

TULSA COUNTY BOARD OF ADJUSTMENT  
MINUTES (No. 14)  
Tuesday, October 20, 1981, 3:00 p.m.  
Room 119, Administration Building  
500 South Denver, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Martin Tyndall Walker, Acting Chairman	Dubie Wines	Chisum Gardner Jones	Edwards, Build- ing Inspector's Office Raymond, Dis- trict Attorney's Office

The notice and agenda of said meeting were posted in the Office of the Tulsa County Clerk on Monday, October 19, 1981, at 9:46 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Acting Chairman Walker called the meeting to order at 3:10 p.m.

Election of Chairman:

Walker explained that the Tulsa County Board of Adjustment has been in existence for one year and it is time to elect a new chairman.

On MOTION of TYNDALL, SECOND by WALKER, the Board voted 2-0-1 (Walker, Tyndall, "aye"; no "nays"; Martin, "abstaining"; Dubie, Wines, "absent") to elect Martin as chairman.

Martin now presiding.

Board Policies:

Mr. Gardner stated that it is difficult for all the Board members to meet on Tuesday afternoon and is therefore, difficult to get a quorum. The only available time to meet without conflict would be Friday morning. The County Commission Room is available and he suggested the Board meetings be changed to the third Friday of the month, possibly at 9:30 a.m. That way, the members would have the afternoon free. Walker has a meeting every Friday at noon, so suggested 9:00 a.m.

On MOTION of TYNDALL, SECOND by WALKER, the Board voted 3-0-0 (Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Dubie, Wines, "absent") to change the meeting dates of the Tulsa County Board of Adjustment to every third Friday of the month at 9:00 a.m.

Walker suggested adopting a policy of a 10-minute limit for presentations to the Board and limit those opposed to the application to 10 minutes also. If there are several people to protest, then the time should be divided among them. Mr. Gardner advised that the City has this policy and thinks it is a good idea. The Board can ask questions and that would extend the time. Most people can say what is needed in 10 or 15 minutes and the applicant has the right to rebut after the protestants have been heard.

On MOTION of WALKER, SECOND by TYNDALL, the Board voted 3-0-0 (Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Dubie, Wines, "absent") to limit presentations to the Board to 10 minutes, reserving the right to extend the time under certain circumstances.

Board Policies: (continued)

Martin also suggested that it would be a great deal of help when persons who have business before the Board come forward to the microphone and give their name and address and the same suggestion would hold for the protestants.

UNFINISHED BUSINESS:

Case No. 118

Action Requested:

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1202 - Area-Wide Exception Uses - Under the Provisions of Section 1680 - Request for an exception to permit a temporary open air use outdoor Country Music Concert in an AG District; and an

Exception - Section 310 - Principal Uses Permitted in agriculture Districts - Section 1220 - Commercial Recreation: Intensive - Under the Provisions of Section 1680 - Request for an exception to permit an outdoor Country Music Concert in an AG District, located at 9600 North Memorial Drive.

Presentation:

Mr. Charles Pope and Mr. Jim Robinson was present for the applicant. Mr. Pope explained that a detailed outline of their proposal was sent to the County Safety Department at the time of the original application, they were unaware that this was a zoning matter. A specific concert was scheduled, but that time has past. They are asking that an exception be granted on a limited basis. Several thousands of dollars have been spent in contracts with performers.

The people in the area were falsely lead to believe that there would be a great disturbance. The District Attorney sought an injunction which the applicant submitted to, pending a hearing by this Board. The area residents were under the impression that this concert would draw a huge crowd, but they were estimating an attendance of approximately 1,000 to 1,500 country music fans. The applicant made ample consideration for the safety of the attendees and the residents, in conjunction with the law authorities and the Health Department. He could not give a specific date when a concert would be held because of the weather, but is planning on springtime. There is a church about 600' from the tavern that is sponsoring the concert and the members are rightfully concerned about what will happen in that area. The concert was originally scheduled for a Sunday, but the scheduled entertainers have agreed to reschedule on any day that would fit their itenirary. Mr. Pope still feels Sunday is the best day.

