

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 159  
Tuesday, August 17, 1993, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Eller Tyndall Walker	Alberty Looney	Gardner Moore Russell	Glenn, Building Insp.

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, August 13, 1993, at 3:01 p.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** the **Minutes** of July 20, 1993 (No. 158).

**UNFINISHED BUSINESS**

**Case No. 1179**

**Action Requested:**

Variance to permit two dwelling units on one lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Unit 9, located 3753 South 37th West Avenue.

**Presentation:**

The applicant, **Sherry Andrews**, Route 90, Box 998, Tulsa, submitted a plot plan (Exhibit A-1), and stated that she is proposing to place a mobile dwelling unit on a portion of her brother's property. She explained that the property is divided into two tracts by a public road, and each tract will contain one dwelling. (The County records show this property as one lot of record).

**Protestants:**

None

Case No. 1179 (continued)

**Board Action:**

On MOTION of ELLER, the Board voted 3-0-0 (Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Unit 9, located 3753 South 37th West Avenue; per plan submitted; subject to building permit and Health Department approval; finding a hardship demonstrated by the fact that a public road divides the property into two parcels; and finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Part of the NE/4, SE/4, beginning 200' north SE/c, NW/4, SE/4, thence north 724', west 217.26', south 626.91', southeast 237.7' to Point of Beginning less east 25', north 365.45' thereof and less 50' strip being 25' east side beginning 558.55' north SE/c, NW/4, SE/4, thence southwest 340', Section 21, T-19-N, R-12-E, Tract 3, Tulsa County, Oklahoma.

**Case No. 1181**

**Action Requested:**

Special Exception to permit a church in an IL zoned district and a variance of the all-weather surface requirement for off-street parking - **Section 910. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 5, located north of NE/c of West 61st Street and South 65th West Avenue.

**Presentation:**

The applicant, **Solid Rock Fellowship**, 318 West 32nd Place, Sand Springs, Oklahoma, was not represented.

**Comments and Questions:**

Ms. Russell informed that she was notified by a church representative that the building plans have not been completed, and the church has requested that Case No. 1181 be continued to September 21, 1993.

**Protestants:**

None.

**Board Action:**

On MOTION of ELLER, the Board voted 3-0-0 (Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **CONTINUE** Case No. 1181 to September 21, 1993.

NEW APPLICATIONS

Case No. 1182

Action Requested:

Special Exception to permit a mobile home in an AG-R District, and a variance to permit two dwelling units on one lot of record - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS and SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 20229 West Highway 51.

Presentation:

The applicant, **Hellen Jamett**, 20229 West Highway 51, Sand Springs, was represented by her daughter, **Judy Thomas**, of the same address. Ms. Thomas stated that the mobile home in question will be located on the south side of the driveway and will be occupied by her mother. Ms. Thomas informed that she is attending school and her mother cares for the children while she is away from home. She explained that one of her children has a health problem, and it is difficult to find a sitter that will assume the responsibility of caring for this child. Ms. Thomas informed that the tract in question is accessed via a mutual access easement.

Comments and Questions:

Mr. Walker asked Ms. Thomas how long she will be attending school, and she replied that her graduation is in June 1997.

Protestants:

None.

Board Action:

On MOTION of **ELLER**, the Board voted 3-0-0 (Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an AG-R District, and a **variance** to permit two dwelling units on one lot of record for **4 years only - Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS and SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; per plan submitted; subject to building permit and Health Department approval; finding that the temporary use will not be detrimental to the area; on the following described property:

Case No. 1182 (continued)

E/2, E/2, SE/4, SE/4, Beginning 450' north SE/c SE/4  
thence west 330', north 350', east 330', south 350',  
Tulsa County, Oklahoma.

**Additional Comments:**

Mr. Gardner advised that the Building Inspector has noted that the case map does not reflect that this lot has frontage on a dedicated street. He suggested that the balance of the application be continued to allow sufficient time to determine if additional relief is needed in regard to required street frontage.

**Board Action:**

On MOTION of ELLER, the Board voted 3-0-0 (Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **CONTINUE** the balance of the application to September 21, 1993 to determine if additional relief is required.

