

COUNTY BOARD OF ADJUSTMENT
Meeting No. 111
Tuesday, August 15, 1989, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller Looney Tyndall	Alberty Walker	Jones 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, August 11, 1989 at 3:38 p.m.

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

MINUTES

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** the **Minutes** of July 18, 1989 (No. 110).

MINOR VARIANCES AND EXCEPTIONS

Case No. 920

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the required lot width from 200' to 145', and a variance of lot area from two acres to one acre to allow for a lot split (L-17207) in an AG zoned district, located 11026 North 145th East Avenue.

Presentation:

The applicant, **Harold Blunt**, Route 3, Box 754, Collinsville, Oklahoma, submitted a plot plan (Exhibit A-1), and stated that he is proposing to split a 3.5-acre tract into two lots, one containing 1 acre and the other 2.5 acres. It was noted that there are two houses located on the property, one of which has an existing septic for sewage disposal, and the other a lagoon.

Comments and Questions:

Mr. Jones informed that the request has been heard and approved by the Planning Commission, subject to County Board of Adjustment approval.

Protestants: None.

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Case No. 920 (continued)

Board Action:

On **MOTION** of TYNDALL, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) of the required lot width from 200' to 145', and a **Variance** of lot area from two acres to one acre to allow for a lot split (L-17207) in an AG zoned district; subject to Planning Commission requirements, and Health Department approval; on the following described property:

The north 290' of the east 560' of the S/2, S/2, NE/4, SE/4, Section 9, T-21-N, R-14-E, less the east 30' for roadway, Tulsa County, Oklahoma.

Case No. 922

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the required lot width from 200' to 165' to allow for a lot split, located 4601 - 4603 South 162nd West Avenue.

Comments and Questions:

Mr. Jones noted that the subject property is located in the Sand Springs fence line, and the Sand Springs Regional Planning Commission approved the lot split (Exhibit B-1), subject to this Board's approval and the applicant satisfying all Health Department requirements.

Presentation:

The applicant, **Charles Griffin**, PO Box 4792, Tulsa, Oklahoma, who submitted a plot plan (Exhibit B-2) and photographs (Exhibit B-3), stated that he is attempting to split his property into two lots. He informed that his home will be located on one lot, and a small house has been constructed on the remaining lot.

Additional Comments:

Mr. Looney asked if there are other similar sized lots in the area, and the applicant answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of ELLER, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) of the required lot width from 200' to 165' to allow for a lot split; per plan submitted; and subject to Health Department approval; finding that there are lots in the area that are more narrow than the lot in question; and that the granting of the request will not be detrimental to the neighborhood or impair the spirit, purposes and intent of the Code; on the following described property:

Case No. 922 (continued)

Beginning at a point 1980' north of the SE/c of Section 30, T-19-N, R-11-E, thence west 635', south 330', north 330' to the Point of Beginning, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 912

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 and 1206 - Request a variance to allow for five dwellings (1 house, 4 mobile homes) on one (1) lot of record, located east of NE/c of 81st West Avenue and 7th Street.

Comments and Questions:

Mr. Jones stated that a letter (Exhibit C-1) recommending approval of the application, per conditions, has been received from the Sand Springs Board of Adjustment.

Presentation:

The applicant, **James Feather, Jr.**, PO Box 523, Sand Springs, Oklahoma, stated that three of her children live in the three existing mobile homes on the property, and asked the Board to allow a fourth mobile to be installed for the remaining son. She informed that she and her husband live in the house, and the mobiles will not be occupied by anyone other than family members.

Additional Comments:

Mr. Looney asked if the mobile homes use septic systems, and the applicant replied that some of the units are hooked to the City sewer and some have a septic system; however the fourth mobile home will be connected to the City sewer.

Mr. Eller asked if the unit will be installed on a permanent foundation, with skirting, and the applicant answered in the affirmative.

