

COUNTY BOARD OF ADJUSTMENT
Meeting No. 110
Tuesday, July 18, 1989, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Eller Walker Tyndall	Looney	Gardner Taylor Moore	Ron Fields, Building Inspection Steve Andrew, 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, July 13, 1989 at 2:43 p.m.

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

MINUTES

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of June 20, 1989 (No. 109).

NEW APPLICATIONS

Case No. 904

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1220 - Request a use variance to allow for Use Unit 20 (Commercial Recreation & Intensive) in an RE zoned district, located east of the NE/c of 41st Street and 177th West Avenue.

Comments and Questions:

Mr. Taylor informed that a letter of referral (Exhibit A-1) was received from the Sand Springs Board of Adjustment, and Mr. Alberty read the letter aloud. The letter recommended that the County Board of Adjustment deal with the application as a rezoning matter, rather than a use variance.

Presentation:

The applicant, **Stanley Synar**, 1156 East 61st Street, Tulsa, Oklahoma, was represented by Bobby Anderson, who submitted a packet (Exhibit A-2) containing a plat, brochure and newspaper article

Case No. 904 (continued)

describing the proposed business. He informed that Banjo Hollow is to be a bluegrass gospel music show, which is a family oriented project, consisting of a music show and dinner. It was noted that the completed development will include the entire 20-acre tract, with future expansion including a children's playground, ice cream parlor, photo studio and a general store. Mr. Anderson stated that the music show will be located on the front 10 acres and parking will be on the back 10 acres, with 169th West Avenue being the access road for both the parking area and the campground. It was noted that the first stage of development will be the music hall and parking facility, and the second phase of construction will be the campground.

Additional Comments:

Mr. Albery asked Mr. Anderson to point out the phases of development, and he replied that the most immediate construction will be the music hall and parking lot, with the second phase being the campground, which will also be developed in two stages. He stated that the 10-acre tract dedicated to all types of camping will have 150 sites, with the 75 sites providing utilities being completed in the first phase of development. The third addition will be a general store and the fourth phase will be the construction of an ice cream parlor, along with an outside bandstand for daytime entertainment. Mr. Anderson stated that the children's playground, the photo studio and a swimming pool for the campground area will be among the last additions to the development. He informed that the project is to be completed in six years.

In response to Mr. Albery's question concerning parking, Mr. Anderson stated that the seating capacity of the show will be 400, and the parking area will accommodate approximately 250 automobiles.

Mr. Gardner asked if the campground will be located on the north portion of the tract, and Mr. Anderson answered in the affirmative. Mr. Gardner asked if there are single family dwellings near the property, and he replied that there are no residences nearby. Mr. Anderson explained that the dinner will be served at 6:30 p.m. and the music show is conducted inside the building.

There was discussion concerning signs for Banjo Hollow, and Mr. Anderson stated that he is not sure what size sign will be installed, but a small sign, which would be visible from both directions, will be needed.

Mr. Albery asked why this particular site was chosen for the business, and Mr. Anderson stated that the access road off 41st Street and the rustic setting made the property desirable for this type of development. He stated that Discovery Land has proved to be an asset to the area and Sand Springs is supportive of Banjo Hollow.

Case No. 904 (continued)

Mr. Gardner explained that the property in question was originally zoned AG and was later zoned RE. He pointed out that, if the property still had the the AG classification, the application would be for a special exception instead of a use variance, and would not require a hardship. He pointed out that in an urban setting the property would require commercial zoning and Board of Adjustment approval for this type of operation. He stated that a medium industrial zoning classification (IM) would be required before the use could be permitted by right. He advised that property zoned for commercial activities set a precedent and abutting property owners may seek similar type zoning, but if relief can be obtained through the Board of Adjustment, and the property is found to be unique, a precedent is not created. He pointed out that the Board can impose conditions for the granting of the use if the application is handled as a use variance.

Mr. Alberty asked how the Board would deal with other applications for service stations, convenience stores, etc., that usually follow the type of business that is before the Board at this time.

Mr. Gardner replied that the ordinance permits Use Unit 20, which is open-air recreational type uses in an AG District by special exception, but does not permit CS type uses. He pointed out that the Board can determine that a use like Banjo Hollow is a unique operation, which would not set a precedent for commercial zoning on 41st Street.