**Case No. 1183**

**Action Requested:**

Special Exception to permit a children's nursery in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5**, located 2702 South 65th West Avenue.

**Presentation:**

The applicant, **Reva Martin**, 2231 East 10th Street, requested permission to begin operation of a day care center in conjunction with the church. She stated that proceeds from the center will be used for church repairs.

**Comments and Questions:**

Mr. Walker asked if the day care operation will be an extension of the church functions in the community, and the applicant answered in the affirmative.

Mr. Walker noted that the play area is not designated on the plot plan, and Ms. Martin informed that the play area (60' by 100') will be located to the rear of the building.

In reply to Mr. Walker, the applicant stated that the day care will be located to the north of the fire station.

Case No. 1183 (continued)

**Interested Parties:**

**Dan Satterfield**, 3733 South 60th West Avenue, stated that he is the owner of the property, and is not opposed to the child care center in the building. He pointed out, however, that he would not be supportive of any building modification that might restrict the use of the building as a church or change the tax exempt status. Mr. Satterfield stated that he would also be opposed to the operation of a business for profit.

**Applicant's Rebuttal:**

Ms. Martin informed that 50 children will be enrolled at the center, and the Department of Human Services, the Fire Marshall and the Health Department have approved the facility for day care use. She informed that a fire wall will be required between the sanctuary and the rooms used for the day care operation.

**Additional Comments:**

In response to Mr. Tyndall, Ms. Martin stated that, although the enrollment will be approximately 50, the Department of Human Services has indicated that the center would be permitted to care for 75 children.

Mr. Glenn inquired as to the ages of the children, and Ms. Martin stated that the care provided will be for infants through 11 years of age.

Mr. Glenn advised that the occupancy permit will not be issued if a fire suppressant is not in place.

Ms. Martin stated that the proposed day care operation will comply with all Code requirements.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Special Exception** to permit a children's nursery in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5**; per plan submitted; subject to compliance with all County requirements; subject to the applicant obtaining an occupancy permit; subject to days and hours of operation being Monday through Friday, 5:30 a.m. to 6 p.m.; finding the use, per conditions, to be compatible with the area; on the following described property:

Case No. 1183 (continued)

A tract of land located in the SE/4, SE/4, Section 18, T-19-N, R-12-E, of the IBM, Tulsa County, Oklahoma, more particularly described as: Beginning at a point 24.75' west of the NE/c of SE/4, SE/4, of Section 18, T-19-N, R-12-E, thence west a distance of 300' to a point, thence south a distance of 435.6', thence east a distance of 300' to a point, thence north a distance of 435.6' to the POB, Tulsa County, Oklahoma.

**Case No. 1184**

**Action Requested:**

Variance of the required setback from an abutting R District from 75' to 10' - **Section 910. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located NE/c 45th West Avenue and West 55th Place.

**Presentation:**

The applicant, **Merle Martindale**, 820 West Skelly Drive, was represented by **W. P. Smith**, of the same address. Mr. Smith informed that Mr. Martindale has a contract to purchase the property if the setback request is approved. He informed that the lot in question abuts residential property to the north, and requested permission to construct a building 10' from that boundary line.

**Comments and Questions:**

In response to Mr. Walker, Mr. Smith stated that some type of office/warehouse use is proposed, but the exact use is not known at this time. He informed that a tilt-up concrete building with a metal roof will be constructed on the lot, and necessary screening will be installed. A plot plan (Exhibit D-1) was submitted.

**Protestants:**

**Lillian Hancock**, 4430 West 55th Street, pointed out that large trucks (Exhibit D-2) are already parked to the north and east of her lot, and the construction of a large building 10' from the south boundary line would cause her property to be completely surrounded.

**Evelyn Reed** stated that she is a member of the nearby church, and voiced a concern that a vacant warehouse would deteriorate the neighborhood. She stated that the church has been at the current location since 1937. Ms. Reed informed that many times the engines of the parked trucks run continually, and the noise interferes with church activities.

Case No. 1184 (continued)

**Fern Gant**, 3514 West 51st Street, stated that she is speaking on behalf of the church. She noted that church services are often interrupted by truck noise, and truck traffic and parking on the narrow streets are a continual problem in the neighborhood.