Interested Parties:

Bill Wiles, stated that his company owns property to the south of the subject tract, and requested information as to any restriction placed on the applicant. Mr. Looney referred to the letter received from the Sand Springs Board of Adjustment, which stated that the approval was made, subject to Health Department approval and compliance with the County Zoning Code regarding mobile home installation. He further noted that the occupancy of the mobile homes is to be restricted to family members only. Mr. Wiles stated that he is not opposed to family members residing on the subject property, but is opposed to a mobile home park at this location.

Case No. 912 (continued)

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 and 1206) to allow for five dwellings (1 house, 4 mobile homes) on one (1) lot of record; subject to the five dwellings being used for family members only, with no rental of the units; and subject to Health Department approval and Building Permit; finding that three of the mobile homes have been on the tract for a long period of time, and have proved to be compatible with the area; on the following described property:

A tract of land that contains 3.4757 acres that is part of Lot 7 (also known as the SW/4, SW/4) Section 6, T-19-N, R-12-E, Tulsa County, Oklahoma, said tract of land being described, to-wit: Beginning at a point that is on the south line of said Lot 7, said point being 1916' west of the SE/c of the SW/4 of Section 6; thence north and parallel to the west line of Lot 7 for 503'; thence west for 301'; thence south for 503' to the south line of Lot 7; thence east for 301' to the Point of Beginning, according to the U.S. Government Survey thereof, Tulsa County, Oklahoma.

Case No. 913

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for Use Unit 17 (automotive & allied activities in a CS zoned district), located SE/c 106th Street North and U.S. Highway 75.

Presentation:

The applicant, **Jerry Springer**, 7304 East 126th Street North, Tulsa, Oklahoma, requested permission to use the subject property for the sale of used aircraft, graders, bulldozers, trucks, farm equipment and trailers. He assured the Board that there will not be a salvage operation on the tract.

Comments and Questions:

Mr. Looney asked if automobile sales will be conducted on the property, and the applicant stated that he may sell a car occasionally, but most of his inventory will consist of trucks and pickups.

In response to Mr. Eller's question, the applicant stated that he has applied for a license, but the special exception is required before the license is issued.

Case No. 913 (continued)

Mr. Looney inquired as to the days and hours of operation, and the applicant replied that the items will probably be sold only by appointment for the first two years, with appointments being made between the hours of 7:00 a.m. and 8:00 p.m. He stated that aircraft will be flown to the site for display purposes only, and the flights will be limited to one per week.

Mr. Looney asked if screening is proposed between the property in question and the abutting residential property. Mr. Springer responded that screening is not planned, as all work will be done inside the building.

Protestants:

Dale Roden, 9803 North Yale, Sperry, Oklahoma, stated that he owns the property on the northeast corner of 96th Street North and North Yale Avenue, and is opposed to the application. He submitted a packet of protest letters (Exhibit D-1) from property owners in the area, and stated that there is no neighborhood opposition to the CS zoning, but area residents are strongly opposed to the operation proposed by Mr. Springer.

A. E. Dunn, 5400 East 94th Street North, Tulsa, Oklahoma, who submitted photographs (Exhibit D-2) of homes in the area, stated that he has recently moved to the neighborhood and would like to maintain the area in its present condition.

Robin Condray, Route 1, Box 642, Sperry, Oklahoma, stated that her property borders the tract in question, and pointed out that there is not a screening fence tall enough to screen an airplane or heavy equipment. She noted that the entire operation would be visible from the residences along Yale, and property values would be adversely affected.

Applicant's Rebuttal:

Mr. Springer stated that he appreciates the concerns of the area residents and, since his mother and sister live on a portion of the tract, would not want to do anything that would prove to be detrimental to the area. He stated that Mr. Roden lives approximately 3/4 miles from the subject property.