Interested Parties:

Jim Doherty, Sand Springs Chamber of Commerce, stated that the Sand Springs Board of Adjustment has resisted all variances in the past; however, in this particular case, Staff may be correct because of the nature of 41st Street and the impetus to development that this particular business might generate. He pointed out that the access road may not be a dedicated street, and since it is not improved at this time, would cause dusting in the area. It was noted that a setback from 41st Street might be considered, and should be addressed by the Board during the review of the plans. Mr. Doherty stated that rezoning and a PUD would be the ideal way to deal with this application, but it is a time consuming process for the applicant. He pointed out that the Board could impose conditions similar to those in a PUD, producing a quality development at this location. It was noted that the applicant may not be the operator of the business in the future, and although it is not his intent to have alcoholic beverages on the premises at this time, a restriction of the sale of alcoholic beverages could be made a condition of approval. Mr. Doherty pointed out that 41st Street is narrow and is overloaded with traffic in the summer, and asked the Board to take future development, with added traffic, into consideration when reviewing the long-term development of the area.

Case No. 904 (continued)

Applicant's Rebuttal:

Mr. Anderson stated that 169th West Avenue has a 60' right-of-way and the county engineer, Tim Rains, informed him that this street is dedicated for public use, but is not maintained by the County at this time. He stated that there is a possibility that the County would maintain the road if it is brought up to County standards. He informed that they do plan to bring the road up to those standards required by the County. He stated that there will definitely be no alcoholic beverages on the property.

Additional Comments:

Mr. Gardner advised that, if the Board is inclined to support the application, they should approve the concept plan and require that a detail site plan be submitted for approval before construction begins. He stated that platting should be required by the Board; however, the Sand Springs Planning Commission has the power to waive platting if they choose.

Mr. Walker remarked that he is a resident of Sand Springs, and is supportive of the application.

Protestants: None.

Board Action:

On **MOTION** of ELLER, the Board voted 4-0-0 (Alberty, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1220) to allow for Use Unit 20 (Commercial Recreation & Intensive) in an RE zoned district; subject to County Commission and County Engineer approval regarding improvements on 169th West Avenue; subject to no alcoholic beverages served on the property; subject to all County and Sand Springs platting requirements being met prior to occupancy; and subject to Board approval of a detail site plan prior to issuance of building permits; finding that the area is predominately agricultural (all surrounding property is zoned AG); and finding that the use of the land for recreation purposes is a special exception use in an AG District; on the following described property:

The E/2, SE/4, SW/4, Section 19, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 905

Action Requested:

Variance - Section 206 - Number of Dwellings on a Lot - Use Unit 1206
- Request a variance to allow for two dwellings (1 house, 1 mobile home)
on one lot of record, located 720 East 77th Place North.

Presentation:

The applicant, **Maxine Swanson**, was represented by Ralph Swanson, 707 East 77th Place North, Tulsa, Oklahoma, who submitted a plot plan (Exhibit B-1), and stated that permission to install a mobile home on the subject property was granted in May of this year. He informed that the mobile is occupied by his son-in-law's parents. Mr. Swanson explained that his wife owns the subject property and asked that she be allowed to move a house on the lot, which will be remodeled for their residence. He commented that the remodeling process will take approximately five years.

Comments and Questions:

Mr. Alberty asked the applicant if he lives on the lot at this time, and he replied that he lives at another location. He remarked that the mobile home is temporarily located on the lot, and could remain as long as four years. It was noted by Mr. Swanson that the Health Department has approved the sanitation system.

In response to Mr. Alberty, the applicant stated that there are other lots in the immediate area that have more than one dwelling, and there are numerous mobile homes in the neighborhood.

Protestants:

Donnell Rowe, 716 East 77th Place North, Tulsa, Oklahoma, stated that he was led to believe the mobile home would be placed in a north/south position. He explained that it was moved in while he was away from home and placed approximately 15' from the fence, with the back door toward his yard. Mr. Rowe commented that the house was also moved in while he was away. He pointed out that he moved to this area because of the spacing of the lots, and is opposed to the location of the mobile home.

