

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 188
Thursday, January 18, 1996, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|----------------------------|-----------------------------|----------------------|-------------------------------|
| Alberty Eller Walker | Looney, Chairman Tyndall | Beach Moore | Glenn, Building Inspection |

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, January 12, 1996, at 3:26 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** the **Minutes** of December 19, 1995 (No. 187).

NEW APPLICATIONS

Case No. 1395

Action Requested:

Variance to permit a sexually oriented business in a CH zoned district to be located permanently within 450' of a residential district - **SECTION 750.2.E. LOCATION OF SEXUALLY ORIENTED BUSINESS** - Use Unit 19a, located 1505 New Sapulpa Road.

Presentation:

The applicant, **Sharon Phillips**, 1425 Terrace Drive, informed that a temporary approval of one year was previously granted to her client, and requested that the business in question be permitted to operate permanently at the current location. She explained that the area is in transition to industrial and the residential neighborhood to the south is buffered by 185' of open space. Ms. Phillips informed that the use has been existing for approximately 15 years; however, a variance had never been granted until her client began operation approximately one year ago. She pointed out that the entrance to the club is located toward the expressway and away from the residences, with parking being in front of the building. Ms. Phillips noted that the club

Case No. 1395 (continued)

Comments and Questions:

Mr. Walker stated that he was present at the previous Board meeting and had stated at that time that club patrons were sleeping in their cars on abutting parking lots; however, he has not heard this type of complaint during the last year.

Mr. Alberty inquired as to the club activities that cause the club to be classified as a sexually oriented business, and Ms. Phillips advised that topless dancing occurs at this location.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Variance** to permit a sexually oriented business in a CH zoned district to be located permanently within 450' of a residential district - **SECTION 750.2.E. LOCATION OF SEXUALLY ORIENTED BUSINESS** - Use Unit 19a; per plan submitted; subject to security guard on duty during operating hours, with management closely monitoring the clientele; subject to days and hours of operation being Monday through Saturday, 11 a.m. to 2 a.m., with no Sunday operation; subject to approval being limited to the west 35.4' of existing building; and subject to a privacy fence being maintained on south property line from the west end of motel west to 43rd West Avenue and chain link fence being maintained along 43rd West Avenue; finding there has been a club at this location for many years; finding that the business in question has been operating at the current location for one year without incident or police citations, and has proved compatibility with the area; and finding that approval of the request will not be injurious to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lot 4, Block 6, Suburban Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 1396

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 4428 Tower Road, Sand Springs, Oklahoma.

Case No. 1396 (continued)

The applicant, **Deanna Riner**, 4428 Tower Road, Sand Springs, was represented by **Edward Riner**, 8110 North 122 East Avenue, who informed that his parents reside in a double-wide mobile home on six acres of land, and requested that a single-wide mobile home be permitted temporarily. He stated that his sister is in need of a residence for approximately two years.

Comments and Questions:

Mr. Walker asked Mr. Riner if he has acquired Health Department approval, and he replied that a septic system has been approved and installed.

In reply to Mr. Alberty, Mr. Riner informed that the single-wide mobile unit will be installed approximately 200' to the rear of his parents dwelling.

Mr. Alberty stated that the installation of a second dwelling unit will not increase the density that would be permitted by right.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, 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 - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; subject to Health Department approval and a building permit, and subject to the mobile being tied down and skirted; finding that the mobile unit will be located approximately 200' from the existing dwelling; and finding that the 6-acre tract is large enough to accommodate two dwelling units and density will not be greater than is permitted by the Code; and finding that there are other parcels in the area with more than one dwelling unit; on the following described property:

South 200', north 2110', east 1320', NW/4, less 25' for road, Section 30, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 1397

Action Requested:

Special Exception to permit church use day care and gymnasium on a ten-acre tract in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5, located 6035 West 40th Street.

Case No. 1397 (continued)

Presentation:

The applicant, **Bruce Mason**, 6035 West 40th Street, informed that church use was previously approved at the above stated location in 1973. He stated that additional abutting properties have been acquired and asked that church use be approved on the entire ownership. A plot plan (Exhibit B-1) was submitted.

Comments and Questions:

Mr. Walker asked if a day care is currently in operation, and the applicant answered in the affirmative. He informed that the church is proposing to construct a fellowship hall/gymnasium.