Additional Comments:

Mr. Jones informed that the applicant appeared before the Planning Commission in June of this year and requested CG zoning for the property, but was granted CS, which does not allow Use Unit 17 uses. He stated that Use Unit 17 allows a number of uses, some of which are the sale of agricultural implements, aircraft, boats, campers and vehicle repair and sales. Mr. Jones stated that he was not

Case No. 913 (continued)

Informed that the applicant planned to land aircraft on the property. It was noted that an airport is under Use Unit 2, an area wide use by exception, which can be placed in any zoning district with Board approval. He pointed out that the Board can determine that the landing of aircraft would accompany the sale of aircraft, but is not an airport; however, the Board could find that any landing of aircraft on the property constitutes an airport. Mr. Jones pointed out that a screening fence would be required if the abutting property had a residential zoning classification; however, the Code does not require screening of the abutting residentially developed property in the agricultural district. He advised that the Board could require screening as a condition of approval if it is determined to be essential.

Mr. Looney asked if there are any other heavy industrial uses in the immediate area, and the applicant replied that there is an auto salvage approximately one mile north of the subject property.

Mr. Looney and Mr. Tyndall agreed that, due to the fact that the property backs up to residences, the requested use would be injurious to the neighborhood.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **DENY** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow for Use Unit 17 (automotive & allied activities in a CS zoned district); finding that the requested uses are not compatible with the surrounding residential area, and the granting of the request would violate the spirit and intent of the Code; on the following described property:

Beginning 647' west and 83' south of the NE/c of the NE/4; thence southwest 318', southwest 40.4', south 1463.2', east 358.7', north 1566' to the Point of Beginning, Section 16, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 914

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1220 - Request a special exception to allow for intensive commercial recreation uses including, but not limited to, a restaurant, western town theme park, hay rides, dude ranch, motocross track, recreation vehicle parking and a saddle shop in an AG zoned district.

Variance - 1340(d) - Design Standards for Off-Street Parking Areas - Request a variance of the required dust free all-weather surface for parking to permit gravel, located south and west of SW/c of 191st Street and Memorial Drive.

Presentation:

The applicant, **Ted Allen**, 19600 South Memorial Drive, Tulsa, Oklahoma, stated that he has operated the Allen Ranch at this location since 1946, and has had horse stables on the property for approximately 20 years. He added that the land has been used for recreational purposes since 1967, with a rodeo arena and horseback riding being added during the last 12 to 14 years. Mr. Allen pointed out that the business has catered to private parties in the past, and asked the Board to allow the present operation to continue, with the exception that the ranch will be open to the general public. He explained that entertainment for the ranch guests will consist of a chuck wagon dinner and a music show, with no alcoholic beverages being sold on the premises. An early Oklahoma western town will be constructed on approximately six acres, and the present livestock pastures will be converted to a drive-through scenic tour area stocked with animals native to Oklahoma in the 1800's. A plot plan (Exhibit E-2) was submitted by the applicant.

Comments and Questions:

Mr. Tyndall asked Staff if Bixby has made a recommendation regarding this case, and Mr. Jones submitted a letter (Exhibit E-1) from the Bixby Board of Adjustment recommending approval of the application. Mr. Jones pointed out that the application is unique in that a large portion of the use was in operation before 1980 and, therefore, nonconforming. He explained that the Zoning Code will not allow the expansion, enlargement or altering of a nonconforming use without Board approval, so he advised the applicant to advertise for all intended uses, as it was difficult to determine what uses were in existence nine years ago. He informed that this hearing was initiated after Mr. Allen made application for a Building Permit.

Protestants:

David Cooper stated that his family owns the southwest corner of Section 11, which is inherited Indian property. He pointed out that any development on the subject property could create additional flooding.

Mr. Looney asked Mr. Cooper if there are any proposed uses that are objectionable, and he replied that theme parks vary in size, and he would be opposed to a large intense operation that would disrupt the quiet atmosphere of the neighborhood.