Mr. Alberty asked Mr. Rowe if he objects to two dwellings on the lot, as well as the location of the mobile home, and he answered in the affirmative. He remarked that Mr. Swanson had discussed the fact that the mobile home was to be moved to the lot, but he was unaware that the additional dwelling would be moved in.

Frank Crouch, 723 East 77th Place North, Tulsa, Oklahoma, stated that he lives across the street from the subject property, and that a house was previously located on the property, but it was sold and moved out. He noted that the vacant lot has not been maintained since the house was removed, and thought that a mobile home would be an improvement. Mr. Crouch stated that he was not aware an additional house would be moved to the lot, and is opposed to the application.

Case No. 905 (continued)

Additional Comments:

Mr. Walker asked Mr. Swanson if he knew the house was to be moved to the present location when application was made for mobile home use, and he replied that he did not know about the house at that time.

In response to Mr. Walker, the applicant replied that he lives approximately one-quarter mile from the property in question, and will give the property to his daughters when the house on the subject tract is completed.

Mr. Alberty stated that he cannot support two dwelling units on the RE zoned lot, but would be in favor of either the house or the mobile home on the property.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **DENY** a **Variance** (Section 206 - Number of Dwellings on a Lot - Use Unit 1206) to allow for two dwellings (1 house, 1 mobile home) on one lot of record; finding that a hardship was not presented; and finding that the additional dwelling on the lot would be detrimental to the area, and would violate the spirit, purposes and intent of the Code; on the following described property:

Lot 2, Block 2, Cedar Hills 2nd Addition, Tulsa County, Oklahoma.

Case No. 906

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1206 - Request a variance to permit two dwelling units on one lot of record, located west of the NW/c of South 14th East Avenue and East 111th Street South.

Comments and Questions:

Mr. Alberty noted that the Broken Arrow Board of Adjustment has recommended approval of the application, subject to a mobile home review being conducted by Staff two years after approval, Health Department approval of the sewer system and the placement of the mobile home being such that all setback requirements are met.

Presentation:

The applicant, **Jim Staires**, 14107 East 111th Street, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit C-1) and photographs (Exhibit C-2). He explained that the mobile home will be occupied by his mother and stepfather, and will only remain on the property as long as his mother is in need of the home.

Case No. 906 (continued)

Comments and Questions:

Mr. Albery asked if there are other mobile homes in the area, and the applicant replied that there are mobile homes in the immediate vicinity of the proposed location. Mr. Staires commented that the soil percolation test has been completed and was approved.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Albery, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1206) to permit two dwelling units on one lot of record; subject to conditions imposed by the Broken Arrow Board of Adjustment (mobile home review to be conducted by Staff two years after approval, subject to Health Department approval, mobile home to meet side yard and rear yard setbacks); subject to a Staff review in two years to determine if the mobile home has proved to be compatible with the area; and subject to the Building Permit and Health Department approval; on the following described property:

W/2, W/2, SW/4, SE/4, Section 28, T-18-N, R-14-E, Tulsa County, Oklahoma.

Case No. 907

Action Requested:

Variance - Section 330 - Bulk & Area Requirements in the Agricultural Districts - Use Unit 1206 - Request a variance of the required 200' lot width to 165' and a variance of the required 2 acre lot area to 1.15 acres to permit a lot split, located 7404-7406 North Iroquois Avenue.

Presentation:

The applicant, **Ralph Friend**, 12903 East 29th Court, Tulsa, Oklahoma, submitted a location map (Exhibit D-1) and stated that he has a mobile home on one portion of the property and a house on the other. He informed that he is requesting a lot split to allow each lot to contain 1.15 acres of land.

Comments and Questions:

Mr. Albery asked if the lots will be smaller than the required size, and the applicant answered in the affirmative.

Mr. Albery asked if there are other lots in the area with less than the 200' width requirement, and Mr. Friend replied that there are several that are less than the required width. In response to Mr. Albery, the applicant noted that Iroquois is a dedicated street and is maintained by the County.

