

**COUNTY BOARD OF ADJUSTMENT**  
Meeting No. 72  
Tuesday, May 20, 1986, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Looney Tyndall Walker	Wines	Brown 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, May 16, 1986 at 1:00 p.m.

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

MINUTES:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE the Minutes of April 15, 1986 (No. 71).

UNFINISHED BUSINESS

Case No. 654

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 RM-2 zoned district, located east of the NE/c of South 74th West Avenue and 16th Street South.

Presentation:

The applicant, Don Kennicutt, 7313 West 16th Street, Tulsa, Oklahoma, explained that the house that was formerly on the property was destroyed by fire in 1978 and asked the Board to allow him to place a mobile home on the vacant land.

Comments and Questions:

Mr. Looney asked the applicant if there are other mobile homes in the area and he replied that there is one located across the street and 2 others to the west of the subject tract.

Case No. 654 (continued)

Mr. Looney asked Mr. Kennicutt if he intends to have the mobile home on the property indefinitely and he stated that he plans to build a house sometime in the future.

Mr. Alberty inquired if the mobile homes in the area have been there for a long period of time and the applicant stated that 2 mobiles have been located in the neighborhood for approximately 8 years.

Mr. Alberty informed that staff has received a letter from the Sand Springs Board of Adjustment which stated that the applicant was not present at their May 13, 1986 meeting and they were not able to discuss skirting, parking, permanent porches, storage and septic systems. Due to a lack of information, the Sand Springs Board did not recommend approval of the request. Mr. Kennicutt stated that he will skirt the mobile home and that he plans to utilize a concrete porch and a driveway which served the house that was previously located there. The applicant informed that he also plans to use the septic system that is still in place.

Protestants: None.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no, "abstentions"; Wines, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to permit a mobile home in an RM-2 zoned district; subject to Building Permit and Health Department approval; subject to skirting being installed; finding that there are other mobile homes in the neighborhood and that the granting of the special exception request will not cause substantial detriment to the area; on the following described property:

E/2 of Tract 2, Lot 6, Billington's Acre Tracts Addition, Tulsa County, Oklahoma.

Case No. 655

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of required street frontage from 30' to 0' to allow using the tract for residential purposes, located north and east of the NE/c of West 41st Street and 225th West Avenue.

Presentation:

The applicant, John Porter, Route 2, Box 536-B, Sand Springs, Oklahoma, stated that he has 2 tracts of land, one 12 1/2 acres and the other 3 1/2 acres, which use the same road for entry to the property. He informed that he bought the land to share with his

**Case No. 655 (continued)**

children and that he lives on the 3 1/2 acres to the rear and is planning to locate a mobile home on the remaining tract. Mr. Porter stated that he owns a 50' private road which extends to 41st Street.

Comments and Questions:

Mr. Alberty asked the dimensions of the panhandle that reaches toward 41st Street and Mr. Porter replied that it is 50' by 600'.

Mr. Alberty asked the applicant if he is transferring the deed to the property and he replied that the property will remain in his name.

Mr. Alberty pointed out that, if the title was being transferred on the front tract of land, a mutual access agreement would probably be required to prevent the back tract from being without access to the street.

Protestants: None.

Board Action:

On MOTION of TYNDALL, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no, "abstentions"; Wines, "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of required street frontage from 30' to 0' to allow using the tract for residential purposes; finding that the applicant will retain ownership of the land in question; on the following described property:

Beginning 208' south NE/c, SW/4, SW/4, thence south 624', west 524', south 463.58', west 50', north 492.4', west 199.15', north 595.18', east 773.6' to P.O.B., Section 22, T-19-N, R-10-E, Tulsa County, Oklahoma.

**Case No. 656**

Action Requested:

Special Exception - Section 440 - Special Exception Uses In Residential Districts, Requirements - Request a special exception to allow a home occupation (plant sales from greenhouse) in an RS zoned district, located at 4243 South 43rd West Avenue.

Presentation:

The applicant, Eugene Ledbetter, 4243 South 43rd West Avenue, Tulsa, Oklahoma, explained that he has a special education child who just graduated from Webster High School last year and asked the Board to allow a greenhouse in order that his daughter will have a job to

Case No. 656 (continued)

occupy her time. Mr. Ledbetter stated that the family has always been engaged in raising plants and asked permission to sell these plants at his home in an RS zoned district.

Comments and Questions:

Mr. Alberty asked the applicant if his daughter lives in his home and if there will be other employees. Mr. Ledbetter replied that she does live with him and that the family members will be the only employees.