Mr. Beach noted that the site plan does depict the parking areas, but does not reflect the number of parking spaces.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Special Exception** to permit church use, day care and fellowship hall/gymnasium on a ten-acre tract in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED II THE AGRICULTURE DISTRICTS** - Use Unit 5; per plan submitted, subject to review and approval of such plan by the County Building Inspector; finding that the church is existing and expansion onto adjacent land will not be detrimental to the area; on the following described property:

SW/4, SE/4, SW/4, Section 20, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1398

Action Requested:

Variance of the required 30' of frontage on a public street or dedicated right-of-way to permit a lot split - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6 and 9, located northwest of northwest corner 129th West Avenue and Keystone Expressway

Case No. 1398 (continued)

Presentation:

The applicant, **Ronald Wood**, 742 Willow, Sand Springs, Oklahoma, was represented by **Joe Fisher**, 102 East 2nd Street, Sand Springs, Oklahoma, who informed that Mr. Wood owns the lots to the north and south of the subject tract. He stated that the owner of the subject tract has agreed to sell the back half of the property in order that Mr. Wood can join his two properties. Mr. Fisher noted that the lots at this location are approximately 500' in depth. A site plan (Exhibit C-1) was submitted.

Comments and Questions:

After discussion, it was the consensus of the Board that the case should be continued to permit research in order to determine if the applicant is in need of the requested relief.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to **CONTINUE** Case No. 1398 to February 6, 1996.

OTHER BUSINESS

Case No. 1392

Action Requested:

Reconsideration of the County Board of Adjustment decision in Case No. 1392, December 19, 1995 wherein the board upheld the decision of the County Inspector in an appeal from the decision of the County Inspector that the operation of hay rides for sale to the public in an AG zoned district is a Use Unit 20, Commercial Recreation, Intensive and is not permitted, and denied the request for a special exception to permit commercial hay rides in an AG zoned district and denied a variance of the all-weather surface requirement.

Comments and Questions:

Mr. Beach noted that the case has not been properly advertised for a rehearing today; therefore, the Board can only determine whether or not to reconsider the previous action at a future meeting.

Presentation:

The applicant, **Mervin Kraft**, 18308 East 101st Street, Broken Arrow, Oklahoma, was represented by **David Robertson**, who informed that he has listened to the tape of the previous meeting, and noted that the issue may be whether or not the operation in question could be classified as a dude ranch, which is permitted by right in an AG District. He asked that the application be reheard at a future date to allow sufficient time to research this issue.

Comments and Questions:

Mr. Walker noted that the dude ranch concept was addressed in the minutes of the previous meeting.

Mr. Alberty advised that it was Mr. Gardner's opinion that the use did not qualify as a dude ranch; however, the building inspector would make that determination if the applicant made application for a dude ranch. He pointed out that, if an occupancy permit for a dude ranch was denied by the building inspector, the Board could then take action on the issue as to the proper action of the building inspector in denying such request. Mr. Alberty noted that the building inspector visited the site and determined the use to be a commercial recreation operation (hayrides, Halloween activities, etc.) and, after hearing the case, the Board agreed with that determination. He stated that he is not inclined to rehear the case.

Protestants:

Ken Smith, 502 West 6th Street, informed that he is representing **Bill and Debbie McAlister**, as well as other area residents. He urged the Board to deny the request for reconsideration, and pointed out that the owner of the property (George Abdo) is opposed to the application (Exhibit D-1).

Letters of protest was received from George Abdo (Exhibit D-1) and George Moor (Exhibit D-2).

Additional Comments:

Mr. Glenn informed that the applicant has appealed the Board's decision to District Court. He pointed out that this appeal addresses a commercial recreation use, which was the issue before the Board at the previous meeting. Mr. Glenn noted that the previous application did not state that a dude ranch was requested; however, Mr. Kraft could apply for a dude ranch, but would have to meet certain criteria for that use. He pointed out that a dude ranch (vacation resort) is permitted by right in an AG zoned district.

Case No. 1392 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to **DENY** a **Reconsideration** of Case No. 1392; finding that the applicant failed to submit new information that would warrant a rehearing.

There being no further information, the meeting was adjourned at 2:14 p.m.

Date Approved _____

2/6/96



Chairman