Case No. 907 (continued)

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk & Area Requirements in the Agricultural Districts - Use Unit 1206) of the required 200' lot width to 165' and a variance of the required 2 acre lot area to 1.15 acres to permit a lot split; subject to Health Department approval; subject to any easements and/or extensions required by utilities; finding that there is one lot in the area that is smaller than the lots in question, and several lots that are 165' in width; and finding that the granting of the variance request will not be detrimental to the area, or violate the spirit, purposes or Intent of the Code; on the following described property:

SW/4, NW/4, NW/4, NE/4, Section 36, T-21-N, R-12-E, Tulsa County, Oklahoma.

Case No. 908

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217 - Request a use variance to allow for an automobile repair facility in an RS zoned district, located 5921 1/2 South 67th West Avenue.

Presentation:

The applicant, **Dorma J. Mathis**, who submitted photographs (Exhibit E-1) and a petition of support (Exhibit E-2), stated that she is representing **Alfred Diffee**, 5921 South 67th West Avenue, Tulsa, Oklahoma, who lives to the north of the building used for automobile repair. She pointed out that Mr. Diffee has owned and maintained a construction company on the site for 12 to 14 years, but during the last year, he has rented the building for auto repair use. Ms. Mathis informed that there have been two other auto repair businesses at this location. She noted that there are six auto salvages in the Oakhurst area, as well as four garages and one service station with a garage. Ms. Mathis requested that Mr. Diffee be allowed to continue to use the building at 5921 1/2 South 67th West Avenue for automobile repair.

Comments and Questions:

Mr. Alberty asked the applicant if a construction company was previously operating at this location, and she replied that Mr. Diffee plans to continue the operation of the construction company. He asked if the two businesses would occupy the building on the site, and the applicant answered in the affirmative. In response to Mr. Alberty's question concerning the construction company, the applicant informed that Mr. Diffee has operated the business at this location for approximately 12 to 14 years.

Case No. 908 (continued)

In response to Mr. Albery's question, Mr. Gardner stated that any use prior to 1980 is found to be nonconforming by the County.

Mr. Albery asked the applicant to state the hours of operation for the two businesses, and Mr. Diffee replied that the construction business is open from 8:00 a.m. to 5:00 p.m. In response to Mr. Albery's inquiry concerning an exact date as to the beginning of the construction business, Mr. Diffee replied that he is not sure when his father started the business, but he moved to the site approximately 14 or 15 years ago. Mr. Albery asked Mr. Diffee if he constructed the existing building after he moved to the property, and he answered in the affirmative.

Protestants:

Clyde Bungarner, 5940 South 67 West Avenue, Oakhurst, Oklahoma, stated that he has lived across the street from the subject property for 45 years, and is opposed to the noise generated by the diesel trucks that are repaired at night. He stated that he is opposed to the application.

James Upton, Jr., Drawer 5, Oakhurst, Oklahoma, stated that he owns property across the street from the business in question, and pointed out that Mr. Diffee's property is beginning to look like a salvage yard (Exhibit E-3). It was noted that the major portion of the mechanic work is done on diesel trucks, which park along the road or in private driveways. He stated that the use is not compatible with the neighborhood, and asked that the application be denied.

Mr. Gardner asked Mr. Upton how long the repair business has been in operation at this location, and he replied that the automotive repair business has been in operation for approximately one year.

James Upton, Sr., 5912 South 67th West Avenue, Tulsa, Oklahoma, stated that he lives across the street from Mr. Diffee, and is opposed to the business because of safety reasons. He pointed out that the heavy truck traffic generated by the business is not compatible with the residential neighborhood, and the road is not wide enough to accommodate the trucks. It was noted by Mr. Upton, that waste products from the business flow into the street and are washed into the storm sewers.

Mr. Albery asked Mr. Upton if there are other businesses within the block from 60th Street to Highway 66, and he replied that his grocery store and a Texaco station are located at the corner, facing Highway 66, but there are no businesses on 67th West Avenue, except the applicant's business.

Mary Tracy, 5423 South 72nd East Avenue, Tulsa, Oklahoma, stated that she owns the vacant lot to the south of the subject property, and is in agreement with the statements made by the previous protestants.