Walker asked if the entire 39 acres would be used. Mr. Pope replied that there are a lot of ditches on the land and a lot of the tract will be used to move people in and out at a faster pace. Approximately 25-30 acres would be used.

Protestants:

S. M. Fallis represented the property owners in the area. He pointed out that it is important the Board have a good concept of the area. He handed out pictures of the area (Exhibit "A-1"). Mr. Fallis asked

Case No. 118 (continued)

asked the Board to consider the position of the protestors. He is concerned for the welfare of the residents. It is the burden of the applicant to show that the property is unique and unusable as it is zoned and he does not feel they have met that burden.

The residents are concerned about fire and the accessibility to their properties by emergency vehicles, who would have to compete with the traffic on narrow roads and roads that dead-end. The motive for the concert is profit, but the homeowners are concerned about their homes and the danger involved. Mr. Fallis stated he represents approximately 25 homeowners.

Dana Razor mentioned the fact that the properties adjoining the subject tract have stock running on it and the fencing is not adequate. People attending the concert might decide to take shortcuts and the livestock would be endangered.

Mr. Gardner commented that most of the Staff's concerns were brought out by the protests. He pointed out that a concert could be held at the Civic Center or in other areas already set up for crowds. Mr. Martin asked if the applicant has considered using another site that is designed to handle crowds.

Applicant's Comments:

The principal reason for an outdoor concert rather than the fairgrounds or parks is the provision for parking facilities and the bad reputation attached to these places. The only way he could justify the use of these facilities would be with a crowd-drawing singing star.

Mr. Pope pointed out that the traffic on these roads would be less on Sunday than on a working day. Attendance would be approximately 4 to a car. If his expectations are exceeded, he could expect about 500 cars, which is less than the roads handle on a working day. The Police Department was asked if these roads would present any problems and they said "no." He pointed out that Memorial is a 2-lane road, two miles to the east is Mingo and two miles to the west is 75 Highway. Also, the Mingo Valley Expressway could be reached by 86th Street North.

The property is not usable for agriculture because of the creek through the middle and the land on either side slants to the creek.

The church has been advertising a Gospel Music Concert and made an open invitation. Therefore, he questions their protest to this concert.

Protestants:

Floyd Richardson advised there is more traffic on Sundays because of church than on weekdays. City Engineer Bain, could not see how the promoters could receive any profit from an initial investment of \$15,000 when the estimated attendance is only 1,500.

Mr. Walker stated it would not be holding with the spirit and intent of the Code if this concert were allowed.

Case No. 118 (continued)

Board Action:

On MOTION of WALKER, SECOND by TYNDALL, the Board voted 3-0-0 (Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Dubie, Wines, "absent") to deny an Exception (Section 310 - Principal Uses Permitted in Agriculture Districts) to permit a temporary open-air Country Music Concert in an AG District, on the following described property:

The SE/4 of the SE/4 of Section 14, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 116

Action Requested:

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Request for a variance of the size of an accessory building from 750 square feet to 1,200 square feet in an RS District, located at 7101 North Peoria Avenue.

Presentation:

Mr. Floyd Simpson, applicant, 7101 North Peoria Avenue, explained that this request is for a variance to extend a garage from 750 square feet to 1,200 square feet. This would be used to store 2 cars and motorcycles and would not be a commercial use. The existing garage sets about 200 feet from the house and is very small. This would be a new structure about 30' x 40'. His tract of land is about 1½ acres in size. Casper Jones advised that this is an old subdivision and there are no known restrictions in the addition. Bob Gardner commented there are several nonconforming businesses in the area and the Staff is not concerned with the size of the tract and size of the building, but only that this be not used for commercial.

Protestants: None.

