

COUNTY BOARD OF ADJUSTMENT
Meeting No. 95
Tuesday, April 19, 1988, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Eller Looney, Chairman Tyndall Walker		Gardner Jones Moore	Ron Fields, Building Inspection

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, April 15, 1988 at 10:17 a.m.

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

MINUTES

On **MOTION** of **ELLER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the **Minutes** of March 15, 1988 (No. 94).

UNFINISHED BUSINESS

Case No. 802

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RE zoned district, located SW/c 101st Street and South 137th East Avenue.

Comments and Questions:

Mr. Jones informed that this case was continued from the last meeting to allow the applicant to be present for a rehearing by the Broken Arrow Board of Adjustment. He stated that it has been recommended by that Board (Exhibit A-1) that the application be approved for a maximum of one year.

Presentation:

The applicant, Rex Anglin, 714 North 4th Street, Tulsa, Oklahoma, asked the Board to allow him to place the mobile home on the subject

Case No. 802 (continued)

tract permanently, or for a maximum of two years. He informed that he owns the lot in question and two lots across the street to the east, with a total of 450' of frontage on 101st Street. Mr. Anglin pointed out that the property to the east has all utility hookups in place (propane, water, electricity and septic), while the west property does not have utilities. He informed that a gas and sewer line will be laid across 101st Street and a new house will be constructed on the property within a two year period. He stated that he intends to use the mobile home for a temporary residence during the construction period.

Additional Comments:

Mr. Alberty asked the applicant who will supply the sewer, and he replied that the City of Broken Arrow will provide the sewer.

Mr. Alberty asked if Broken Arrow will pay for the sewer line, and Mr. Anglin replied that they will furnish the labor if he supplies the required material.

In response to Mr. Alberty's inquiry as to the platting of the subdivision, the applicant replied that it was platted in 1953 or 1954 by another party.

Mr. Jones pointed out that the two lots to the east are not under application at this time. He stated that, if the Board is inclined to approve the location of the mobile on the east lots, the application could be continued and readvertised. Mr. Jones stated that he has spoken with the Broken Arrow planner, Farhad Daroga, and concluded from that conversation that the City proposed a one year time limit, with no extension.

Mr. Anglin stated that the surrounding property owners support the application, and that a one year time limit would not justify the expense of a septic system.

Mr. Gardner stated that the applicant could readvertise the other lots and present the case to Broken Arrow again, with a two year time limit specified in the notice.

Mr. Alberty asked the applicant if Broken Arrow's Board of Adjustment has reviewed the alternate request for the location of the mobile home on the east lot, and he replied that he has not presented this request to Broken Arrow.

Mr. Alberty informed that he would be heavily influenced by Broken Arrow's request in this matter, and suggested that the City may be concerned with the impact of the application on the subdivision to the north. He pointed out that he could support Broken Arrow's recommendation for a one year approval of the mobile home. Mr. Alberty stated that it is possible that the approval could be extended to a second year if the applicant proves to be a good neighbor.

Case No. 802 (continued)

Mr. Looney pointed out that the two east lots are not under application and cannot be considered at this time.

The Board concurred that, due to the fact that utilities are in place, they would be inclined to be supportive of the location of the mobile home on the east two lots for a maximum period of two years.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 802 to May 17, 1988, to allow the applicant to advertise the eastern lots.

NEW APPLICATIONS

Case No. 807

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of lot width from 200' to 175' and a variance of lot area from 2 acres to .8 acre.

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the street frontage from 30' to 20', located east of the NW/c West 26th Street and South 49th West Avenue.

Comments and Questions:

Mr. Jones informed that the Technical Advisory Committee has heard and recommended approval of the case. He stated that the application will be heard by TMAPC on April 20, 1988 and action taken by this Board should be made subject to Planning Commission approval.

Presentation:

The applicant, Harvey McGehee, 6147 West 23rd Street, Tulsa, Oklahoma, was represented by his son, Claude McGehee, Booneville, Arkansas. He asked the Board to allow a 2.91 acre tract to be split into three lots with each lot having a 20' handle to west 26th Street for access to the street and for utilities. He informed that newly created lots do not meet the minimum lot size for the AG District, but there are other lots in the area of comparable size.

Comments and Questions:

Mr. Alberty asked the applicant who will maintain the road, and Harvey McGehee informed that the owners of the land will maintain the road.

Case No. 807 (continued)

Mr. Alberty pointed out that many times properties in the county are sold and later there is confusion as to the party responsible for maintaining the street. He stated that he would suggest that a clause be inserted in the deed that would clarify who is responsible for the street maintenance. Mr. Alberty pointed out that any street dedicated to the County is required to comply with their specifications.

Mr. Gardner stated that if approved, the Board could make the approval subject to TMAPC approval, and subject to each lot being recorded with the stipulation that each of the owners of the lots be required to maintain the street.

Mr. Fields stated that the three 20' strips of land will be attached to and made a part of the three lots and will not be a dedicated street, per se'.

Mr. Gardner informed that the strips will be private pieces of land, but they will be combined to make a mutual private street.

