

**COUNTY BOARD OF ADJUSTMENT**  
Meeting No. 70  
Tuesday, March 18, 1986, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Looney Walker Wines	Tyndall	Gardner Jones Moore	Edwards, Building Inspector

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Friday, March 14, 1986 at 1:36 p.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:36 p.m.

MINUTES:

On MOTION of WALKER and SECOND by LOONEY, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to APPROVE the Minutes of February 18, 1986 (No. 69).

UNFINISHED BUSINESS

Case No. 630

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the street frontage required from 30' to 10' in order to permit a lot split, located at 7413 North 119th East Avenue.

Presentation:

The applicant, Charles Asbill, 7413 North 119th Street, Owasso, Oklahoma, informed that he has 5 acres of land and asked the Board to allow him to split the tract into 2 lots, each containing 2 1/2 acres.

Comments and Questions:

Mr. Gardner informed the Board that the lot-split has been approved by TMAPC.

Mr. Alberty asked the applicant if the property has access to a dedicated street and Mr. Asbill explained that both he and a neighbor dedicated 30' to the county and that the road extends to the back of the property.

Case No. 630 (continued)

Mr. Looney asked if the road dedication has been filed and the applicant replied that he is not sure.

Board Action:

On MOTION of WALKER, the Board vote 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the street frontage required from 30' to 10' in order to permit a lot split; finding a hardship demonstrated by the size of the tract; and finding that there are other 2 1/2-acre lots in the area; on the following described property:

S/2, NE/4, SE/4, NW/4, Section 32, T-21-N, R-14-E, less the west 25' thereof, Tulsa County, Oklahoma.

Case No. 623

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in R Districts - Use Unit 5 - Request a special exception to allow for a church and related uses in an R District, located at 5948 South 59th West Avenue.

Presentation:

The applicant, B. G. Guthrie, P.O. Box 118, Oakhurst, Oklahoma, stated that he has met with neighbors in the area, as the Board had previously requested, and has given Mr. Ostrander, one of the interested parties, a copy of the proposed church plans to review.

Comments and Questions:

Mr. Alberty inquired if the neighbors are in agreement with the plans and the applicant replied that the people that he has spoken to are not opposed to the church facility.

Interested Parties:

Dick Ostrander, 5906 South 58th West Avenue, Tulsa, Oklahoma, asked if the application today only deals with the property at 5948 South 59th West Avenue and Mr. Alberty replied that this lot is the one that is before the Board at this time.

Mr. Ostrander pointed out that there are materials stored on the lot and asked if there is a time limit on the construction. Mr. Gardner informed that the applicant has a period of 3 years to complete the construction.

Mr. Ostrander asked if the church can have outside meetings. Mr. Alberty pointed out that the existing church is not under this application, but only the facility across the street. Mr. Ostrander noted that there would not be sufficient space to have a meeting on

Case No. 623 (continued)

the lot where the church is located, but stated a concern that a tent meeting or similar noisy activities might be conducted on the property across from the church. Mr. Alberty informed that this subject would be dealt with by some other department if that were to occur. Mr. Ostrander stated that he does not object to regular church use.

Mr. Looney asked the applicant if there is adequate off-street parking and Mr. Guthrie replied that there is adequate parking for the congregation.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a Special Exception (Section 410 - Principal Uses Permitted In R Districts - Use Unit 5) to allow for a church and related uses in an R District; per site plan submitted; on the following described property:

Lots 1, 2, and 3, Block 1, New Taneha Addition, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 637

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential districts - Use Unit 1224(a) - Request a special exception to allow oil and gas extraction in an RS zoned district.

Special Exception - Section 1224(a).3 - Oil and Gas Extraction Use Conditions - Request a special exception to allow oil and gas well and related uses within 200 feet of a residence, located north of the NW/c of 51st Street and 63rd West Avenue.

Presentation:

Mr. Alberty informed that Staff received a letter (Exhibit A-1) from M. W. Kriegel, stating that Sioux Production Company has abandoned its intent to drill the subject well and requested that their application be withdrawn.

Protestants:

A petition (Exhibit A-2) opposing the application was submitted.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **WITHDRAW** Case No. 637.

Case No. 638

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1225 - Request a special exception to allow a home occupation (primarily a machine shop) in an AG District, located west of the SW/c of 126th Street North and Memorial.

Appeal - Section 1650 - Appeals From the Building Inspector - Request an appeal of the County Building Inspector's Office.

