

**TULSA COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 52  
Tuesday, September 18, 1984, 1:30 p.m.  
Room 119, Administration Building  
500 South Denver Avenue, Plaza Level  
Tulsa Civic Center

**MEMBERS PRESENT**

Alberty, Chairman  
Martin, in at 1:50  
Tyndall  
Walker  
Wines

**STAFF PRESENT**

Gardner  
Jones  
Phillips

**OTHERS PRESENT**

Jack Edwards,  
Protective  
Inspections

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, September 14, 1984 at 11:12 a.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 1:42 p.m.

MINUTES

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE the Minutes of August 24, 1984 (No. 51).

UNFINISHED BUSINESS:

Case No. 482

Action Requested:

Use Variance—Section 310—Principal Uses Permitted in Agriculture Districts—Use Units 1214/1215—Request a variance to allow a convenience store and feed store in an AG zoned district under the provisions of Section 1670, located at Coyote Trail and Campbell Creek Road.

Presentation:

The applicant, Deanna Nichols, 218 West Coyote Trail, was represented by her husband, Dean Nichols, of the same address. He informed that the subject property is a triangular piece of property which is bordered on all sides by streets. (It is 1 1/2 acre including easements). Mr. Nichols informed the Board that there are no buildings on the property at the present time. It is his intention to build a 40' x 100' single-unit building to house a convenience store and a feed store. He stated that the surrounding area is residential, but due to the fact that this island is surrounded by streets and is the apex of an intersection, it will be a good location for a store.

Protestants: None

## Case No. 482 Continued

### Comments and Questions:

Mr. Alberty suggested that putting a convenience store at such a busy intersection might be a potential safety hazard.

Mr. Walker felt that it might be appropriate use of the land, but asked Mr. Nichols why he did not go to the Planning Commission to have the property rezoned. Mr. Nichols informed that INCOG advised him this would be the quickest route to take.

Mr. Gardner informed that this piece of land is unique in shape. He informed that the majority of the use in this area is residential. He requested that the applicant be more specific about the uses of the adjacent property. Mr. Nichols informed that there are some mobile homes, some stick built homes, a small engine repair business and a body shop directly in the immediate area.

There was discussion about the setback. Mr. Gardner informed that the requirement is 100' from the centerline of the street, which would not not leave much land to build on.

Mr. Walker suggested that the Board needs more specific information in order to make a decision. He offered his help to the applicant so that he might be better prepared to show the Board exactly what he plans to do on the property.

### Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to CONTINUE Case No. 482 until October 16, 1984, to allow the applicant time to prepare his plans.

### NEW APPLICATIONS:

## Case No. 312

### Action Requested:

Request to amend two conditions of approval for the Water Park, more specifically to change the closing time from 10:00 p.m. to 11:30 p.m.; and to change the closing time of the park from one day before Preview Day of the State Fair to the end of September.

### Presentation:

Commissioner Lewis Harris, 500 South Denver, represented the Board of County Commissioners in their recommendation that these two amendments be approved. He informed that the Board of Adjustment approved the conditions of the Water Theme Park known as "Big Splash" on February 18, 1983. The restrictions were in nine categories. (See Minutes of February 18, 1983). There are two of these categories up for amendment today:

6. Closing Time—When the park was in the planning stages, the commission gathered information from engineers and operators of similar facilities in other areas. They also considered

Case No. 312 Continued

local suggestions. Commissioner Harris stated that he feels the Water Park now has its own "track record" to base decisions on. The park has no nuisance factor and he has had no complaints. Mr. Lloyd, Director of Expo Square, has had one complaint about the traffic slowing down around the intersection of 21st and Yale. Noise has caused no problems, nor have the lights or parking. At the previous hearing the Board required a closing time of 10:00 p.m. Commissioner Harris informed that they now feel this poses a problem for families who work and cannot get to the Park until after an evening meal. He informed that the same facilities in other areas close at 11:30 with no problems. He recommended approval of this amendment.

7. Outside Activities Close Wednesday Before Preview Day of the Tulsa State Fair—Commissioner Harris explained that there are thousands of kids who come to the Tulsa State Fair and live on or near the fairgrounds during that week. Many of these have requested that the Water Park be left open for their enjoyment. Most of the people who will be using the Water Park during this time, (recommended hours are noon until 7:00 p.m.), will be staying on the fairgrounds and will not cause additional traffic and parking problems. There is always a chance that the weather will not be good for outdoor swimming, but he requested that these kids be given the opportunity if the weather is nice. Commissioner Harris informed that traffic control has been better since last year when the speedway was opened up for additional parking and explained that they will be adding a new entry into the speedway on the NW corner for overflow traffic. He recommended that the Board approve this amendment.