**Applicant's Rebuttal:**

Mr. Smith noted that the area is predominantly industrial, and asked the Board to approve the application.

**Additional Comments:**

Mr. Tyndall inquired as to the reason for building 10' from the lot line, and Mr. Gardner advised that the corner lot has 50' building setbacks from the centerline of 45th West Avenue and 55th Place, and a 75' setback from the north boundary, which limit construction on the lot.

In response to Mr. Walker, Mr. Smith stated that the building will contain 6000 sq ft of floor space, with the eaves height being approximately 19'. He informed that the building will be finished out after the building is rented.

Mr. Tyndall stated that he is not supportive of the application, because the use of the proposed building is unknown and the neighborhood is opposed to this proposal.

**Board Action:**

On MOTION of TYNDALL, the Board voted 3-0-0 (Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **DENY** a **Variance** of the required setback from an abutting R District from 75' to 10' - **Section 910. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25; finding that approval of the variance request could be detrimental to the abutting residential area; on the following described property:

Lots 18 - 21, Block 4, Opportunity Heights, Tulsa County, Oklahoma.

**Case No. 1185**

**Action Requested:**

Special Exception to permit a golf driving range, miniature golf putting range and accessory parking for 50 cars for a period of three years - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 19, located south of the SW/c of North Garnett Road and East 126th Street North.

Case No. 1185 (continued)

**Presentation:**

The applicant, **Louis Levy**, 5314 South Yale, Suite 310, stated that he is representing the owner of the property in question. He explained that the land is vacant grassland, and the properties to the north, south and east are vacant. Mr. Levy informed that there is a railroad track and a mobile home to the west, and the owners of that property are not opposed to the application. He stated that the residents of the mobile home are the only residents within one-quarter mile of the subject property. Mr. Levy noted that there are several houses farther to the south on Garnett Road. He submitted a plot plan (Exhibit E-1) and explained that a jogging trail will be installed around the perimeter of the property and a small club house will be constructed on the interior. The applicant advised that the proposed parking lot will accommodate approximately 50 automobiles. Mr. Levy requested that the application be approved for three years. Photographs (Exhibit E-3) were submitted.

**Comments and Questions:**

Mr. Walker inquired as to the hours of operation, and Mr. Levy stated that the business will open at 10 a.m. and close at 10 p.m.

Mr. Gardner asked if the lights will be directed in such a way as to light up only the subject property, and the applicant answered in the affirmative.

**Protestants:**

**Ben Hyatt**, 12505 North Garnett Road, stated that he owns and lives on six acres of land across the street from the proposed business (Exhibit E-2). He informed that he has not been contacted by the applicant concerning the driving range, but considers the proposed use to be inappropriate for the area. Mr. Hyatt voiced a concern that the traffic generated by the driving range will cause additional traffic to come on his property when turning around, and will have a negative affect on the value of his land.

**Nan Hyatt**, 12505 North Garnett Road, informed that the area property owners are annoyed by patrons of a bar that is located approximately one mile away, and stated that she is concerned that the new business will also serve alcoholic beverages. Ms. Hyatt remarked that she is opposed to the driving range and related activities, because they will create noise and disrupt the peace and quiet of the neighborhood.



Case No. 1185 (continued)

**Applicant's Rebuttal:**

Mr. Levy informed that he failed to personally contact Mr. Hyatt because of the "no trespassing" sign that was posted on his property. He informed that the proposed business is approximately 1000' from the front door of Mr. Hyatt's home. Mr. Levy stated that the owner of the business would be amenable to a condition of approval that would limit the sale of beverages to those that are non-intoxicating.

**Additional Comments:**

Mr. Tyndall noted that a golf driving range does not customarily generate a great deal of traffic or noise.