Presentation:

The applicant, William Fleming, was represented by Richard Holmes, 5918 East 31st Street, Tulsa, Oklahoma, who explained that his client is the owner of a 10-acre tract at the above stated location. Mr. Holmes informed that a metal building, which houses a machine shop, has recently been constructed on the property. He pointed out that there are no employees working in the business and there are no customers visiting the site. He asked the Board to grant permission for Mr. Fleming to have a home occupation on his property. Photographs (Exhibit B-2), letter (Exhibit B-1), a copy of Building Permit (Exhibit B-3) and Firearms License (Exhibit B-4) were submitted.

Comments and Questions:

Mr. Alberty asked Mr. Holmes if the building was built to conduct some type of business activity and he replied that it was originally constructed as a storage facility.

Mr. Alberty informed that Mr. Edwards has pointed out that the Building Permit reflects that the building was to be used for storage and not a business. He asked Mr. Holmes to state what type of activity is to be carried on in the building.

Mr. Holmes informed that his client owns a retail business in Broken Arrow where he manufactures special parts for guns. He stated that Mr. Fleming would now like to make parts and do repair work on the subject tract.

Mr. Alberty pointed out that employees and signs would not be permitted for a home occupation. Mr. Homes stated that his client does not want employees or customers coming to his home.

Mr. Wines asked if there are employees on the property at this time and he replied that 2 of his employees helped with the construction of the facility. He stated that these 2 men drive in from Collinsville and Oologah, park their cars at the Fleming residence and carpool to the retail store in Broken Arrow.

Case No. 638 (continued)

Mr. Walker asked Mr. Fleming to state the size of the building in question and he replied that it is 40' by 60'.

Mr. Edwards stated that 2 employees were observed working in the facility and that PSO supplied information that an average mobile home would use 800 kilowatts and Mr. Fleming's facility is averaging 1631 kilowatts in one day, and sometimes as high as 2500 kilowatts in one day.

William Fleming, 7720 East 126th Street North, Collinsville, Oklahoma, stated that the inspector that came to his home observed 2 employees building a gun rack. He informed that he uses these employees to work on the 10 acres when work is slack in his gun shop in Broken Arrow.

Mr. Alberty asked the applicant what types of equipment are operated in the building in question. He replied that he operates a 3-horsepower air compressor, a small lathe, a drill press and other electric drills. Mr. Alberty pointed out to Mr. Fleming that his employees would not be permitted to work inside the building on the subject property and he replied that they only do yard work when they come to his home.

Protestants:

Robert Hicks, 7612 East 126th Street North, Collinsville, Oklahoma, who submitted a letter (Exhibit B-5) and photographs (Exhibit B-6), stated that he lives to the west of the applicant and that Mr. Fleming has a manufacturing business operating on the subject property. Mr. Hicks informed that the applicant has 2 employees, who each work from 50 to 75 hours a week. He pointed out that the applicant fires machine guns and other fire arms on the property and ignores the request of neighbors to cease this practice. Mr. Hicks asked the Board to deny the application.

Robert Dennison, 7800 East 126th Street North, Collinsville, Oklahoma, stated that he owns 30 acres to the east of Mr. Fleming's property. He stated that the building in question has been in place for less than a year, and, in his opinion, was intended to be a manufacturing facility. He pointed out that the employees do not go to Broken Arrow to work, but rather, work inside the building on the property. Mr. Dennison informed that there is traffic coming to the property and UPS makes delivery to the Fleming home at least once each day. He explained that he has military background and the automatic weapons that are fired on the property are hazardous and should be controlled.

Case No. 638 (continued)

Dale Lowder, 12106 North Memorial, Collinsville, Oklahoma, informed that he lives to the south of the subject property and has never seen an employee doing yard work on the Fleming property. Mr. Lowder stated that the firing of the weapons is annoying to his cattle and that, when he approached Mr. Fleming concerning the matter, he told him that he had a license and had no intentions of discontinuing the testing.

Richard Hibbard, 12107 North 73rd East Avenue, Collinsville, Oklahoma, stated that he lives 1/4 mile west of Dale Lowder and works nights for American Airlines. Mr. Hibbard stated that the firing of the weapons is so loud that it rattles the windows in his home and disrupts his sleep.