Protestants:

Louise McKay, 1752 South Fulton, explained that she was not well prepared for the meeting because she did not know about it until the day before. She stated that she did not protest the proposed amendments, but rather the way the case was handled. She felt as if there was a breakdown in communication between the commissioners and the protestants. She informed that the owner of Mayo Meadows Shopping Center (across 21st Street from the Water Park) did not receive notice of this meeting, nor of the February 18, 1983 meeting. She feels that this oversight should not have happened. She requested that if these amendments are approved they be restricted to a one-year trial period.

Dorothy Gideon, 2013 South Canton, requested that any exceptions be granted for a one-year period so that any problems which may arise can be brought before this Board at the end of that time.

Comments and Questions:

Mr. Martin asked Mrs. McKay how her life has been affected by the Water Park. She informed that she has not been in town most of the summer, but that she has not heard anything bad. Mr. Martin asked, since she has been out-of-town most of the summer, why she protested

Case No. 312 Continued

the proposed changes. She replied that she does not protest the change, but that she does want restrictions placed on the changes to protect the quality of life in their neighborhood.

Mr. Gardner informed the Board that Mrs. McKay does not live within 300' of the Water Park, and therefore would not have received a notice of the meeting.

Commissioner Harris explained that he did not know about the change in the County Board of Adjustment meeting time until this morning at 10:45. He stated that it had not been intentional to deter the protestants or interested parties.

Mr. Alberty asked Commissioner Harris how the Commission would feel about a one-year restriction on the amendments. Commissioner Harris replied that they prefer not to have the one-year restriction. Mr. Alberty stated that it is not the intention of the Board to over-restrict any business.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to APPROVE Amendments to two conditions of approval for the Water Park, (Conditions 6 and 7, minutes of the February 18, 1983 County Board Meeting); more specifically to change the closing time from 10:00 p.m. to 11:30 p.m., and to change the closing time of the park from one day before Preview Day of the State Fair to the end of September, on the following described property:

The south 900' of the east 1000' of the SE/4 of Section 9-19-13 Tulsa County, State of Oklahoma.

Case No. 491

Action Requested:

Special Exception—Section 410—Uses Permitted in the Residential District—Use Unit 1209—Request an exception to allow a mobile home in an RS zoned district under the provisions of Section 1680, located N of NE/c of 62nd Street North and Lewis.

Presentation:

The applicant, Albert Moomey, 6189 North Yorktown, explained that he owns a 1/2 acre fenced lot across the street from the mobile home park where his mobile home is now located. He wants to move his mobile home onto this lot and establish permanent use. He informed the Board that he feels a mobile home park is too crowded for his family and he wants more space.

Protestants: None

Comments:

There was discussion about the district around the mobile home park.

Case No. 491 Continued

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 4-1-0 (Alberty, Tyndall, Walker, Wines, "aye"; Martin, "nay"; no "abstentions") to APPROVE a Special Exception (Section 410—Uses Permitted in the Residential District—Under the Provisions of Use Unit 1209) to allow a mobile home in an RS zoned district under the provisions of Section 1680, subject to a Building Permit and Health Department approval, on the following described property:

North 81', east 285', Lot 10, Block 5, Stebbins Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 492

Action Requested:

Variance—Section 310—Bulk and Area Requirements in an Agriculture District—Use Unit 1209—Request a variance of the lot area from 2 acres to 1.24, 1.0 and 1.01 acres; the land area from 2.2 acres to 1.34, 1.01, and 1/02 acres; and the lot width from 200' to 174.24', and 15.38' all in order to permit a lot split in an AG zoned district under the provisions of Section 1670, located W of SW/c of 261 W Avenue & Coyote Trail.

Presentation:

The applicant, Lynn Calton, 11004 East 44th Street, informed that the subject property was a mobile home park when he purchased it two years ago and was "grandfathered" in. He stated that his plan is to remove the mobile home park and divide the property into three separate lots to sell for mobile home use. There are five mobile homes on the property and this lot split will reduce that density to three.

Protestants: None

Comments and Questions:

Mr. Edwards informed that the Health Department might not approve separate septic systems where a joint system has been used in the past. Mr. Calton informed that he has met with the Health Department and there are presently three separate septic systems on the property. They have come to an agreement about how the lots can be split to utilize the three separately.

Mr. Jones informed the Board that the TMAPC approved the lot split subject to BOA approval.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to APPROVE a Variance (Section 310—Bulk and Area Requirements in the Agriculture District—Under the Provisions of Use Unit 1209) of the lot area from 2 acres to 1.24, 1.0 and 1.01; the land area from 2.2 acres to 1.34, 1.01, and 1.92 acres; and the lot width from 200' to 174.24', and 15.38', all in order to permit a lot split (L-16246) in an AG zoned district under the provisions of Section 1670, on the following described property:

Case No. 492 Continued

Beginning at a point 1440' north and 1010' east of the SW/c of NE/4, Section 30, T-19-N, R-10-E, Tulsa County, Oklahoma, thence west 200', thence north 736.74', thence southwest along the south R.O.W. line of Coyote Trail 205', thence south to the P.O.B.

