

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 192  
Tuesday, May 21, 1996, 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>
Alberty Eller Looney, Chairman Tyndall Walker	None	Huntsinger Gardner	Glenn, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, May 10, 1996, at 1:25 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 **TYNDALL**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** the **Minutes** of April 18, 1996 (No. 191).

**NEW APPLICATIONS**

**Case No. 1417**

**Action Requested:**

Special Exception to the 60' height limit to permit a 250' cellular tower. **SECTION 220.C. HEIGHT EXCEPTIONS** - Use Unit 4, located 14005 North 129th East Avenue.

**Presentation:**

The applicant, **Kevin MacNeil**, represented by Wanda Anderson, Sprint Spectrum, L.P., 10830 E. 45th St., Suite 302, submitted a site plan (Exhibit A-1), access easement detail (Exhibit A-2) and a surveyor's certificate (Exhibit A-3). Ms. Anderson stated the tower height has been amended to 185' and with the antennas the total height will be 198'. She further stated there will be an equipment cabinet that measures 6' wide, 5' in height and 40" deep on a concrete slab with the tower.

Case No. 1417 (continued)

**Comments and Questions:**

Mr. Walker asked Mr. Glenn, Building Inspector, if there were any problems with this application? He responded negatively.

Mr. Gardner pointed out that this is a guyed-tower with three (3) guy-lines needed to support it.

**Board Action:**

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Looney no "absent") to **APPROVE** a **Special Exception** to the 60' height limit to permit a 185' cellular tower. **SECTION 220.C. HEIGHT EXCEPTIONS** - Use Unit 4; per plan submitted, subject to modified tower height of 185', (a total of 198' with antennas); finding this request will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Commencing at the SW/c SW/4, SW/4, Sec. 28, T-22-N, R-14-E of the I.M., Tulsa County, Oklahoma, thence N1°27'35"W for 793.07'; thence N88°32'25"E for 322.91' to POB; thence N1°27'35"W for 480.00'; thence N88°32'25"E for 480.00'; thence S1°27'35"E for 480.00'; thence S88°32'25"W for 480.00' to POB.

Mr. Alberty in at 1:34 p.m.

Mr. Looney in at 1:36 p.m.

**Case No. 1418**

**Action Requested:**

Special Exception to permit a manufactured home in an RS district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS.** A Variance to permit 2 dwelling units per lot of record. **SECTION 208. ONE SINGE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 5415 South 113th West Avenue

**Presentation:**

The applicant, **R.W. Davis**, 5411 South 113th West Ave, Sand Springs, submitted a site plan (Exhibit B-1) and a building permit application (Exhibit B-2). Mr. Davis stated he had a perk test and installed the septic tank, but when he attempted to install the electricity he was informed he needed a building permit to install the mobile home. He further stated there are several mobile homes in the area, including a mobile home park across the street from his land and submitted photographs (Exhibit B-3).

Case No. 1418 (continued)

**Comments and Questions:**

Mr. Walker asked the applicant if there was an existing home on the land? He answered affirmatively. He stated his daughter moved her mobile home on the property after her husband joined the Marines. Mr. Davis stated he didn't realize you had to have permission to do this. He further stated the blue mobile home with the skirting belongs to his daughter (See Exhibit B-3).

Mr. Walker stated he is familiar with the area and this request would not be an inappropriate use.

Mr. Gardner stated the property to the south is zoned IL and that is unique that this property abuts an industrial zone. He further stated in an RS district the requirement is 6900 SF per dwelling and this total tract is 300' x 274', which more than meets the land area requirement.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit a manufactured home in an RS district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS.** A **Variance** to permit 2 dwelling units per lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; per plan submitted, subject to Health Department approval and a building permit; finding that mobile homes are very common in this area; finding that there is ample land area for the two dwelling units per lot of record; finding the land abuts an IL zoned area, and the literal enforcement of the terms of the Code would result in unnecessary hardship; finding the approval of this request will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental the public welfare on the following described property:

Lot 3, Block 6 and N 37' Lot 4, Block 6, Buford Colony 2nd, Tulsa County, Oklahoma.

**Case No. 1419**

**Action Requested:**

Use Variance to permit an existing kennel in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 15, located 4009 West 41st Street.

**Presentation:**

The applicant, **Doris Garbey Jenkins**, 4009 West 41st Street, submitted a site plan (Exhibit C-1), County Inspector letter (Exhibit C-2), Animal Care Inspection form (Exhibit C-3) and photographs (Exhibit C-4). Ms. Jenkins stated she was born on this property 65 years ago and has always raised and sold animals. She further stated in 1988 when she started the kennel she called the City and County and asked if there were any rules or regulations on kennels or dogs. She informed the Board that in February 1995 was the first time she was aware that her property was RS zoned. She stated she informed the Board (filed this application) that she had a kennel when she realized she was zoned RS. She further stated she is licensed through the USDA and in compliance with the sanitation, health and well being of the dogs, puppies and facilities. She explained the kennel is inspected twice a year by both USDA and the AKC. She requested the approval of this request.