Leon Waldon, 12010 North Memorial Drive, Collinsville, Oklahoma, informed that he owns 40 acres to the south of the subject property and pointed out that the firing of the guns causes unrest for the cows and horses in the area. Mr. Waldon asked the Board to deny the request.

Kenneth Hattin, 12131 North 73rd East Avenue, Collinsville, Oklahoma, stated that he lives to the west of the property in question and has never seen Mr. Fleming's employees doing mowing on the grounds. He asked that the application be denied.

Roy Deaton, 12310 North 75th East Avenue, Collinsville, Oklahoma, informed that he lives across the road from the subject property and has had stray bullets fall in his front yard. He asked that the application be denied.

Applicant's Rebuttal:

Mr. Holmes pointed out that most of the problems with the neighbors seem to deal with the shooting range and not the machine shop.

Mr. Fleming explained that UPS does come to his home regularly because his wife is always there and accepts mail for the neighbors. He informed that Mr. Hicks is against the home occupation because of his opposition to a mobile home park that Mr. Hicks proposed last year. Mr. Fleming stated that he resents Mr. Hicks taking photographs of the activities on his property. He noted that various organizations use his shooting berm which is approximately 8' high and pointed out that, from a distance of 15', it would be impossible to shoot over it.

Case No. 638 (continued)

Mr. Walker asked if the barn in the photographs was on the property at the time of purchase and Mr. Fleming replied that he built the barn after he bought the land. Mr. Walker asked if it has a concrete floor and if the machines were previously housed in this building. The applicant stated that they were in the barn, but the roof leaked and the water was damaging the expensive machinery, which was the reason for constructing the new facility. He further informed that he stores his Corvette, boat, motorcycles and various other articles in the new building.

Mr. Alberty asked Mr. Fleming if his business address was in Broken Arrow when the application was filed with ATF, Department of Treasury and he answered in the affirmative. Mr. Alberty pointed to Mr. Fleming that 7720 East 126th Street North is listed as his business address on the application, which was submitted by Mr. Hicks. Mr. Fleming stated that it is a business for his collection.

Mr. Alberty stated that, in his opinion, the home occupation has been misused in this particular case. He pointed out that it was originally intended that a home occupation be conducted within the principal residence, and occasionally an existing accessory building was permitted, but feels that the construction of such a building is stretching the ordinance beyond the bounds that it was intended.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **UPHOLD** an **Appeal** (Section 1650 - Appeals From the Building Inspector) of the Building Inspector; and to **DENY** a **Special Exception** (Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1225) to allow a home occupation (primarily a machine shop) in an AG District; finding that the building was permitted for a noncommercial use; and finding that the machine shop is commercial and exceeds the guidelines for a home occupation; on the following described property:

W/2, W/2 of Lot 1, Section 2, T-21-N, R-13-E, Tulsa County, Oklahoma.

**Case No. 639**

**Action Requested:**

Minor Variance - Section 330 - Bulk and Area Requirements In the Agriculture District - Use Unit 1206 - Request a minor variance of lot width from 200' to 184' and minor variance of lot area from 2 to 1.2 acres in an AG District, located south of 96th Street North and North Lewis Avenue.

**Presentation:**

The applicant, Mattie June Dean, 9500 North Lewis, Tulsa, Oklahoma, stated that she and her husband own a 5-acre tract at the above stated location and would like to give 1 acre to their daughter. She pointed out that there has been a mobile home on the property for approximately 13 years and a septic tank is in place. Ms. Dean stated that a 200' frontage is required and asked the Board to allow 184', which would leave 60' for access to the back portion of the land.

Mr. Alberty pointed out that TMAPC has approved the lot-split.

**Board Action:**

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Minor Variance** (Section 330 - Bulk and Area Requirements in the Agriculture District - Use Unit 1206) of lot width from 200' to 184' and minor variance of lot area from 2 to 1.2 acres in an AG District; finding a hardship demonstrated by the size of the tract; and finding that there are other lots in the area that are the same size or smaller than the lot in question: on the following described property:

The west 475' and north 244' of the east 185' of the N/2, SE/4, NE/4, NE/4, of Section 19, T-21-N, R-13-E, Tulsa County, Oklahoma.

**Case No. 640**

**Action Requested:**

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1217 - Request a special exception to allow a home occupation (minor car repair) in an RS District, located at 218 East 58th Street North.