Case No. 493

Action Requested:

Variance—Section 208—One Single-Family Dwelling per Lot of Record—Use Unit 1209—Request a variance to allow 4 mobile homes (1 existing, 3 new) per lot of record in an AG zoned district under the provisions of Section 1670, located E of SE/c of 137th E Avenue & 156th Street North.

Presentation:

The applicant, Henry Watkins, 13707 East 156th Street North, submitted a plot plan (Exhibit A-1) and explained to the Board that in November of 1983 he was put on total disability due to a lung disease. He is 58 years old and is living on a pension from the Boilermakers' Union. He is requesting this variance in order to place 3 new mobile homes on his property to supplement his income. Each will be on a separate septic system and they will be percolated after the ground becomes moist. He stated his intention to place a driveway down the side of the property to allow access to the mobile homes. He informed that there are other lots in the area which have been split for mobile home rental and the area is made up of a mixture of mobile homes and conventional homes. To the east of the subject property, Frank Pedella owns a large brick home and he has no protest to this use. On the west of the subject property there is a mobile home on a 2 1/2 acre tract.

Protestants: None

Comments and Questions:

Mr. Gardner informed the Board that Mr. Watkins has enough property to split the lot for this use.

Mr. Walker asked what size lot is allowed for a mobile home in an AG district. Mr. Gardner informed him that 2 acres allows a mobile home use by right, and that Mr. Watkins has enough land for 2 mobile homes without a variance.

Mr. Alberty informed that he could support an additional mobile home, but that he could not support three additional mobile homes. He stated that the lot would not appear to be as dense if the second mobile home was restricted to the southern portion of the property.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 5-0-0 (Alberty, Martin, Tyndale, Walker, Wines, "aye"; no "nays"; no "abstentions") to **APPROVE** a Variance (Section 208—One Single-Family Dwelling per Lot of Record—Under the Provisions of Use Unit 1209) to

Case No. 493 Continued

allow 2 mobile homes (1 existing, 1 new) per lot of record in an AG zoned district under the provisions of Section 1670; subject to the second one being installed on the southern portion of the property; subject to Health Department approval and a Building Permit; on the following described property:

A tract of land situated in the North Half of the Northeast Quarter of Section Twenty-One, Township Twenty-Two North, Range Fourteen East, Tulsa County, State of Oklahoma more particularly described to wit: Beginning at a point on the North line of said N/2 NE/4, said point of beginning being North 89°33'31" East a distance of 992.49 feet from the Northwest corner of said N/2 NE/4 thence South a distance of 661.82 feet to a point, thence East a distance of 330.78 feet to a point; thence North a distance of 662.14 feet to a point on the North line of the N/2 NE/4 Section 21, Township 22 North, Range 14 East, thence West along said North line of the N/2 NE/4 a distance of 330.83 feet to the point of beginning, according to the U. S. Government Survey thereof, subject to roadway on the North and utility easement on the North.

Case No. 494

Action Requested:

Special Exception—Section 310—Principal Uses Permitted in an Agriculture District—Use Unit 1205—Request an exception to allow church uses in an AG zoned district under the provisions of Section 1680, located E of SE/c of 121st St. North & Garnett Road.

Presentation:

The applicant, Jim Ferguson, 2905 North Northlea, Claremore, submitted a letter (Exhibit B-1) from the City of Owasso informing that due to difficulties in obtaining a quorum prior to this Tulsa County Board of Adjustment meeting, the Chairman of the Owasso Board of Adjustment declined to review the case and to support the decision of the County Board. There was discussion about the size of the subject tract.

Protestants: None

Comments:

Mr. Jones informed that the legal description includes 10 acres and that any motion should be limited to the NW 2.51 acres (165' wide).

Mr. Gardner informed that the applicant will need a variance on his land for which he is not advertised. His land does not meet the frontage requirements. He suggested that the application be continued to allow the applicant to readvertise for this variance.

Mr. Alberty explained to the applicant that the Ordinance requires 200' of frontage and since the subject property is only 165' x 330', a variance will be necessary.

Case No. 494 Continued

The Chair explained that the applicant needs to bring sufficient plans which will show the size and location of the building to be placed on the lot.

Mr. Martin suggested that Mr. Ferguson speak to a contractor for advise about the plans he needs.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to CONTINUE Case No. 494 until October 16, 1984.

