that he thinks the applicant's approach to this project and meeting with staff was the proper approach. He understands that he purchased the property with the Use that was permitted only to find out that the Use was not permitted. Then the applicant tries to do the right thing by attempting to get a permit only to find out there is a mess. Mr. Charney stated that he understands that and feels for the applicant. Mr. Charney stated that when the Board does consider this application the property is an AG Use and he can see how staff would provide a list of multiple Uses. Whenever AG land is being used for something out of the ordinary the Board cares a lot about how it is operating and what exactly is going to be done on the property, i.e., hours of operation. Mr. Charney stated that he heard many of the interested parties say that there are parts of the request that could be a good use and there are parts of the request that want certain Uses confined to certain areas. Mr. Charney stated the Board has in the past suggested that the applicant meet with the neighborhood residents, refine the plan and present the plan to the neighbors. The document presented today is a broad license to use every single inch of every single acre so he would suggest a continuance for 30 or 60 days to allow time for a meeting with the neighbors. The Board could make a decision much easier if there were more definition brought to the plan because the Board heard the word vague a lot today. Also, there was uncertainty as to whether there was 380 acres or 450 acres. The Board wants to know for certain that the notice was sent out with the correct legal description. Mr. Charney stated that he would like to see the applicant bring back a more definite list of Uses for the subject property.

Mr. Dillard believes that if the applicant had met with the neighbors he would not have had the controversy he had today. He also believes that if Mr. Donelson and Mr. Adair had sat down they would have known whether there were 380 or 450 acres. Mr. Dillard stated that if the vote happens today he will have to vote no because he does not think the applicant has planned out what he really wants to do. Mr. Dillard stated that he cannot support the application as it is today but he could support a continuance for 60 days to allow the time to meet with the neighbors.

Mr. Crall stated that he does not see the application as vague, he sees it as intrusive. To him it says that the applicant can do anything he wants and at anytime he wants. That is too difficult for the Board. Mr. Crall suggested a continuance so the applicant could meet with the neighbors.

Mr. Dillard suggested to the applicant that he have his legal description checked to make sure it is correct. Ms. Miller stated that INCOG has an expert check the legal descriptions to be able to properly map it. INCOG staff is confident that the subject property is 380 acres and that it was noticed correctly.

Mr. Johnston stated that he supports a continuance.

Mr. Hutchinson agreed with Mr. Johnston.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to **CONTINUE** the request for a Special Exception to allow weddings and other outdoor events (Use Unit 2); Special Exception to allow commercial recreation, intensive (Use Unit 20); Special Exception to allow community services and similar uses (Use Unit 5); Variance of the all-weather material for surface parking (Section 1340.D) to the Board of Adjustment meeting on November 15, 2016 allowing time for the applicant to have a neighborhood meeting and return with a more refined plan; for the following property:

The N/2 of the NE/4, less the South 273.40 feet of the West 113.78 feet of Section 26, T-19-N, R-10-E; The E/2 of the SW/4 of the SE/4 and the SE/4 of the SE/4 of Section 23, T-19-N, R-10-N; The SW/4 of the SW/4 of Section 24, T-19-N, R-10-E; The NW/4 of the SW/4 of Section 24, T-19-N, R-10-E; The E/2 of the SW/4 of Section 24, T-19-N, R-10-E; The W/2 of the SE/4 of Section 24, T-19-N, R-10-E; The E/2 of the South 20 acres of the N/2 of the SE/4 of Section 23, T-19-N, R-10-E; The SE/4 of the SE/4 of the NW/4 of the SE/4 of Section 23, T-19-N, R-10-E; The W/2 of the SW/4 of the SE/4 and the S/2 of the SW/4 of the NW/4 of the SE/4 and the SW/4 of the SE/4 of the NW/4 of the SE/4 of Section 23, T-19-N, R-10-E, OF TULSA COUNTY, STATE OF OKLAHOMA

2595—J. R. Donelson

Action Requested:

Variance of the minimum lot area and land area per dwelling unit to one acre;
Variance of the minimum lot width from 150 feet to 84.47 feet to permit a lot-split in the AG District (Section 330, Table 3). **LOCATION:** 17126 North 129th East Avenue, Collinsville

Presentation:

J. R. Donelson, 12820 South Memorial Drive, Bixby, OK; stated he represents the Cherokee Housing Authority. The Cherokee Housing Authority wants to construct a single family residence on one acre of property. Should the Board approve this request today it will allow the applicant to go to the Tulsa Metropolitan Area Planning

Commission and request a lot split. The request would also allow the panhandle of the property to be used as an access drive to an existing mobile home.