Ruth Munding, 3703 South Victor, Tulsa, Oklahoma, informed that she and her husband own the property to the southwest of Mr. Allen's ranch. She read an article published in the Tulsa Tribune, which stated that a million dollar project, consisting of an old west town, a drive-through zoo and various other uses depicting early Oklahoma history, will be operating on the subject property. Ms. Munding stated that her children may move to their 88-acre tract in the future, and the proposed theme park would drastically reduce the peace and quiet of the neighborhood. She also voiced a concern with the motocross track, addition of camper sites, and the possibility of the venture failing and becoming a "ghost town".

Case No. 914 (continued)

Robin Shelton, stated that she is representing Floyd Cooper and June Thompson, heirs of John Cooper. She stated that she is opposed to the opening of any type of commercial business, and noted that the grave sites in the northwest portion of the family cemetery have been desecrated. Ms. Shelton stated that a fence was erected around the graves, which was also destroyed. She stated that Mr. Allen's lease on the Cooper land will expire in January of 1990, and that she is opposed to any construction on the leased property.

Marilyn Cooper Smith, 1920 West Independence, Tulsa, Oklahoma, stated that she is one of the heirs of the Cooper property. She pointed out that her relatives have experienced problems caused by the horseback riding and motocross operations. It was noted that she is planning to move on the Indian land and is opposed to the escalation of the existing business due to the harassment experienced by her relatives.

Mr. Looney asked Ms. Smith if she would like to be notified before the next scheduled meeting concerning this application, and she answered in the affirmative.

Mr. Looney requested that Staff notify the protestants before the next hearing and review of the site plan.

Applicant's Rebuttal:

Mr. Allen stated that he has been renting the Cooper land for a horse pasture and horseback riding trails, and does not intend to construct buildings on their land. He informed that the proposed operation will be an asset to the area, and will employ an additional 75 people. It was noted that the motocross was already in operation when Mr. and Mrs. Munding purchased their property, and that he has been riding horses on the land for approximately 40 years. He stated that the future operation on the property will be essentially the same as the present use, and will not generate a lot of noise, as most of the equipment is horse drawn. Mr. Allen stated that he does not intend to spend a million dollars to improve the property, but will construct some pole barn buildings.

Mr. Looney asked Mr. Allen if he would agree to all mechanical rides being prohibited, and he answered in the affirmative. He informed that he owns 133 acres of land at this location, and can operate his business on his own property.

Mr. Jones advised that the property is subject to a plat if the application is approved, and Mr. Allen has been informed of this requirement. He pointed out that the platting process will insure that construction will not cause additional water run-off or a greater flooding condition in the low-lying area.

Case No. 914 (continued)

Mr. Tyndall stated that he is supportive of the application in concept, subject to the applicant's returning to the Board with additional information concerning the size and location of the proposed buildings, days and hours of operation, parking areas and signage.

Mr. Jones informed that the applicant has requested a waiver of the paved parking, which does not appear on the agenda; however, a corrected notice was mailed to the surrounding property owners, and this issue is properly before the Board at this time.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1220) to allow for a western theme park (intensive commercial recreation uses) in **concept**, including, but not limited to, a restaurant, a western town, hay rides, dude ranch, motocross track, recreation vehicle parking and a saddle shop in an AG zoned district; and to **APPROVE** a **Variance** (1340(d) - Design Standards for Off-Street Parking Areas) of the required dust free all-weather surface for parking to permit gravel; subject to a plot plan being submitted for Board review before development begins; subject to a review of the gravel parking use; subject to Health Department approval and Building Permit; and subject to no mechanical rides; finding that many of the uses have been in operation for many years, and have proved to be compatible with the area; on the following described property;

The south 653.4' of the east 1000' of the NE/4, Section 11, T-16-N, R-13-E, Tulsa County, Oklahoma.

AND

Part of the NE/4, Section 11, T-16-N, R-13-E, Tulsa County, Oklahoma, beginning 1237.74' south and 1093.14' west of the NE/c of the NE/4, thence west 376', south 361', east 346', south 170', east 1123.14', north 50', west 1093.14', north 481' to the Point of Beginning.