**Comments and Questions:**

Mr. Walker asked the applicant for the date that she installed the kennel. She responded approximately 1988.

In response to Mr. Looney, she responded she has 24 breeding females and 5 males that are pugs and dachshunds. She stated she does not do commercial boarding, this is a private kennel for breeding.

In response to Mr. Tyndall, she stated she recently moved a building in on skids to house the dachshunds to protect them from the cold and hot weather. She further stated her dachshunds and pugs are kept under heat and air-conditioning year around and that is the purpose for the new building, not to expand the number of dogs housed at the kennel.

Mr. Looney ask the applicant for the date of the last expansion? She replied the last pen built was approximately 1992 or 1993. She stated the kennel that the dogs are housed in was her grandmother's house, which was built 55 years ago. She explained the house was converted for the dogs kennel.

In response to Mr. Looney, she stated a few of her neighbors commented the dogs bark and one stated he didn't want a business in the area because of the zoning. The neighbor was concerned other kennels will move in. She further explained she could install a 6' privacy fence to control the barking.

In response to Mr. Looney, she responded she has 24 females, 5 males and then puppies periodically that are sold out of state. She explained the USDA inspected her in January 1996 and she had 29 adult dogs and 16 puppies and this varies from time to time. She further explained the puppies are sold when they are eight (8) weeks of age.

Case No. 1419 (continued)

Mr. Walker commented he has traveled the road this kennel is located on frequently and has never noticed the kennel.

Mr. Looney asked the applicant if she indicated the possibility of installing a screening fence? She answered affirmatively and stated she could install a privacy fence.

In response to Mr. Alberty, she stated 30 dogs would be a reasonable limit for her kennel. She further stated the limit of 30 dogs is all she could take care of in her small kennel.

**Protestants:**

None.

**Additional Comments:**

Mr. Alberty asked Mr. Glenn how he became alerted to the kennel? He stated there was a complaint. He suggested if the Board is inclined to approve this request to limit the number of dogs and subject to no further expansion. He explained she is over the 750' SF for accessory buildings allowed in this zone.

Mr. Alberty stated Ms. Jenkins is running a very clean kennel.

Mr. Glenn stated one of the items of the complaint was the noise at the kennel and a concern about odor, however, he did not see a problem with odor at this time. He commented it was the cleanest kennel he had seen.

In response to Mr. Looney, the applicant stated she has never had an odor problem other than the dogs when they are wet do smell. She explained the waste from the kennel goes in the septic system and she uses a lot of disinfectant, clorox, spray and dips the dogs periodically.

Case No. 1419 (continued)

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a Use **Variance** to permit an existing kennel in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 15; per plan submitted, subject to the existing kennel operation only, including all existing buildings; subject to no further expansion; subject to limiting the number of dogs to 29 adult dogs, subject to the portable building receiving an electrical inspection and tied down; subject to a 6' screening fence encompassing the entire kennel area being installed; finding that the property has been used for many years to raise and sell puppies and has been used as a kennel since 1988; finding that the granting of this request as conditioned will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the Code, or the Comprehensive Plan on the following described property:

Beg. SW/c, SE Th. N 360', E 150', S 360', W 150', less W 25 and S 24.75', E 125' for Rd., Sec. 21, T-19-N, R-12-E, Tulsa County, Oklahoma.

**Case No. 1420**

**Action Requested:**

Special Exception to permit a bar/tavern in an IL and IM zoned district. **SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 19a, located 5920 West 51st Street.

**Presentation:**

The applicant, **Alfred Gebhardt**, 5920 West 51st Street, representing the Junior Raceway Park, submitted a site plan (Exhibit D-1), Letter explaining request (Exhibit D-2) and a building permit application (Exhibit D-3). Mr. Gebhardt stated he is requesting a liquor license for his private club and the concession stands at the park. He explained he would like to sell beer at the concession stand and liquor in his private club.

**Comments and Questions:**

Mr. Looney asked the applicant if the grand stand concessions is where he intends to sell beer? He answered affirmatively.

Mr. Looney asked the applicant what his hours of operation would be? He stated during the day from 9:00 a.m. to 5:00 p.m. He further explained the club meetings will be held periodically in the club house from 5:00 p.m. to 9:00 p.m.

Case No. 1420 (continued)

In response to Mr. Looney, he stated the races are held on Sunday only and the club meetings can be anytime during the week.

In response to Mr. Walker, he responded there is no set schedule for the meetings at this time.

Mr. Glenn explained to the Board that the raceway has already received the zoning and has a right to be there, the only issue today is for a liquor license. He further explained the liquor will be in the club house, which is a private club. He stated the beer will be in the concession stands and the club house.