Lillian Richey, 6618 West 60th Street, Oakhurst, Oklahoma, pointed out that Oakhurst has too many salvage yards, and stated that she is opposed to the application.

Case No. 908 (continued)

Applicant's Rebuttal:

Ms. Mathis noted that Mr. Diffee has always used large pieces of equipment in his business and there have been no previous complaints. She referred to photographs of unsightly properties in Oakhurst, and noted that some of them are only a few blocks away from the subject property. Ms. Mathis stated that a salvage yard is not proposed, and the trucks visiting the site do not exceed the speed limit. She pointed out that the nearby Texaco station and garage are operated by Mr. Upton's family.

Additional Comments:

Mr. Alberty remarked that he cannot support a second business, along with the nonconforming construction operation, at this location. He stated that the additional traffic is burdensome to the neighborhood and the business is not compatible with the residential area.

Mr. Walker commented that a garage, with outside storage of vehicles, has the same impact as an automobile salvage.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217) to allow for an automobile repair facility in an RS zoned district; finding that there is one nonconforming business already in operation at this location; and that the automobile repair service is not compatible with the residential neighborhood, and violates the spirit, purposes and intent of the Code; on the following described property:

Lots 27, 28, 29, 30 and the south 10' of Lot 31, Block 50, Taneha Addition, Tulsa County, Oklahoma.

Case No. 909

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 5827 South 68th West Avenue.

Presentation:

The applicant, **Kim Evans**, was represented by **Timothy Wayne Evans**, 5827 South 68th West Avenue, Tulsa, Oklahoma, who stated that he purchased a lot that was in bad repair and has cleaned off the debris and moved a mobile home on the property. Mr. Evans noted that he was not aware that a special exception was required for mobile home use in the RS District. It was noted by the applicant that there are numerous mobile homes in the immediate area. Photographs (Exhibit F-1) were submitted by the applicant.

Case No. 909 (continued)

Comments and Questions:

Mr. Albery asked what type of sewage disposal system is planned for the property, and Mr. Evans stated that the lot will be served by the City sewer, but lines have not been laid at this time. Mr. Albery asked if the mobile home is occupied, and the applicant stated that he has not moved in, since the utilities have not been hooked up.

In response to Mr. Albery, Mr. Evans replied that the skirting for the mobile home has already been purchased.

Protestants:

James B. Upton, Sr., 5912 South 67th West Avenue, Oakhurst, Oklahoma, stated that he is opposed to the application. He stated that the mobile home is not compatible with the surrounding neighborhood.

Wayne Diffee, 6709 West 60th Street, Oakhurst, Oklahoma, stated that there is no sewer in front of the subject property, as the sewer is located beside his home and extends only to the property next door, which is owned by Mr. Scarborough.

Brian Scarborough, 5945 South 68th West Avenue, Tulsa, Oklahoma, stated that he owns property abutting the subject lot, and feels that the lot is too small to accommodate the mobile home.

In response to Mr. Albery, Mr. Diffee stated that Mr. Scarborough did not live at this location when the sewer was installed, and since there were no other houses on the street, a six-inch line was laid from the main to serve the two existing houses.

Alfred Diffee, 5921 South 67th Street, Oakhurst, Oklahoma, stated that he was in charge of the water department at one time, and the sewer line is at such an angle that it would be on top of the ground when it reached the proposed mobile home.

Applicant's Rebuttal:

Mr. Evans stated that he has contacted the sewer department and they agreed to run a sewer line directly to his property from the other side of the road. He pointed out that there are larger mobile homes in the area that are located on smaller lots than the one he owns. Mr. Evans explained that his home recently burned and he is forced to relocate, and feels the neighbors should appreciate the clearing of the debris that was previously on the lot.

Mr. Albery commented that there are numerous mobile homes in the area, and the land use seems to be appropriate.

Case No. 909 (continued)

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "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 utilities being provided to the subject property, with Health Department approval and Building Permit being acquired; subject to skirting and tie-downs being installed; and subject to off-street hard-surface parking being provided; finding that mobile home use is prevalent in the area; and that the granting of the special exception request will not be detrimental to the area, and will be in harmony with the spirit and intent of the Code; on the following described property:

Lots 25 and 26, Block 51, Taneha Addition, Tulsa County, Oklahoma.