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Special Exception** to permit a golf driving range, miniature golf putting range and accessory parking for 50 cars for a period of **three years only - Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 19; per plan submitted; subject to platting; subject to no sale of beer or alcoholic beverages; finding the use, as presented, to be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

Part of Govt Lots 1 and 2 of Section 6, T-21-N, R-14-E, of the IBM, Tulsa, County State of Oklahoma, according to the U. S. Government Survey thereof, described as follows: Commencing at the NE/c of said Lot 1, thence S0°06'14" W along East line of said Lot 1, a distance of 497.03' to the POB, thence continue South 0°06'14" E along said East line, a distance of 411.86', thence N 89°35'03" W a distance of 1575.68' to the east Right-of-way line of the A.T. & S.F. Railroad, thence N31°30'35" E along said right-of-way line, a distance of 481.00', thence S89°34'50" E, a distance of 664.80', thence S89°33'03" E, a distance of 660.00' to the said east line of Lot 1 and POB and the South 411.86' of Government Lot 1 and South 411.86' of Government Lot 2, that is part of the east right-of-way line of the A.T. & S.F. Railroad in Section 6, T-20-N, R-14-E of the IBM, Tulsa County, Oklahoma.

Case No. 1186

Action Requested:

Special Exception to permit a drive-in restaurant in a CS zoned district, a variance of the screening requirement and a variance of the all-weather surface requirement for off-street parking - **Section 710. - PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS, Section 1218.3 Use Conditions and Section 1350.C. DESIGN STANDARDS -** Use Unit 18, located 11290 West 51st Street South.

Presentation:

The applicant, **Jerry Holt**, 3232 South 73rd East Avenue, requested permission to operate a drive-in restaurant on the property in question. He informed that the existing building will be removed and a new building will be constructed at the same location.

Comments and Questions:

In response to Mr. Tyndall, the applicant stated that there will be fluorescent lighting on the front of the building and a security light at the back door.

Mr. Walker stated that he is familiar with the property, and the proposed use is compatible with the surrounding area.

Interested Parties:

Etta Cole stated that she lives next door to the proposed use and is supportive of the application.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Special Exception** to permit a drive-in restaurant in a CS zoned district, a **variance** of the screening requirement for **5 years** only, and a **variance** of the all-weather surface requirement for off-street parking for **5 years** only - **Section 710. - PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS, Section 1218.3 Use Conditions and Section 1350.C. DESIGN STANDARDS -** Unit 18; subject to compliance with all County requirements; finding the use to be compatible with the surrounding area; and finding that the screening and gravel parking will be reviewed in 5 years to determine future compatibility; on the following described property:

Lot 8, Block 2, Buford Colony 2nd Addition, Tulsa County, Oklahoma.

Case No. 1187

Action Requested:

Variance to permit two dwelling units on one lot of record, and a variance of the required frontage on a public street from 30' to 0' - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, Section 207. STREET FRONTAGE REQUIRED** - Use Unit 9, located 20202 South Garnett Road.

Comments and Questions:

Mr. Glenn advised that the applicant has a residence on the property in question; however, the house was constructed prior to the Code requirement for frontage on a public street or dedicated right-of-way. He informed that the private road is not maintained by the County.

Presentation:

The applicant, **Jimmy Carlile**, 20302 South Garnett Road, Bixby, submitted a plot plan (Exhibit F-1) and a copy of the resolution opening the section line (Exhibit F-2). The applicant stated that he has always maintained the private road. Mr. Carlile informed that he owns a 5-acre tract at the above stated location, and requested permission to install a second dwelling unit for his daughter. He added that the mobile home will only be for family use and, since there are several other mobile units in the immediate vicinity, he was not aware that it would not be permitted.

Comments and Questions:

Mr. Walker pointed out that a mobile home is permitted by right in an agricultural district; however, two dwelling units are not permitted on one lot of record. He noted that the 5-acre tract is large enough to support two dwellings, and could be split into two separate lots.

Protestants:

None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record, and a **variance** of the required frontage on a public street from 30' to 0' - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, Section 207. STREET FRONTAGE REQUIRED** - Use Unit 9; per plan submitted; subject to a building permit and Health Department approval; finding that the lot has sufficient land area to support two dwellings;

Case No. 1187 (continued)

and finding that the private road has been maintained by the applicant for many years (section line has been opened, but not accepted by the County for maintenance); on the following described property:

S/2, SE/4, NE/4, NE/4, Section 18, T-16-N, R-14-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:00 p.m.

Date Approved

Sept. 24, 1993

Wayne Albury  
Chairman