Board Action:

On MOTION of WALKER, SECOND by TYNDALL, the Board voted 3-0-0 (Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Dubie, Wines, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the size of an accessory building from 750 square feet to 1,200 square feet in an RS District, subject to no commercial use of the building, on the following described property:

Lot 7, Block 7, Golden Hills Addition to the County of Tulsa, Oklahoma.

Case No. 117

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RS District, located at 5116 South 85th West Avenue.

Presentation:

Mr. Leamon English, 5116 South 85th West Avenue, the applicant, advised that the mobile home had been moved onto the property and the neighbors

Case No. 117 (continued)

complained. This is a one-acre tract outside of Berryhill in Tulsa County. There are 5 mobile homes on his side of the street and one across the street, all of which are on 2-acre tracts. Everyone is on a septic tank. He has paid for a perc test, but did not want to spend the money for a septic tank until after this hearing. He advised that this would be his permanent residence.

Protestants:

There were no protestants present.

Board Action:

On MOTION of TYNDALL, SECOND by WALKER, the Board voted 3-0-0 (Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Dubie, Wines, "absent") to approve an exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit a mobile home in an RS District, on the following described property:

Beginning at the NE corner of the E/2 of the SW/4 of the NE/4 of Section 36, Township 19 North, Range 11 East, Tulsa County, Oklahoma; thence West 300'; thence South 140'; thence East 300'; thence North 140' to the point of beginning.

Case No. 119

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RS District; located at 2534 South 59th West Avenue.

Presentation:

Mrs. Charlene Marshall, 2532 South 59th West Avenue, presented a petition signed by her neighbors (Exhibit "B-1") and advised that this request is for a mobile home in which her mother resides. This would be for her peace of mind and for her mother's safety, since her mother is in poor health. The lot is an acre in size and the trailer would be put in back. They are on a septic system. There is a mobile home across the street and several scattered throughout the area.

Protestants: None.

Board Action:

On MOTION of WALKER, SECOND by TYNDALL, the Board voted 3-0-0 (Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Dubie, Wines, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit a mobile home in an RS District, subject to approval by the Health Department and limited to the use of Mrs. Marshall's mother only, on the following described property:

Part of Lots 2 & 3, Block 5, Second West Tulsa View Acres, more particularly described as follows: Beginning at the NE corner of Lot 2; thence West 295'; thence South 98.7'; thence East 295'; thence North 98.7' to the point of beginning, in Tulsa County, Oklahoma.

Case No. 120

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home(s) in an RE District, located northwest of Cherokee Expressway and 96th Street North.

Presentation:

Mr. Merle McNeal, P. O. Box 176, Owasso, Oklahoma, was present as co-partner with Mr. Sokolosky. This is approximately a 60-acre tract. Since building is difficult, they felt the land could be divided into 1¼-to 2-acre tracts for people to buy and set up mobile homes. Houses could be built later if the owners desired. An RM-H zoning application was applied for and denied by the County because of density. The County does not have any zoning district for mobile homes less dense than the RM-H zoning classification. The tract is larger than the usual mobile home park.

A letter was presented from County Commissioner Harris to the Board (Exhibit "C-1").

Bob Gardner requested the Board to make their approval subject to approval by the TMAPC of a subdivision plat before development could occur. This will be septic tank lots, so they will have to be a minimum of 1/2 acre in size.

Protestants: None.

Board Action:

On MOTION of WALKER, SECOND by TYNDALL, the Board voted 3-0-0 (Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Dubie, Wines, "absent" to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit mobile homes on lots in an RE Subdivision subject to the approval of the subdivision plat by the TMAPC and subject to final review by this Board prior to development, or use of the property for said purposes, on the following described property:

The West-Half of the Southeast Quarter, less the East 4.82 acres of the tract for Highway purposes and less the West 330' of the South 660' and less the South 440' thereof, all in Section 16, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 121

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RS District, located at 7237 West Cameron Avenue.

Presentation:

Carol Posson, 502 North 72nd West Avenue, property owner and applicant, was present.