AND

The NE/4, Section 11, T-16-N, R-13-E, Tulsa County, Oklahoma, LESS the east 624.75' of the north 1224.5' thereof, and LESS the south 871.2' of the east 1000' thereof, and LESS beginning 1237.74' south and 1093.14' west of the NE/c of the NE/4, thence west 376', south 361', east 346', south 170', east 1123.14', north 50', west 1093.14', north 481' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

At the conclusion of the Board of Adjustment meeting Mr. Allen asked that he be permitted to contract for electrical and plumbing work in an existing building, in order that a kitchen can be installed.

Case No. 914 (continued)

Mr. Jones stated that Ron Fields, Building Inspection Department, has conferred with the applicant and agreed that it would be permissible to allow plumbing and electrical work to be done in the kitchen, with no additional buildings being erected.

Mr. Allen stated that he is installing a kitchen in the the back 30' of an existing building, "Desparado Den". He pointed out that they cook for their clients and are in need of a kitchen that is more convenient for serving.

Board Action:

On **MOTION** of ELLER, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **RECONSIDER** the **Conditions** of Case No. 914.

Board Action:

On **MOTION** of ELLER, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **AUTHORIZE** the **Release** of a Building Permit to allow plumbing and electrical installation in an existing building, known as "Desparado Den"; subject to no construction being permitted on the property, without Board approval.

Case No. 915

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS District.

Variance - Section 208 -Street Frontage Required - Use Unit 1209 - Request a variance of the required street frontage from 30' to 0' to allow for a private access, located at 2727 South 49th West Avenue.

Presentation:

The applicant, **Christine Stites**, 1608 West 23rd Street, Tulsa, Oklahoma, who submitted a cadastral map (Exhibit F-1) and a site plan (Exhibit F-3), explained that she purchased a tract of land for mobile home use and was not aware that the land was not zoned for mobiles. She stated that an old house and debris have been removed from the property and the Health Department has approved the septic system. Ms. Stites informed that she intends to make this her permanent residence, and that the road to the property has been in place for over 35 years, with a deed of dedication (Exhibit F-2) filed of record.

Case No. 915 (continued)

Board Action:

On **MOTION** of ELLER, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS District; and to **APPROVE** a **Variance** (Section 208 -Street Frontage Required - Use Unit 1209) of the required street frontage from 30' to 0' to allow for a private access; subject to Building Permit and Health Department approval; finding that the property has been accessed from 49th Street by a private easement for many years; and finding that there are numerous mobile homes in the area; on the following described property:

The north 150.13' of the east 184.83' of the west 396.66' of the W/2, N/2, S/2, NW/4, SW/4 of Section 16, T-19-N, R-12-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof.

Case No. 916

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow for a church in an AG zoned district, located NW/c of 131st Street and South Elgin Avenue.

Presentation:

The applicant, **Bob DeBolt**, 10615 South 33rd West Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-2) and requested permission to utilize 2 1/2 acres of land for church use. He informed that a 6000 sq ft brick building will be constructed on the site, and all utilities are available to the property. It was noted that the church has a membership of approximately 60 people, and the use has been approved by the Jenks Board of Adjustment (Exhibit G-1).

Comments and Questions:

Mr. Tyndall asked if there will be a day care center or school in the church facility, and the applicant replied that neither of these operations are planned. Mr. Tyndall stated that screening might be appropriate if these activities were ever added to the church use.

Board Action:

On **MOTION** of TYNDALL, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow for a church in an AG zoned district; per site plan submitted, with no day care center or school allowed; and subject to conditions imposed by the Jenks Board of Adjustment which requires the dedication of

Case No. 916 (continued)

right-of-way along 131st Street, the installation of adequate dust free parking, and approval of the drainage plan and septic system; finding that the use is compatible with the area, and will not violate the spirit and intent of the Code; on the following described property:

The E/2, W/2, SW/4, SE/4, LESS the east 30' and the south 50' for right-of-way, and LESS a tract beginning 660.38' east and 993.36' north of SW/c, SE/4, thence north 331.12', west 330.24', south 331.11' and east 330.25' to the Point of Beginning, all in Section 1, T-17-N, R-12-E, Tulsa County, Oklahoma.