Case No. 640 (continued)

Presentation:

The applicant, Birdie Clifton, 218 East 58th Street North, Tulsa, Oklahoma, stated that her husband is retired and would like to have permission for a home occupation. She informed that he has a pacemaker and is planning to do only minor car repair in their garage.

Comments and Questions:

Mr. Alberty asked Ms. Clifton if her husband does body work and she replied that he does not do this type of work.

Mr. Looney asked the applicant if her husband would be working in the evening and she replied that he would not work after 5 p.m.

Mr. Alberty asked Ms. Clifton if there would be a sign advertising the business or outside storage on the property. She replied that the business would not have a sign or outside storage and would comply with the Home Occupation Guidelines.

Mr. Gardner asked if automobiles waiting for repair will be stored on the lot and Ms. Clifton replied that her husband would only work on one car at a time.

Protestants: None.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1217) to allow a home occupation (minor car repair) in an RS District; subject to days and hours of operation being Monday through Saturday, 8:00 a.m. to 5:00 p.m.; subject to use of equipment that produces noise being restricted; subject to no painting, no outside work and no open storage of automobiles or parts on the subject property; and subject to the home occupation being limited to the applicant only; on the following described property:

Lot 1, Block 19, Suburban Hills Addition, Tulsa County, Oklahoma.

Case No. 641

Action Requested:

Minor Variance - section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - request a minor variance of

Case No. 641 (continued)

the lot area from 2 acres to 1.12 acres and a variance of the lot width from 200' to 198' in order to permit a lot split; located on the NW/c of 41st Street and 177th West Avenue.

Presentation:

The applicant, Andrew Underwood, was represented by Alma Underwood, Route 2, Box 55, Sand Springs, Oklahoma. She stated that she owns 10 acres and asked the Board to permit a lot split which would enable her to give each of her 3 children a 1 1/2-acre lot.

Comments and Questions:

Mr. Alberty asked if the lots would have an access road and Ms. Underwood stated that adjoining property is being developed and access is already provided.

Mr. Looney asked Ms. Underwood if the road has been dedicated and she answered that it has not.

Mr. Alberty pointed out that the road is not built to county standards, but the Board accepted it from the standpoint of meeting our requirements.

Mr. Walker voiced a concern that the access is on a road that is not dedicated at this time.

Mr. Gardner informed that TMAPC approved the lot split on March 5, 1986.

Protestants: None.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Minor Variance** (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) of the lot area from 2 acres to 1.12 acres and a variance of the lot width from 200' to 198' in order to permit a lot split; finding a hardship demonstrated by the shape and size of the tract; on the following described property:

E/2, E/2, SE/4, SE/4, Section 24, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 642

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture districts - Use Unit 1209 - Request a special exception to allow a mobile home in an AG-R District.

Case No. 642 (continued)

Variance - Section 208 - One Single Family Dwelling Per Lot of Record - Request a variance to allow 2 dwelling units per lot of record, located at 5811 South 155th West Avenue.

Presentation:

The applicant, Tony Barens, was represented by Jean Shook, 5811 South 155th West Avenue, Tulsa, Oklahoma, who is the daughter of the applicant. Ms. Shook asked the Board to allow her parents to live in a mobile home on the back portion of her property. She informed that her home faces 155th Street and the mobile home would face 153rd Street.

Comments and Questions:

Mr. Alberty asked if a percolation test has been acquired for the property and she answered in the affirmative.

Mr. Alberty inquired if this would be a permanent residence for Ms. Shook's parents and she replied that she would like for them to have a permanent home nearby.

Interested Parties:

Pat Grode, 5800 South 155th West Avenue, Tulsa, Oklahoma, stated a concern that other mobile homes would locate on the remaining 2 1/2-acre tracts and that they would be placed too close to the boundary lines.

Mr. Alberty informed that mobiles being placed on any property in the area would be required to comply with the county zoning regulations as to setbacks.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture districts - Use Unit 1209) to allow a mobile home in an AG-R District; and to **APPROVE** a **Variance** (Section 208 - One Single Family Dwelling Per Lot of Record) to allow 2 dwelling units per lot of record; subject to a Building Permit and Health Department approval; subject to the mobile home being occupied by a family member only; finding a hardship imposed on the applicant by the size and shape of the tract; and finding that that there are other mobile homes in the area and the granting of the special exception request will not be detrimental to the neighborhood; on the following described property:

S/2, N/2, NE/4, SE/4, SW/4 of Section 32, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 643

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to permit a day care nursery in an RS zoned district, located south of the SE/c of 65th West Avenue and 23rd Street South.