Mr. Looney inquired as to the days and hours of operation for the home occupation and the applicant replied that his daughter would be at the greenhouse during the day, but that the bulk of the business would be conducted during the evening hours and on Saturday.

Mr. Looney asked if there is adequate off-street parking for the business and Mr. Ledbetter answered in the affirmative.

Mr. Alberty asked the applicant if he plans to install a sign and he replied that one was in place, but it was removed after he discovered that a sign is not permitted.

Mr. Edwards inquired as to the size of the building in question and the applicant stated that the greenhouse is 32' by 32'.

Mr. Alberty stated that a petition of support with 26 signatures was presented to the Board.

Interested Parties:

Thomas Shell, 4320 West 43rd Street, Tulsa, Oklahoma, stated that Mr. Ledbetter has improved the appearance of the property since moving there and is an asset to the neighborhood.

Larry Bassett, 4302 West 43rd Street, Tulsa, Oklahoma, stated that he lives and owns property in the neighborhood and asked the Board to approve the home occupation request.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no, "abstentions"; Wines, "absent") to **APPROVE** a **Special Exception** (Section 440 - Special Exception Uses in Residential Districts, Requirements) to allow a home occupation (plant sales from greenhouse) in an RS zoned district; per Home Occupation Guidelines; subject to plant sales being conducted during daylight hours only; on the following described property:

Part of Block 9, Beginning SW/c, thence east 212.71', north 176.4', west approximately 209.4', south 176.4' to Beginning, Bridges Park, Section 28, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 657

Action Requested:

Variance - Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206 - Request a variance from the front yard setback from the centerline of South 176th West Avenue from 50' to 45' to clear title, located at 115 South 176th West Avenue.

Presentation:

The applicant, Sammy Morgan, 115 South 176th West Avenue, Sand Springs, Oklahoma, who submitted a plat of survey (Exhibit A-1), stated that his house encroaches on the front yard setback and he is unable to complete the refinancing of his property without the relief requested. Mr. Morgan informed that he purchased the home in 1982 and has not made changes to the structure since that time.

Protestants: None.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no, "abstentions"; Wines, "absent") to APPROVE a Variance (Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206) from the front yard setback from the centerline of South 176th West Avenue from 50' to 45' to clear title; finding a hardship imposed on the applicant by the large size and the irregular shape of the lot and the steep incline of the rear portion of the tract; on the following described property:

A part of Lot 10, Block 4, Wekiwa Hills 2nd, an addition in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows, to-wit: The northerly 25', parallel to the northerly line of said Lot 10, Block 4, of the west 100.2' thereof as measured on the northerly line thereof; AND Lot 11, Block 4, Wekiwa Hills 2nd, LESS AND EXCEPT: A part of Lot 11, Block 4, Wekiwa Hills 2nd, an addition in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows, to-wit: The southerly 25' parallel to the southerly line of said Lot 11, Block 4, of the east 100.2' thereof as measured on the southerly line thereof.

Case No. 658

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential District - Use Unit 1220 - Request a use variance to allow for a water recreation facility and other outdoor commercial recreational uses in an RS zoned district, located 1/2 mile south of the SE/c of Garnett and 141st Street.

Case No. 658 (continued)

Presentation:

The applicant, Larry Colt, was represented by Phil Frazier, 1424 Terrace Drive, Tulsa, Oklahoma, who explained that the 80 acre tract in question is bordered on the north by a sod farm and most of the surrounding land is either used for sod farms or other farm use. He stated that Mr. Colt lives in the house that is located on the property. Mr. Frazier stated that the proposed water park area will be on the south boundary where there is a dirt operation at this time. He noted that the owners have been in negotiations with the American Hydroplane Association and will attempt to attract these types of shows and water ski shows to the area. A go-cart track, motor cross track, putting course, swimming pool and golf driving range are also planned for the park. Mr. Frazier pointed out that the property is in the flood plain and a park would be a way for the owners to utilize the land. He stated that completion of the project will take approximately 3 years and the park will be open during the summer months from 9 a.m. to 10 p.m., Monday through Saturday, 12 p.m. to 8 p.m. on Sunday.

Comments and Questions:

Mr. Alberty asked Mr. Frazier to address the parking arrangement for the park and he informed that his clients anticipate that about 150 cars will visit the park each day, which will not exceed the amount of traffic generated by the trucks that are now hauling dirt from the area. He informed that, during special events, the driving range area would be used for parking.

Mr. Alberty asked if plans have been submitted to the Broken Arrow Board of Adjustment and he replied that they have not.