Mr. Charney asked Mr. Donelson if there was a separate owner for Tract C. Mr. Donelson stated that the owner of Tract B owns the entire parcel. Tract B will be for a family member and will also own Tract C. The entire property is a total of ten acres.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a **Variance** of the minimum lot area and land area per dwelling unit to one acre; **Variance** of the minimum lot width from 150 feet to 84.47 feet to permit a lot-split in the AG District (Section 330, Table 3). The Board finds the hardship to be that this is a narrow long piece of property and it would be impractical and impossible to have the necessary amount frontage; for the following property:

S/2 S/2 SE NE LESS E16.5 THEREOF FOR RD SEC 8 22 14 9.875ACS, MCCA W ACRES, OF TULSA COUNTY, STATE OF OKLAHOMA

2596—Lisa Young

Action Requested:

Special Exception to allow a manufactured home (Use Unit 9) in the RS District (Section 410). **LOCATION:** 6335 North Utica Avenue East

Presentation:

Lisa Young, 1712 East 55th Street North, Tulsa, OK; stated she owns the subject property and the property that joins the subject property. She has owned the property for approximately eight years and she would like to have a single wide mobile home on the property for her daughter and son-in-law. Ms. Young stated there are multiple single wide mobile homes in the area and presented pictures of the multiple single wide mobile homes.

Mr. Charney asked Ms. Young if the subject property was 2.47 acres. Ms. Young answered affirmatively. Mr. Charney asked Ms. Young if the adjacent piece of property she owned was on the north, south, east or west side of the subject property. Ms. Young stated the adjacent property is located on the east side.

Mr. Charney asked Ms. Young that if the Board were to approve her request would she be willing to meet certain conditions that would be placed on the approval, i.e., tie downs for the mobile home. Ms. Young answered affirmatively.

Mr. Charney asked Ms. Young if the single wide mobile home was already on the property. Ms. Young stated that she went to the permit office and asked what she needed to do to have a single wide on the subject property. Ms. Young stated the staff looked up the piece of property and told her it was zoned RS and they informed her that all she needed to do was to purchase what she wanted and fill out the permit, show the location of the mobile home on the property and submit that paperwork. Ms. Young stated she did and three weeks later she received a telephone call stating the subject property was not zoned for single wide mobile homes but is zoned for double wide mobile homes. At that time she was told she would need to make an application for a Special Exception for the single wide mobile home to be on the property.

Mr. Charney stated that the RS designation stands for Residential Single Family zoning, and whenever a single wide mobile home is sought to be placed in that zoning it always triggers a Special Exception to be reviewed by the Board of Adjustment.

Interested Parties:

Nelson Sager, 1410 East 73rd Street North, Turley, OK; stated the only issue he has is that the mobile homes that are already in the area, which he believes there are nine, were to have been double wide mobile homes. Mr. Sager stated that he knows that at least two of the existing mobile homes were to be double wide mobile homes and the owners place a single wide on the lot for a certain amount of time to allow the purchase of a double wide mobile home or manufactured home. That has not happened. Mr. Sager stated that he is opposed to the proposed single wide mobile home.

Ron Mabe, 6320 North Utica Avenue, Tulsa, OK; stated that the subject property used to be a vacant lot with high weeds and debris. Since the Youngs have owned the property the grass has been mowed and cleaned. Mr. Mabe stated that he is not just speaking for himself but he is speaking for the entire block. Everyone on the block is aware of the proposal and everyone thinks this will be good. Mr. Mabe stated the whole block is about family and Ms. Young wants to move her family onto the property.

Robert Davis, 1720 East 65th Street North, Tulsa, OK; stated he sold Ms. Young the subject property and it is actually about four acres. About five years ago Ms. Young moved a double wide mobile home onto the property and placed it within 12 feet of his property line. He never received a letter from the County or anyone else asking for permission for the double mobile home to be moved onto the property. Mr. Davis stated that he has a problem with Ms. Young because she operates a flea market business out of her house and had two commercial dumpsters sitting in the street. There are people that dig through the dumpsters at all hours of the night. Mr. Davis stated that he is preparing to build a new house and there has been ongoing dispute over a property line. Mr. Davis stated that he was digging holes for a privacy fence and the County Sheriff made him stop digging. Mr. Davis stated that he does not want two mobile

homes on his block next to the new house he is going to build. Mr. Davis presented a copy of a survey of his property and show the location of his property in relation to the subject property.

Mr. Charney asked Mr. Davis if his property was due east of the subject property. Mr. Davis answered affirmatively. Mr. Charney informed Mr. Davis that a boundary dispute does not fall under the pervue of the Board of Adjustment, and if there is an existing double wide on a piece of property that is near the subject mobile home it is something that the Board cannot review today. The Board has to look at only the 2.47 acre tract and must decide whether to allow a single wide on that property, and a boundary dispute is a legal matter.