Presentation:

The applicant, R. Gay Napier, 4833 West 27th Street, Tulsa, Oklahoma, asked the Board to allow the operation of a day care center in View Acres Baptist Church.

Comments and Questions:

Mr. Alberty asked the applicant to state the days and hours of operation for the center and Ms. Napier informed that it will be open Monday through Friday, 6 a.m. to 6 p.m.

Mr. Alberty inquired if the center is operated by the church and she replied that it will be operated by the church and it will pay the employees, but will be a non-profit business.

Mr. Wines asked Ms. Napier if there is a charge for the services and she replied that there will be a set rate for the child care.

Mr. Alberty asked what will be the maximum amount of children receiving care at the center and the applicant stated that they have approval for 26.

Mr. Alberty suggested that the applicant contact Staff at INCOG and inquire if a plat waiver will be required.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to permit a day care nursery in an RS zoned district; subject to the maximum number of children meeting State requirements; subject to the hours of operation being from 6 a.m. to 6 p.m.; on the following described property:

South 59' of Lot 3 and all of Lot 4, Block 3, West Tulsa View Acres Subdivision, Tulsa County, Oklahoma.

Case No. 644

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of the lot widths from 150' to 110' average in an RE zoned district, located 1/4 mile north and east of the Northeast Junction of 177th West Avenue and Keystone Expressway.

Case No. 644 (continued)

from 150' to 110' average in an RE zoned district, located 1/4 mile north and east of the Northeast Junction of 177th West Avenue and Keystone Expressway.

Presentation:

The applicant, Pat Garner, P.O. Box 397, Sand Springs, Oklahoma, submitted a plot plan (Exhibit X-1) for a residential development of homes that are compatible and slightly larger than those in the adjoining subdivision. He noted that the property owners in the area have no objection to the project.

Comments and Questions:

Mr. Jones informed that Staff has received a letter for the City of Sand Springs which stated that they have no objection to the subdivision.

Mr. Alberty asked the applicant why he has elected to ask for a variance instead of rezoning the property. He informed that if the property was rezoned and it was sold to another owner, small houses might be constructed and by asking for a variance the size of the lots would be determined by the Board.

Mr. Gardner asked the applicant if he has both the mineral and surface rights on the property and he replied that he has the surface rights and not the mineral rights. Mr. Gardner pointed out that there is a provision in the Code that, during the platting process, provisions can be made for the mineral rights.

Mr. Looney asked Mr. Garner if the homes will be on a sanitary sewer system and he replied that they will be on septic. He informed that there is a platting requirement that a percolation test be made on each lot.

Board Action:

On MOTION of WALKER, the Board voted 3-0-1 (Alberty, Looney, Walker, "aye"; no "nays"; Wines, "abstaining"; Tyndall, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area requirements in Residential Districts - Use Unit 1206) of the lot widths from 150' to 110' average in an RE zoned district; subject to Health Department approval; subject to plat approval by the City of Sand Springs; finding that the lots will be the same size or larger than those in the surrounding area; on the following described property:

A tract of land all in the NW/4, Section 6, T-19-N, R-11-E, Tulsa County, Oklahoma according to the recorded government plat thereof, to-wit:

The Point of Beginning is on the north line of said NW/4 of Section 6, on a bearing of S 88°54'06" E and a distance of 1,673.62' from the NW/c of Section 6; thence S 88°54'06" E and a distance of 823.04' to the NE/c of the NW/4 of Section 6; thence, S 0°28'50" E a distance of 1,195.00'; thence, S 20°42'49" W a distance of 878.78'; N 87°55'14" W a distance

Case No. 644 (continued)

of 288.00'; thence, N 77°03'18" W a distance of 138.27'; thence, S 67°46'57" W a distance of 319.43'; thence, on a curve to the left having a radius of 230' for a distance of 151.00'; thence, N 59°50'00" W a distance of 199.67'; thence, N 89°50'00" W a distance of 165.37'; thence, N 27°17'28" E a distance of 191.30'; thence, N 1°11'37" E a distance of 480.10'; thence N 36°23'04" E a distance of 236.01'; thence, N 61°09'26" E a distance of 393.86'; thence, N 23°36'20" E a distance of 605.08'; thence, N 88°54'06" W a distance of 194.02'; thence N 1°05'54" a distance of 311.23' to the Point of Beginning, containing 47.4 acres more or less, Tulsa County, Oklahoma.