Protestants: None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) of lot width from 200' to 175' and a variance of lot area from 2 acres to .8 acre; and to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the street frontage from 30' to 20'; subject to TMAPC approval; and recommending that the ownership of the street be satisfied in order that there is no future dispute regarding street maintenance; finding that there are other lots in the area that are similar in size to the lots in question; and finding that the lots are located on the rear portion of a tract, with limited street access; on the following described property:

A tract of land lying in the W/2, W/2, SE/4, NW/4, of Section 16, T-19-N, R-12-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, more particularly described as follows, to-wit:

Beginning at a point on the east line of said W/2, W/2, SE/4, NW/4, said point lying 330.06' north of the SE/c thereof; thence N 89°54'56" W a distance of 265.12' to a point; thence S 00°08'30" W a distance of 330.08' to a point on the south line of said W/2, W/2, SE/4, NW/4; thence N 89°55'09" W along said south line a distance of 60' to a point; thence N 00°08'30" E a distance of 660.17' to a point on the north line of the S/2, W/2, W/2, SE/4, NW/4 of said

Case No. 807 (continued)

Section 16; thence S 89°54'41" E along said north line a distance of 325.12' to the NE/c of said S/2, W/2, W/2, SE/4, NW/4; thence S 00°08'03" W along the east line thereof, a distance of 330.07' to the Point of Beginning, Tulsa County, Oklahoma. (The west 60' of the above described property being reserved for roadway purposes for the use of the grantor or his assigns.)

Case No. 808

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1202 - Request a special exception to allow for a temporary concrete batch plant in an AG zoned district, located west of NW/c of 116th Street North and US 169.

Presentation:

The applicant, Duit Construction, PO Box 3788, Edmond, Oklahoma, was represented by Neil Bolin, who asked permission to construct a temporary batch plant at the above stated location to supply concrete for the 169 Highway project. He informed that the farmland will be used for approximately eight months and then the land will be returned to its original use.

Comments and Questions:

Mr. Looney asked if there are homes located in the area, and Mr. Bolin informed that the nearest home is approximately one-half mile to the west.

Mr. Looney inquired as to the location of the plant on the property, and Mr. Bolin replied that it sets approximately 150' from the front fence line.

In response to Mr. Alberty's question as to the amount of time required to complete the project, Mr. Bolin stated that the construction will be completed within a one year period. He informed that the land will then be cleared and restored to its original condition.

Protestants: None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1202) to allow for a temporary concrete batch plant in an AG zoned district for a period of one year only; subject to the land being cleared and restored to its previous condition at the end of the one year period; finding that the granting of the temporary request will not be detrimental to the area; on the following described property:

Case No. 808 (continued)

The W/2, SW/4, SE/4, SW/4, Section 4, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 809

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow for church uses in an AG zoned district, located south and east of 96th Street North and North 129th East Avenue.

Presentation:

The applicant, Jerry Ledford, 8209 East 63rd Place South, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1), and asked the Board to allow the construction of a church facility at the above stated location. He informed that the parking lot will be on the south portion of the tract, with a detention pond behind the parking lot. He informed that the plans were purchased from the Southern Hill Church of Christ after they purchased another facility and no longer planned to construct a building. He stated that the auditorium will have a seating capacity of 2000.

Comments and Questions:

Mr. Alberty asked the applicant if the submitted plot plan is the first phase of the development, and he replied that the entire facility will be constructed and the different phases of work will actually take place inside the building.

Mr. Alberty inquired as to the number of parking spaces required, and he replied that the parking lot will contain 464 spaces.

Mr. Gardner informed that the number of required parking spaces is based on the size of the auditorium.

It was noted by Mr. Alberty that these plans have previously been reviewed by the Board. He asked the applicant if the previous special exception approval has expired, and he answered in the affirmative.

Mr. Fields asked when the different phases will be completed, and Mr. Ledford replied that he is not sure.

Mr. Alberty informed that he resides on the property immediately southwest of the proposed building site, but stated that he does not have a conflict of interest.

Case No. 809

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow for church uses in an AG zoned district; per plot plan submitted; subject to the parking lot be constructed of an all weather surface (no gravel); and subject to TMAPC approval; finding that church use will be compatible with the area; on the following described property:

A tract of land in the N/2 of the NW/4, Section 21, T-21-N, R-14-E, Tulsa County, Oklahoma. Beginning at a point on the west line of NW/4 that is 474.00' S 00°00'00" W of the NW/c of the NW/4. Thence continuing S 00°00'00" W a distance of 842.28'. Thence N 89°53'09" E along the south line of the N/2 of the N/4 a distance of 509.84'. Thence N 00°00'00" E and parallel to the west line of said NW/4 a distance of 842.97'. Said point being 474.00' S 00°00'00" W of the north line of said NW/4. Thence S 89°48'31" W and parallel to the said north line a distance of 509.84' to the Point of Beginning. Containing 429,600.37 square feet or 9.862 acres, more or less. The basis of bearing for the above described property is the assumed bearing of S 00°00'00" W along the west line of Section 21, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 811

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS zoned district, located 912 East 60th Street North.