Case No. 917

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1206 and 1215 - Request a special exception to allow for a cabinet shop, a kennel and a single-family dwelling in a CS zoned district.

Use Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209 - Request a use variance to allow for a mobile home to locate in a CS zoned district, SE/c of 96th Street North and North Yale Avenue.

Presentation:

The applicant, **Bobby Webster**, 1235 South 120th East Avenue, Tulsa, Oklahoma, who submitted a plot plan (Exhibit H-2), stated that the property in question is zoned CS and has been an eyesore for several years. It was noted that there is a percolation problem, and that he is continuing to work with the Health Department concerning sewage disposal. He requested permission to locate a mobile home on the property during the construction period of a new dwelling. Mr. Webster stated that he purchased the property with the intent of constructing and operating a kennel for puppies, which would be bought in litters and shipped out to other parts of the United States. He pointed out that a kennel license is required in order to operate this type of business.

Comments and Questions:

Mr. Looney inquired as to surrounding land uses, and the applicant replied that there was a goat farm across the street when he purchased the property. He stated that the area is sparsely populated, with a horse farm located to the south and one home to the east of the subject tract.

Case No. 917 (continued)

Mr. Looney asked if screening is proposed for the business, and Mr. Webster stated that a chain link fence will be installed and landscaped with honeysuckle vines to screen the 800' boundary line. Mr. Looney asked the applicant to explain the cabinet shop business, and he replied that he operates this business alone, and will continue to do so for approximately 10 years and then begin the kennel operation.

Mr. Tyndall asked if there are other mobile homes in the area, and he replied that there are none in the immediate vicinity. In response to a question concerning the small lots across Highway 75 to the west, the applicant informed that there are mobile homes in that area.

Protestants:

Dale Rodin, 9803 North Yale, Sperry, Oklahoma, submitted letters of protest (Exhibit H-1), and stated that he owns 67 acres of land on the northeast corner of North Yale and 96th Street North. He pointed out that landowners in the vicinity find the proposed businesses to be a threat to the neighborhood, as both are noisy and would destroy the quiet and peaceful atmosphere of the area. Mr. Rodin remarked that sewage disposal will be a problem, as the tract is low and an existing pond overflows during rainy seasons. It was noted that the houses in the area range in price from \$65,000 to \$200,000 and the proposed businesses will not be compatible with the area.

A. E. Dunn, 5400 East 94th Street North, Tulsa, Oklahoma, submitted photographs (Exhibit D-2, filed with Case No. 913), which depicted the types of homes located in the neighborhood. He pointed out that, although the applicant indicated that the neighborhood is sparsely populated, there are approximately 30 homes in the area.

Vernon Hodges, 5220 East 94th Street, Tulsa, Oklahoma, pointed out that there are a large number of homes in the area, and asked the Board to deny the application.

Ron Oakley stated that his property is directly east of the subject property, and is opposed to the mobile home and the kennel.

Applicant's Rebuttal:

The applicant stated that he has permission from the Health Department to install a lagoon on the property for sewage disposal, and pointed out that the power tools used in his cabinet business would be operated inside the building. He stated that he understands the concerns of the neighborhood, but the puppies will also be kept inside a building and will not cause a noise problem for the nearby residents. Mr. Webster stated that it is not his intent to destroy the neighborhood.

Case No. 917 (continued)

Additional Comments:

Mr. Looney asked Mr. Webster how long he has owned the property, and he replied that he purchased the land in September of 1988, with the intention of constructing a home and operating a business.

Mr. Eller asked the applicant to state the size of the proposed building, and he replied that a 40' by 60' building is planned.