Jacob Schumaker, 6430 North Utica Place, Tulsa, OK; stated he lives north of the single wide mobile home being discussed. Mr. Schumaker stated there has been nothing but trouble since it was moved in. Mr. Schumaker stated that the driveway for the subject property was placed directly across from his and they have backed box trucks into his driveway hitting his gate and bent the gate and run into his mailbox two or three times. Mr. Schumaker stated there is also a problem with trash. The trash blows constantly and settles up next to his fence. He eventually got tired of picking up the trash because there was so much of it. Mr. Schumaker stated that he spent a \$1,000 on privacy panels for his chainlink fence trying to keep the trash out but it did not work. Mr. Schumaker stated that the dumpsters that were mentioned are in the street and he is tired of it. Mr. Schumaker stated that he objects to the single wide mobile home.

Mr. Charney informed Mr. Schumaker that if there are trash issues, damage to his property, or other matters there are other recourses to be taken but not the Board of Adjustment. Mr. Charney suggested Mr. Schumaker start with the Inspector's office. Mr. Charney also informed Mr. Schumaker that if there is a business being operated on the premises that is something that is not permitted. Mr. Charney informed the audience that regardless what is decided on the application today the Board cares about all violations but they cannot do anything about it but there is a Code Enforcement mechanism to address the violations.

Mr. Hutchinson asked Mr. Schumaker if his house was a single wide mobile home. Mr. Schumaker answered affirmatively. Mr. Hutchinson asked Mr. Schumaker if there was a single wide mobile home west of his house. Mr. Schumaker stated there is and there is another one west of that one but he does not know if the people received permission to place the mobile homes on the lots.

Rebuttal:

Lisa Young came forward. Mr. Charney asked Ms. Young if she was operating a buisness out of her house. Ms. Young stated she buys and sells items on E-Bay but it is not like a business. Ms. Young stated that in regards to the trash issue, she received the subject property back in a divorce two years ago. When she received the property back it needed a lot of work and she has cleaned up the property and installed a fence.

She wants to have her son-in-law nearby so that he can help her take care of the property. Ms. Young stated that the dumpsters are on her property and not in the road.

Mr. Charney asked Ms. Young why she had dumpsters for a residential structure. Ms. Young stated that she has a very large and the family can fill one dumpster with just their trash. Ms. Young stated that she also buys in bulk from E-Bay or buys items at a garage sale she throws the trash away. Ms. Young stated that it has been years since she owned a box truck.

Ms. Young stated that the single wide mobile home she wants to have on the property is newer and nicer than most houses in the area.

Comments and Questions:

Mr. Dillard does not think there is so much objection to the single wide mobile home as there is aggravation with the neighbors. So for the land use, with nine mobile homes in the area he can support this request.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to allow a manufactured home (Use Unit 9) in the RS District (Section 410), subject to the mobile home be skirted, tied down and have an all-weather parking surface. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PRT GOV LT 2 BEG NEC W/2 SW 10AC LT 2 TH S489.5 W332 N489.5 E332 POB LESS E75 THEREOF & LESS N25 & W25 FOR ST SEC 6 20 13 2.47ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2597—Randy Scott

Action Requested:

Special Exception to allow a fireworks stand in the AG District (Section 310).

LOCATION: 14003 East 116th Street North, Collinsville

Presentation:

Randy Scott, P. O. Box 22, Coweta, OK; no formal presentation was made but the applicant was available for any questions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Special Exception** to allow a fireworks stand in the AG District (Section 310). This approval will be for a period of seven years, September 2023. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PRT LT 1 BEG SWC LT 1 TH N100 CRV LF 336.22 NW57.57 E276.63 SE259.98 CRV LF 120.91 CRV RT 170.63 S9.42 NW414.61 POB BLK 1; LT 1 LESS BEG SWC TH N100 CRV LF 336.22 NW57.57 E276.63 SE259.98 CRV LF 120.91 CRV RT 170.63 S9.42 NW414.61 POB BLK 1, CROSSROADS CHRISTIAN CENTER, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

ELECTION OF OFFICERS:

Seats currently held are:

- David Charney – Chair
- Don Hutchinson – Vice Chair
- Don Crall – Secretary
- Gene Dillard
- Larry Johnston

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Osborne "absent") to **NOMINATE** and **ACCEPT** Mr. David Charney as Chair, Mr. Don Hutchinson as Vice Chair, and Mr. Don Crall as Secretary for the 2016-2017.

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 3:42 p.m.

Date approved: _____

10/18/16

David E. Cheney

Chair