Case No. 910

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1202, 1220 - Request a special exception to allow for an ultra light airport and a special exception to allow for a radio controlled aircraft facility in an AG zoned district.

Variance - Section 1350(c) - Design Standards for Off-Street Parking Areas - Use Unit 1202, 1220 - Request a variance of the required all-weather, dust free surface for a parking area, located east of the NE/c 161st Street and South Harvard.

Comments and Questions:

Mr. Taylor informed that Staff has received a letter (Exhibit G-1) from the Bixby Board of Adjustment recommending approval of the application, per conditions.

Presentation:

The applicant, **Burt Hartig**, Route 4, Box 226, Bixby, Oklahoma, explained that the proposed facility will have a long runway for ultra light aircraft (approximately 600') and a shorter runway for radio controlled airplanes. He informed that the parking lot will provide parking for 16 vehicles. Mr. Hartig stated that he lives to the south of the proposed location, and that the facility will accommodate 21 families, and will be used for recreational purposes only. Mr. Hartig stated that there will be no hangers constructed on the property.

Comments and Questions:

Mr. Alberty asked if the FAA controls the operation, and the applicant stated that he has made application to the FAA, and was told that he would need the requested relief from this Board for the land use.

Case No. 910 (continued)

Mr. Alberty inquired if the FAA made any indication as to whether or not the land would qualify for an ultra light airport. The applicant replied that they required that any controlled airport be at least five miles from the ultra light facility, with no flying if wind exceeds 10 knots.

In response to Mr. Alberty, the applicant stated that fuel will not be sold on the property.

Mr. Alberty asked if the runways are hard surface, and the applicant replied that the runways are grass, and will be closed on rainy days.

Mr. Tyndall suggested that the aircraft facility be approved for a limited time, due to the fact that the land use in that area is subject to change in the future.

Mr. Gardner pointed out that, if the area should begin to develop residential, the airport would not be appropriate for the area.

Board Action:

On **MOTION** of TYNDALL, the Board voted 4-0-0 (Alberty, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1202, 1220) to allow for an ultra light airport and a special exception to allow for a radio controlled aircraft facility in an AG zoned district; and to **APPROVE** a **Variance** (Section 1350(c) - Design Standards for Off-Street Parking Areas - Use Unit 1202, 1220) of the required all-weather, dust free surface for a parking area; subject to a limited period of 5 years only; subject to FAA approval, and all required permits; subject to any conditions imposed by the Bixby Board of Adjustment (FAA approval); and subject to no buildings, gasoline sales or other commercial sales on the property; finding that the proposed recreational use is appropriate for the area at this time, as there are no nearby residential developments; on the following described property:

The W/2, W/2, SE/4, SW/4, LESS the SW/4, SW/4, SE/4, SW/4, Section 21, T-17-N, R-13-E, Tulsa County, Oklahoma.

Case No. 911

Action Requested:

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206 - Request a variance to allow for two units on one lot of record in an AG zoned district, located 5220 East 191st Street South.

Presentation:

The applicant, **Joseph Jordan**, 5220 East 191st Street South, Bixby, Oklahoma, requested permission to construct a house for his parents on the back portion of his three-acre tract. He informed that his home is located on the front portion of the property.

Case No. 911 (continued)

Comments and Questions:

Mr. Alberty asked if the land will remain under one ownership, and the applicant answered in the affirmative.

Mr. Alberty inquired if there are any other tracts in the area with two homes in place, and he replied that there are none.

Mr. Alberty informed that the Board has a letter of referral (Exhibit G-1) from the Bixby Board of Adjustment, stating that they recommend approval of the application.

Protestants: None.

Board Action:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206) to allow for two units on one lot of record in an AG zoned district; subject to a Building Permit and Health Department approval; finding that the tract could be split into two lots that would be similar in size to other lots in the area; and the granting of the request will not be detrimental to the area; on the following described property:

The east 190' of the N/2, NW/4, NW/4, Section 10, T-16-N, R-13-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:35 p.m.

Date Approved _____

8/17/89



Chairman