Board Action:

On **MOTION** of ELLER, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **DENY** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1206 and 1215) to allow for a cabinet shop, a kennel and a single-family dwelling in a CS zoned district; and to **DENY** a **Use Variance** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209) to allow for a mobile home to locate in a CS zoned district; finding that the granting of the requests would be detrimental to the neighborhood and would violate the spirit, purposes and intent of the Code; on the following described property:

Lot 1, Block 1, Convenient Center Addition, Tulsa County, Oklahoma.

Case No. 918

Action Requested:

Variance - Section 330 - Bulk & Area Requirements in Agriculture District - Use Unit 1206 - Request a variance of the required lot width from 200' to 145' in an AG zoned district to allow for a previously approved lot split (L-14969), located 16235 South 43rd East Avenue.

Presentation:

The applicant, **Kathie Burns**, 16235 South 43rd East Avenue, Tulsa, Oklahoma, stated that the property in question has two existing homes, and she requested a lot split in order to sell one of the houses.

Comments and Questions:

Mr. Looney asked if there was a previously approved lot split on the property, and she replied that the lot split was previously approved, but she did not make application to the Board of Adjustment for a variance of the required lot width.

Protestants: None.

Case No. 918 (continued)

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk & Area Requirements In Agriculture District - Use Unit 1206) of the required lot width from 200' to 145' in an AG zoned district to allow for a previously approved lot split (L-14969); finding that there are other lots of similar size in the area, and the granting of the request will not impair the spirit, purposes and intent of the Code; on the following described property:

The south 290' of the north 1185' of the east 610' of the W/2, NE/4, Section 28, T-17-N, R-13-E, Tulsa County, Oklahoma.

Case No. 919

Action Requested:

Special Exception - Section 910 - Permitted Uses In Industrial Districts - Use Unit 1219 - Request a special exception to allow for a nightclub to locate in an IM zoned district, located 4807 East Dawson Road.

Presentation:

The applicant, **B. L. Ward**, 1814 North Fulton, Tulsa, Oklahoma, submitted photographs (Exhibit J-1) and stated that he has rented a building at the above stated location for use as a nightclub. He explained that the building, which has been empty for two years, has been remodeled inside and is ready for occupancy.

Mr. Looney inquired as to the days and hours of operation, and Mr. Ward stated that the club will be open Tuesday through Saturday, 3:00 p.m. to 2:00 a.m. It was noted that the club will seat approximately 200 customers, and security will be provided for the parking lot. In response to Mr. Looney, the applicant stated that the building is 115' by 70', but only 4224 sq ft of floor space will be utilized for the business.

Mr. Eller asked Mr. Ward if he is presently a club operator, and he replied that he previously operated a club in Glenpool, Oklahoma.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206) of the required lot width from 200' to 145', and a variance of lot area from two acres to one acre to allow for a lot split (L-17207) in an AG zoned district; subject to Health Department approval; finding the use to be compatible with the surrounding area; on the following described property:

Case No. 919 (continued)

A tract of land in the E/2, E/2, SE/4 of Section 28, T-20-N, R-13-E, Tulsa County, Oklahoma, more particularly described as follows to-wit: Beginning at the point of intersection of the north right-of-way line of Dawson Road with the east line of Section 28, said point being 1166.54' north of the SE/c of said Section 28; thence N 0°00'04" E along the east line thereof for a distance of 164.00'; thence S 89°58'09" W for a distance of 658.17' to a point on the west line of the E/2, E/2, SE/4 of Section 28; thence S 0°00'35" E along said west line for a distance of 226.25' to a point on the north right-of-way line of Dawson Road; thence N 84°33'59" E along said right-of-way line for a distance of 661.10' to the point of beginning, containing 2.948 acres more or less, Tulsa County, Oklahoma.

There being no further discussion, the meeting was adjourned at 4:00 p.m.

Date Approved

Sept. 19, 1989

Wayne Alberty
acting Chairman