Case No. 645

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1205 - Request a special exception to allow a residential treatment center in an AG District, located west of the SW/c of 65th West Avenue and West 51st Street.

Presentation:

The applicant, Herschel Daney, 15403 West 16th Street South, Sand Springs, Oklahoma, an agent for Monte Box, Realtors and an investor in the project, submitted a survey (Exhibit C-1), photographs (Exhibit C-3) and a copy of the Articles of Incorporation (Exhibit C-2). Mr. Daney asked if his application would be under the new group homes ordinance.

Comments and Questions:

Mr. Alberty stated that the amendments to the to the Tulsa City Zoning Code and the County Code have not been approved to date.

Mr. Jones pointed out that group homes by right in residential districts are limited to only 5 residents and this application is dealing with more people and therefore, requires an exception.

Mr. Wines asked Mr. Daney what type of treatment center is planned and he informed that the center will provide affordable treatment for individuals with drug and alcohol problems. He explained that the patients will have 21 hours of treatment each week and will stay at the center approximately 30 days. He pointed out that the facility is not for convicts as rumored, but for any citizen that needs help, and especially women, since there is not a treatment center available to them in the area.

Mr. Alberty asked if the people are assigned to the center or if it is a voluntary type participation. Mr. Daney stated that the patients will pay for their stay in the center and that they volunteer for the treatment.

Case No. 645 (continued)

Mr. Albery asked the applicant why the subject site was selected and he replied that the facility is appropriate for their use with very little remodeling. He stated that staff will be on duty at the center 24 hours each day.

Mr. Wines asked if the grounds will be fenced and Mr. Daney replied that there is a chain link fence in place and a wood fence is proposed for the front. He pointed out that a fence will not be needed for security.

Mr. Albery asked Mr. Daney if there is something unique about the location or the facility that caused him to choose this particular location for the center. He replied that the facility is large enough that it can be adapted to the use intended and the tranquil neighborhood would be ideal for the program.

Mr. Walker inquired if the center would serve women only and the applicant answered that it would be primarily for women, but not restricted to women only. He informed that the patients will be 18 years and older.

Mr. Walker asked Mr. Daney to state the charges for the treatment. He informed that the fee for 30 days of treatment is \$2,000.00.

Protestants:

Chuck Sittler, 7272 West 51st Street, Tulsa, Oklahoma, submitted a petition (Exhibit C-4) of property owners opposing the center and stated that he is moving into a new home west of the subject tract. Mr. Sittler pointed out that the sewage disposal system will not support the center and some areas have a problem with water pressure. He stated that he is against a commercial operation in the the small residential development.

C. T. Kannady, 9005 West 51st Street, Tulsa, Oklahoma, stated that he lives west of the subject tract and asked the Board to deny the application. He informed that he does not feel that the center should be located in the residential neighborhood.

Jeff Brame, 7320 West 51st Street, pointed out that he lives 200' from the proposed site and is against the location of the center. He explained that there has been a dispute concerning property lines and a recent survey has determined that the access road to the subject property is actually a part of his property.

Fred Grant, 6620 West 51st Street, Tulsa, Oklahoma, informed that he lives to the east of the subject tract and pointed out that there is a traffic problem in the area and asked the Board to deny the application.

Case No. 645 (continued)

Jane Clark, 5505 South 97th West 97th West Avenue, Tulsa, Oklahoma, voiced a concern that the patients would have many hours of free time if their classes would only take up 21 hours.

Ray Davis, 7200 West 51st Street, Tulsa, Oklahoma, stated that he lives next door to the proposed center and is retired. He asked the Board to retain the tranquility of the neighborhood by denying the request for the center.

Applicant's Rebuttal:

Mr. Daney informed that other facilities of this nature have not caused a problem in the area. He informed that the patients have 21 hours of specific treatment, but will be involved in other activities during the week, then usually go to their respective homes on Saturday and return Sunday evening. Mr. Daney remarked that he feels the center would be an asset to the area.

Additional Comments:

Mr. Alberty commented that this type of facility is needed, but is concerned with the location and the impact the center might have on the surrounding residential area.