Ms. Posson stated that the trailer would set on an acre of land, which she is selling to a friend. A copy of the Health Department letter of

Case No. 121 (continued)

approval was submitted (Exhibit "D-1"). There are approximately 10 mobile homes within 6/10ths of a mile. The creek will not erect the mobile home. The creek has been improved, and the banks are about 30 feet high. The water does not rise above the banks.

Protestants: None.

Board Action:

On MOTION of WALKER, SECOND by TYNDALL, the Board voted 3-0-0 (Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Dubie, Wines, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit a mobile home in an RS District, on the following described property:

The West 146.76' of the East 535.35' of Block Q, Farm Colony Subdivision to the City of Tulsa, Tulsa County, State of Oklahoma, containing 1.0 acre, more or less, and known as 502 North 72nd West Avenue, Tulsa, Oklahoma.

Case No. 122

Action Requested:

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1205 - Community, Cultural and Recreational - Under the Provisions of Section 1680 - Request for an exception to permit a children's nursery in an AG District, located at 19310 South Yale Avenue.

Presentation:

A letter (Exhibit "E-1") was presented from the City of Bixby, Oklahoma, stating they had no objections.

Sandy Kyle was present and stated that this property is not presently used for a nursery. The proposed use will set on about a 4-acre lot and will be a metal building, 30' x 50', with a slab floor. The lot is approximately 8 miles from Bixby. She has talked to a number of people who agreed there is a need for a nursery in this area. In relation to the residence, Ms. Kyle advised that the building will be in front of the existing house, closer to the road, and to the north.

Jack Edwards advised that any new construction would need a County Building Permit.

Protestants: None.

Board Action:

On MOTION of WALKER, SECOND by TYNDALL, the Board voted 3-0-0 (Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Dubie, Wines, "absent") to approve an Exception (Section 310 - Principal Uses Permitted in Agriculture Districts) to a children's nursery, subject to proper Building Permits and approval of the Health Department; and, that the sign be limited to a 16 square foot (4' x 4') sign and that the light be a constant instead of flashing light, on the following described property:

Case No. 122 (continued)

The East 495' of the South 110' of the Easterly 3/4th of the S/2 of the S/2 of the NE/4 of the NE/4 of Section 9, Township 16 North, Range 13 East in Tulsa County, Oklahoma.

Case No. 123

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RM-2 District, located northeast of West 16th Street and 75th West Avenue.

Presentation:

James Miller, 6528 West 9th Street, was present and explained that he has already bought the property with the intention of moving a mobile home on it for approximately 4-years, while his son attends the elementary school close by. There is a burned-down house on the property which he is cleaning up. He counted 5 mobile homes within a 6-block radius. This property is on a dead-end street. The home will be on septic tank and well-water. He was told there was an existing septic tank, but it is not there.

Mrs. Murray, 7511 West 15th Street, was present as an interested party.

Protestants: None.

Board Action:

On MOTION of WALKER, SECOND by TYNDALL, the Board voted 3-0-0 (Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Dubie, Wines, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit a mobile home in an RM-2 District, for a period of four years and subject to Health Department approval, on the following described property:

Lot "A" of the "Replat and Resubdivision of Tract 6, together with the West 50' of Tract 5; together with the East 15' of Tract 7, ALL in Lot 6, Billington's Acre Tracts Addition in Section 7, Township 19 North, Range 12 East, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof."

OTHER BUSINESS:

Farhadd Daroga was present on behalf of the Broken Arrow Board of Adjustment, to request that the County Board of Adjustment hear cases located within the Broken Arrow Fence Line only after the Broken Arrow Board has had a change to review them and hold a public hearing. He would prefer a referral system and that final decisions be deferred by the County Board until after a hearing by Broken Arrow. This request is brought about by County Case #108, which the Broken Area Board of Adjustment voted to recommend DENIAL and the County Board had already given APPROVAL.

There being no further business, the meeting adjourned at 4:50 p.m.

Date Approved February 19, 1982  
William B. [Signature]  
Chairman