Presentation:

The applicant, Orville Gephardt, 2426 North Erie Place, Tulsa, Oklahoma, was represented by Scott Brooks, 4614 East Independence, Tulsa, Oklahoma, who stated that he is proposing to remove an old house from the subject lot and replace it with a mobile home. He informed that the lot will be leveled and landscaped. A photograph (Exhibit C-1) was submitted.

Comments and Questions:

Mr. Looney asked if there are other mobile homes in the area, and he replied that there was one diagonally across the street that recently burned.

Ms. Gephardt, 2426 North Erie Place, Tulsa, Oklahoma, stated that there are other mobile homes in the neighborhood.

Mr. Looney inquired as to the length of time the mobile home will be on the lot, and Mr. Brooks replied that it will be there permanently.

Case No. 811 (continued)

Protestants: None.

Board Action:

On **MOTION** of ELLER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS zoned district; subject to removal of the existing house from the property; subject to skirting being installed; and subject to Health Department approval and a Building Permit; finding that there are other mobile homes in the area and that the granting of the request will not be detrimental to the area, but will be in harmony with the spirit and intent of the Code; on the following described property:

The north 1/2 of Lot 13, Block 8, Original Town of Turley, Tulsa County, Oklahoma.

Case No. 812

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1213 - Request a special exception to allow for a home occupation for a beauty shop in an AG-R zoned district, located 9208 South 193rd East Avenue.

Presentation:

The applicant, Jerry Smith, 9208 South 193rd East Avenue, Tulsa, Oklahoma, was not present.

Comments and Questions:

Mr. Jones informed that Staff has received a letter (Exhibit D-1) from the Broken Arrow Board of Adjustment, recommending that the variance for a beauty shop as a home occupation be approved for a two-year period, with a review at the end of this period.

Board Action:

On **MOTION** of ALBERTY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 812 to the May 17, 1988 meeting, due to the fact that the applicant was not present.

OTHER BUSINESS

Case No. 689

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow a non-profit social club (German American Arts Society) in an AG District, located north NW/c 101st Street South and 129th East Avenue.

Case No. 689 (continued)

Comments and Questions:

Mr. Jones informed that the Board approved the applicant's request at a previous meeting, subject to the organization returning to the Board for approval of a detail sign plan at the time of the sign installation.

Presentation:

The applicant, Dick Heidinger, 4123 South Jamestown, Tulsa, Oklahoma, submitted a plat of survey (Exhibit E-1), and stated that a temporary sign is being installed on the property in question. He pointed out that the sign will inform the public that this location is the future home of the German-American Arts Society.

Comments and Questions:

Mr. Alberty asked if the sign will be a permanent sign or merely a construction sign. The applicant replied that the sign will be temporary and will be installed 60' from the centerline of the street.

Mr. Alberty stated that the intent of the Board at the previous meeting was to review plans for any permanent sign that is installed on the property.

Mr. Alberty asked if the temporary sign will be used for a permanent sign after the building is constructed, and the applicant replied that it may be removed when the construction is completed.

Mr. Gardner stated that the applicant can return to the Board for approval of the sign plan if a permanent sign is installed in the future.

Mr. Alberty inquired as to the size of the temporary sign, and the applicant informed that the sign is 4' by 6'6".

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eiler, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a temporary construction sign as presented.

Case No. 312

Action Requested:

Request to amend conditions of approval for the water park, more specifically to allow the addition of a Lazy River ride to the Big Splash Water Park, which will be installed in the future expansion area, located NW/c 21st Street and Yale Avenue.

Case No. 312 (continued)

Comments and Questions:

Mr. Alberty asked Staff if the new ride is to be located in an area designated for parking, and if the County Commissioners have reviewed the case. Mr. Jones informed that he has spoken with the County Building Inspector's office and they informed him that the Commissioners have reviewed the application and it does not displace designated parking.

Mr. Looney asked Mr. Jones if the addition of the new ride was advertised, and he replied that it has not been advertised, since the water theme park was approved per plot plan and the new ride is merely being specified on the plan. He informed that it has been determined by the City Attorney and District Attorney that a full public notice is not required for changes to an approved plot plan if the approved uses remain unchanged, but are merely rearranged, unless the Board determines that a public hearing is warranted.

Presentation:

Connie Murphy, 1616 East 151st Street, Tulsa, Oklahoma, stated that the new Lazy River ride will be located in the space labeled 'Expansion Area' on the plot plan (Exhibit F-1). She informed that the ride is a inner tube water ride that begins at a higher elevation and drops three levels, with a pool area at each level. Ms. Murphy stated that the waterway is 13' wide and 2 1/2' deep and the ride is a very quiet, leisurely float trip.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the amended plot plan to allow a Lazy River ride to be constructed in the area designated for future expansion.

There being no further business, the meeting was adjourned at 2:25 p.m.

Date Approved 5-17-88


Chairman