Mr. Wines remarked that the sewer system might present a problem for a center of this size.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **DENY** a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow a residential treatment center in an AG District; finding that the drug and alcohol treatment center would not be compatible with the residential area; on the following described property:

A part of the NW/4 of the NE/4 of Section 31, T-19-N, R-12-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows to-wit: Beginning at a point on the south line of the NW/4 of the NE/4 of said Section 31, said point being 581.05' easterly of the SW/c thereof; thence N 0°15'0" E a distance of 698.82'; thence S 85°01'30" E a distance of 1332'; thence N 69°29'10" E a distance of 208.89'; thence S 0°06'00" W a distance of 161.98'; thence easterly a distance of 555'; thence southerly a distance of 606.0' to a point on the south line of the NW/4 of the NE/4; thence N 89°45' W a distance of 738.95' to the point of beginning



Case No. 646

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agricultural Areas - Use Unit 1220 - Request a special exception to permit existing softball diamonds in an AG District.

Variance - Section 340.1 - Requirements for Special Exception Uses In Agriculture Districts - Section 320.2(b) - Accessory Signs In the AG Districts - Request a variance to allow off-site advertising in conjunction with a softball complex, located at 11441 South 145th East Avenue.

Presentation:

The applicant, Mark Sherman, 314 East 3rd Street, Tulsa, Oklahoma, explained that there is one diamond that is not lighted and the major complex which is comprised of 4 diamonds in a circular formation. Mr. Sherman stated that the parking, seating and concessions are also provided. An aerial photograph (Exhibit D-2) was submitted.

Comments and Questions:

Mr. Alberty asked if he is aware of the Broken Arrow recommendation for approval (Exhibit D-1) for a 3 year period. Mr. Sherman replied that he is aware of the recommendation and has no problem with the time limitation.

Mr. Walker asked where the signage will be placed and the applicant replied that the signs will be hung on the 4' chain link fence and will face toward the spectator portion or the center of the complex.

Mr. Looney inquired as to the hours the games would be played and if there are residences in the area.

Mr. Sherman replied that the last game starts at 10 p.m. and the nearest subdivision is 3/8 mile from the complex. He informed that there have been no complaints from these residents.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agricultural Areas - Use Unit 1220) to permit existing softball diamonds in an AG District; and to **APPROVE** a **Variance** (Section 340.1 - Requirements for Special Exception Uses In Agriculture Districts - Section 320.2(b) - Accessory Signs In the AG Districts) to allow off-site advertising in conjunction with a softball complex; for a period of 3 years; finding that the softball complex has been located on the property for a long period of time; and finding that the signs requested are facing the inside of the complex and are not typical advertising signs which are visible from the street; on the following described property:

Case No. 646 (continued)

Beginning at the SW/c of NW/4 of Section 34, T-18-N, R-14-E, thence east 660', thence north 1320', thence west 660', thence south 1320' to point of beginning, Tulsa County, Oklahoma.

Case No. 647

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to permit a church and related activities in an RS zoned district, located on the SW/c of 41st and 65th West Avenue north of Skyline.

Presentation:

The applicant, David Dooley, 716 West Knollwood, Broken Arrow, Oklahoma, submitted photographs (Exhibit E-1) and a letter from the City Sand Springs (Exhibit E-2) and stated that he is the general contractor for the church in question. He informed that the property to the west has been approved for church use and pointed out that the Sand Springs Board is not opposed to the proposed construction, however, they did voice a concern with the traffic the church would generate. The applicant pointed out that the road is hilly, but the entrance to the church will be visible to motorists approaching from either direction.

Comments and Questions:

Mr. Alberty asked the applicant how many members the church has at this time and he replied that there are approximately 30 to 40 members.

Mr. Wines inquired if there are houses in the area and Mr. Dooley answered that the nearest residence is 500' away from the site.

Protestants:

L. C. Curtis, 3307 South 65th West Avenue, Tulsa, Oklahoma, stated that he lives approximately 1/2 mile from the subject property and has part ownership in the property directly to the east. He informed that the intersection is very dangerous and is concerned with the added traffic another church would create.

Pearl Curtis, 3307 South 65th West Avenue, Tulsa, Oklahoma, stated that there are 8 churches already in the area and is opposed to the added traffic another one would generate.

Applicant's Rebuttal:

Mr. Dooley pointed out that the traffic hazard is at the intersection at the bottom of the hill, and not where the church will be located.

Case No. 647 (continued)

Additional Comments:

Mr. Looney asked the applicant if he has a plot plan for the church and he replied that it will not be completed until the special exception is granted.