Case No. 495

Action Requested:

Variance—Section 330—Bulk and Area Requirements in the Agriculture District—Use Unit 1206—Request a variance of the lot width from 200' to 165' to permit construction of a dwelling in an AG zoned district under the provisions of Section 1670, located S of SW/c of 116th St. N & Sheridan.

Presentation:

The applicant, James Hansbro, 3650 North Memorial, explained that he and his son-in-law bought the 20-acre subject tract from a relative and wish to keep the deed as it is. His son-in-law built a home on the south 10 acres and in order for Mr. Hansbro to build his home where he wants it, he needs a variance of the lot width. He informed that they will be farming and raising cattle and the land will be fenced as one piece of property.

Protestants: None

Comments and Questions:

Mr. Walker asked Mr. Hansbro about the terrain and he replied that it is gentle, rolling hills and the house will be at the highest point. They have built a pond on the back of the property.

There was discussion about the legal description.

Board Action:

On MOTION of TYNDALL and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to APPROVE a **Variance** (Section 330—Bulk and Area Requirements in the Agriculture Districts—Under the Provisions of Use Unit 1206) of the lot width from 200' to 165' to permit construction of a dwelling in an AG zoned district under the provisions of Section 1670, on the following described property:

Tract #1: N/2, S/2, N/2, S/2 of the NE/4 Section 11, T-21-N, R-13-E; and Tract #2: S/2, S/2, N/2, S/2 of the NE/4 of Section 11, T-21-N, R-13-E, Tulsa County, Oklahoma.



Case No. 496

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1209—Request an exception to allow two mobile homes in an RS zoned district under the provisions of Section 1680; and a

Variance—Section 208—One Single-Family Dwelling pr Lot of Record—Request a variance to allow two mobile homes per lot of record, located on the NE/c of 73rd W Avenue & 61st Street.

Presentation:

The applicant, Sara Page, 5916 South 63rd W. Avenue, was represented by her husband, Roy Page, of the same address. He explained to the Board that the subject property had been previously used as a junkyard which was cluttered with the remains of burned buildings. He has expended much time and money in appreciating the property and has come to the point where use needs to be established. He feels that the best use of the land will be mobile homes and informed that he plans to put two mobile homes across three lots (12, 13, and 14). Mr. Page stated that there is presently a mobile home on lot 15 which runs north and south. The new ones will also run north and south and will be skirted and fenced. There are other mobile homes in the area, and he feels this is the best use of the land. He informed that the homes across 61st Street are nice homes, and he feels that this use will be a great improvement to the area over the former use. He will use these for rental property.

Protestants:

Lonnie Johnson, 7111 East 61st Street, informed the Board that he owns almost all of Block 54. He stated that he is opposed to the use as advertised. In his opinion, the applicant has made considerable improvements to the subject property and he respects him for that. However, the advertisement states that two mobile homes will be allowed per lot of record. There are three lots, which will be a total of six mobile homes, in addition to the one which is presently on the next lot. Mr. Johnson stated that he feels that is too many mobile homes for the area and would add to the existing water problems. (Mr. Jones explained that the relief is necessary because the middle lot will have 1/2 of each of the mobile homes (2) on it.)

Lonnie Joe Deatherage, 7206 West 61st Street, informed that he lives directly across the street (which is in Creek County) and although he is not a Tulsa County resident, he would like to address the Board. He informed that he opposes to six mobile homes on the lots, but he has no objection to two mobile homes. He has three children and does not want them subjected to the type of environment brought by six rental mobile homes. He stated that the lot is in much better condition since Mr. Page has bought the property.

Rita Johnson, 7111 West 61st Street, (Lonnie Johnson's wife), informed that the water pressure is bad and she feels that any additional residences would be a problem. She asked for restrictions to ensure that the mobile homes will be fixed like Mr. Page says. She described the area and stated that she doubted that anyone would

Case No. 496 Continued

make that kind of investment into an area with such filth behind it. Mr. Alberty informed Mrs. Johnson that the Building Inspector would see to it that the mobile homes were properly installed.

Applicant's Rebuttal:

Mr. Page informed that he would like to install a privacy fence, as requested by his insurance agent. He informed the protestants that he only wants two mobile homes on the property and that is all there will be.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to **APPROVE** a **Special Exception** (Section 410—Principal Uses Permitted in the Residential Districts—Under the Provisions of Use Unit 1209) to allow two mobile homes in an RS zoned district; and a **Variance** (Section 208—One Single-Family Dwelling per Lot of Record) to allow a total of two mobile homes covering the three lots; under the provisions of Section 1680, subject to a Building Permit and Health Department approval; on the following described property:

Lots 12, 13 and 14, Block 53, Taneha Addition, Tulsa County, OK.

There being no further business, the meeting was adjourned at 3:26 p.m.

Date Approved October 16, 1984

Wayne Alberty  
Chairman