Mr. Alberty read a letter from Broken Arrow that recommended denial of the application; finding that the requested commercial use is not permitted in this area; finding that a hardship was not demonstrated; finding that the area is in a flood plain; and finding that utilities do not serve the area.

Mr. Jones pointed out that areas used for parking would require a hard surface.

Mr. Looney asked Mr. Frazier why his client has not considered rezoning the property and he replied that they thought the property was zoned AG until planning process had begun and since the hydroplane people are interested in finding a place for their races, they need to move forward quickly with the plans.

Mr. Alberty asked how deep the lake will be and Mr. Frazier replied that it will be approximately 12' deep.

Mr. Walker and Mr. Alberty, though not opposed to the recreational facility, voiced a concern with approving the application after Broken Arrow has recommended denial.

Case NO. 658 (continued)

Mr. Looney asked Mr. Frazier if a septic system would be satisfactory for the project and he replied that a sewer line runs adjacent to the property in question.

Mr. Alberty commented that a master plan has not been submitted and suggested that the owner return to the Board with a detailed plan of the project.

Mr. Edwards stated that the lighting, public address system, parking and utilities should be discussed when the plan is submitted.

Larry Colt, 14503 South Garnett, Broken Arrow, Oklahoma, stated that, in his opinion, the Broken Arrow Board of Adjustment showed very little interest in the project.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Walker, Tyndall, "aye"; no "nays"; no, "abstentions"; Wines, "absent") to CONTINUE Case No. 658 to June 17, 1986; finding that the Board approves the water park concept; subject to the applicant returning to the Board with further detailed information concerning public address system, lighting, number of paved parking spaces and phasing plan; and subject to the owners informal discussion with Broken Arrow Board of Adjustment concerning the project and a staff review of the application.

Case No. 659

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an RS zoned district.

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 5669 North Gillette.

Presentation:

The applicant, Terry Gibson, 5669 North Gillette, Tulsa, Oklahoma, asked the Board to allow a mobile home to be placed behind his home. He stated that he and his wife were just recently married and since they each have 2 children, extra rooms are needed for the family. Mr. Gibson explained that they are now living in a 3 bedroom, 1 bath home and the mobile would provide extra space for the teenage children.

Comments and Questions:

Mr. Alberty asked the applicant if there are other mobile homes in the area and Mr. Gibson replied that there are 2 mobiles to the south of his home and a mobile home park approximately 1/2 mile away.

Case No. 659 (continued)

Mr. Alberty Inquired if the mobile home would be permanently located on the property and Mr. Gibson answered that he would be in need of the mobile home as long as the children live at home.

Mr. Edwards asked the applicant if the mobile home will be attached to the house and he replied that it will not be attached, but will be placed in the back yard, approximately 10' from the existing house.

Ms. Gibson, 5669 North Gillette, Tulsa, Oklahoma, stated that there are numerous mobile homes in the area. She pointed out that Mr. Gibson's parents live 3 blocks away and have a mobile home in their back yard.

Protestants: None.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no, "abstentions"; Wines, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS zoned 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 Health Department approval and Building Permit; subject to the mobile home being occupied by family members only; finding that there are numerous mobile homes in the area and the granting of the requests will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 3, Block 1, Rodden's Resubdivision of Block 3, Belflower Heights Addition, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 560

Action Requested:

Review of detail plans approved by the Board on 6-18-85.

Presentation:

The applicant was not present.

Comments and Questions:

Mr. Jones informed that he has spoken to the applicant by phone and requested that he supply a copy of the revised site plan for Staff review. He stated that he has not heard from the applicant since that telephone conversation.



Case No. 560 (continued)

Board Action:

Chairman Alberty determined to TABLE review of detail plans for Case No. 560.

Case No. 647

Action Requested:

Review of detail site plans approved by the Board on 3-18-86.

Presentation:

The applicant, David Dooley, 716 West Knollwood, Broken Arrow, Oklahoma, who submitted a revised site plan (Exhibit B-1) and elevations (Exhibit B-2), stated that the setback was moved back to provide an additional 25' of right-of-way.

Comments and Questions:

Mr. Alberty asked the applicant to state the square footage of the building and he informed that it will contain 5,000 sq. ft. of floor space.

Mr. Alberty asked Mr. Dooley if he is the contractor for the new construction and he answered in the affirmative.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no, "abstentions"; Wines, "absent") to APPROVE detail site plans as submitted.

There being no further business, the meeting was adjourned at 2:48.

Date Approved

6-17-86

Wayne Alberty  
Chairman