There was discussion as to whether or not church use is appropriate for the area and if another one would be in excess. Mr. Walker informed that he lives in the area and that traffic is definitely a problem at the intersection, but, in his opinion, the site in question is appropriate for church use.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to permit a church and related activities in an RS zoned district; subject to the applicant returning to the Board with a plot plan before any building permits are issued; subject to the filing of a plat; and subject to Health Department approval; finding that the property in question is appropriate for church use; on the following described property:

The E/2 of the north 594.0' of the west 330.0' of the east 660.0' of the NE/4 of the NE/4 lying north of Skyline Drive in Section 30, T-19-N, R-12-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

Case No. 648

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to permit a mobile home in an RS District, located on the SW/c of 73rd Street North and Victor Avenue North.

Presentation:

Terry Cavin, 6901 North Peoria, Tulsa, Oklahoma, submitted a location map (Exhibit F-1), letters of support (Exhibit F-2) and a copy of the Flood Hazard Review (Exhibit F-3). Mr. Cavin pointed out that there are approximately 36 mobile homes in the area and that the neighborhood is not very well kept.

Comments and Questions:

Mr. Alberty asked the applicant if he owns the property in question and if he intends to live in the mobile home that is there. Mr. Cavin replied that he will live in the trailer for the present time and build a house on the property in the future.

Case No. 648 (continued)

Protestants:

Jeff Kirkham, 1727 East 73rd Street North, Tulsa, Oklahoma, stated that he is representing several neighbors who are opposed to the mobile home in the neighborhood. He pointed out that the trailer was in place, as was the driveway, before the neighbors knew about the application. Mr. Kirkham stated that all of the mobile homes that are now located in the area are detrimental to the neighborhood and most of them are used for rental property.

Maxine Jones, 7407 North Victor, Tulsa, Oklahoma, stated that her house is valued at approximately \$55,000 and pointed out that the neighborhood is not low class. She asked the Board to deny the request for another mobile home.

The resident at 1644 East 74th Street North stated that he is concerned that a trailer court is planned for the area. He informed that he has improved his property and feels that the mobile homes will depreciate his home.

Connie Herenden stated that she owns property adjoining the subject tract and pointed out that she has a mobile home in the trailer park down the street because she was informed by Staff that she probably could not get permission to place it on her land. She stated that she heard about this meeting from one of her neighbors and asked why she had not received a notice.

Mr. Jones informed that it takes approximately a year to be added to the tax roll and that is probably why Ms. Herenden did not receive notice of the meeting.

Roy Owens, 1654 East 73rd Street North, Tulsa, Oklahoma, stated that he lives west of the subject tract and that when the mobile home was moved in he called the Building Inspector and Mr. Edwards informed that he would check the area. He pointed out that there are too many trailers already in the neighborhood.

Applicant's Rebuttal:

The applicant stated that he has 1 1/2 acres and if he improves his lot it will make property in the area more valuable. He asked the Board to allow him to leave the mobile home on his lot.

Additional Comments:

Mr. Walker stated that he would be consider approval of the mobile home for a designated time period, but would not hesitate to deny a returning application if the lot is not properly maintained.

Mr. Alberty informed that he feels that the neighborhood is saturated with mobile homes and is not inclined to approve the application.

Case No. 648 (continued)

Mr. Looney pointed out that many of the mobile homes seem to be there illegally and stated that he is not in favor of the application.

Board Action:

On MOTION of LOONEY, the Board voted 2-2-0 (Alberty, Looney, "aye"; Walker, Wines, "nay"; no "abstentions"; Tyndall, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to permit a mobile home in an RS District; finding that the granting of the special exception request would be detrimental to the neighborhood; on the following described property:

Lot 1, Block 5, Golden Hill Addition, Tulsa County, Oklahoma.

OTHER BUSINESS

Review Covenants for Western Hill Ranchettes

The applicant, Bob Nichols, submitted a copy of revised covenants (Exhibit G-1) for the Western Hills Ranchettes. He informed that the covenant has been submitted to the County Engineer and to the office of the District Attorney. Susan Morgan, a representative of the District Attorney's office, was present and stated that the covenant has been approved by that office.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to ACCEPT the restrictive covenants as presented.

There being no further business, the meeting was adjourned at 5:20 p.m.

Date Approved 4-15-86

Roland L Walker  
Chairman