Mr. Gardner stated the zoning code allows outdoor recreational uses as a matter of right in the industrial district, but commercial uses are not allowed as a matter of right in an industrial district.

**Protestants:**

C.R. Johnson, 5703 West 51st Street, he stated he is speaking on behalf of his adjoining neighbor and Mr. Fulton who also lives in the area. He further stated he protests this application for the construction and operation of a bar and tavern. He explained it was the neighbors understanding from the beginning that this race track was built and designed for driver's school and training for pre-teens, teens and adults with some competition races. He further explained it was identified as an Junior Indy type car, however, motorcycles and mini-stock cars have been observed running. He stated the neighbors are opposed to alcohol being sold to/or in the presence of this age group as well as the adults who wish to occupy the bar and then proceed to drive, especially if this tavern is opened to the public six (6) days a week. He requested the application be denied.

Randy Fulton, 4801 South 57th West Avenue, he stated when the sign for the race track was posted he asked Mr. Gebhardt if the cars were going to be loud and Mr. Gebhardt stated they would be as loud as a running lawnmower. He explained it is louder than his lawnmower. He stated the purpose of a driving school was to learn how to drive, not to drink and drive.

**Applicant's Rebuttal:**

Mr. Gebhardt stated the race track was started in May of 1995. He further stated that the neighbors are misinformed. He explained the teens will not be coming in to drink and drive. He further explained that they, as much as anyone else, want to separate the teens from the adults and any alcohol. He stated any racetrack you go to today sells beer and adults expect beer to be available. He commented the driving school is not going on during the races when beer would be sold. He further commented the teens are totally separated from the races and the driving school is held during the week. He indicated the adult races are held on weekends.

**Additional Comments:**

Mr. Looney asked the Staff if the Board is to determine if the applicant can sell beer in the concession stands that are located in the IM district? Mr. Gardner stated the building inspector would have to interpret the code that concession stands are considered a customary accessory use and also conclude that serving the beer is an accessory use.

Mr. Glenn responded that concessions are a permitted accessory use to a race tract and the applicant can serve beer in the concession stands.

Mr. Looney asked Mr. Glenn if based on that finding is the Board only to consider the liquor and beer sales in the club house? He answered affirmatively.

Mr. Glenn asked the applicant if the club house would be opened to the public? He stated it would not be opened to the public, it is a private club for members only.

Mr. Tyndall asked the applicant what type of club it would be? He stated it would be a motor sports club with meetings in the evening. He further stated the club will consist of car clubs and racing fans.

Mr. Looney asked the applicant if 5:00 p.m. to 9:00 p.m. is the normal hours. He further stated he would request the hours of 5:00 p.m. to 9:00 p.m. for the operating hours.

Mr. Tyndall asked the applicant to define how the members become club members? He stated the members have to belong to his motor sports club in order to enter the club house. He stated he will not rent the club house out to other clubs such as the Thunderbird Club or the Corvette Club for dinners.

In response to Mr. Tyndall, the applicant stated the club house is 14,000 SF and the club itself is 2,500 SF.

In response to Mr. Tyndall, the applicant stated there will not be any signs or lights outside advertising the club or the sales of liquor.

In response to Mr. Walker, he responded at this time there are no members in the club because it is not opened yet. His goal is to have 100 to 200 members and the maximum members present at one time would be about 50 people.

In response to Mr. Looney, Mr. Gebhardt explained the private club is built within the club house. He further explained the club house building includes manufacturing facilities, race car storage, lunch room for the mechanics, rest rooms, offices and a school room for the students.



Case No. 1420 (continued)

In response to Mr. Walker, he stated the meetings would be held once a month.

Mr. Gardner informed the Board that to serve liquor under State requirements you must post notices to restrict minors from the area.

Mr. Walker commented if 50 people meet once a month and the race park can sell beer on the premises by right, he didn't see any problem with the club.

Mr. Alberty commented the race track is there by right and this is certainly incidental and accessory to the principal use.

Mr. Tyndall stated as long as the club was private and for members only, he didn't have any problems with this request.

Mr. Looney stated the Board has an opportunity to restrict the club, to serve liquor which will protect the neighborhood.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit a private club in an IL and IM zoned district. **SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 19a; per plan submitted; subject to the hours of 5:00 p.m. to 9:00 p.m. for a club meeting; subject to no advertising of liquor sales; subject to State and Federal laws restricting minors presence in the private club room; subject to the private club area being limited to 2500 SF; subject to it being a private club for members only; subject to the use of the private club once a month for club meetings; finding the approval of this request will not be injurious to the neighborhood or otherwise detrimental to the public welfare; finding the approval of this request will be in harmony with the spirit and intent of the Code on the following described property:

NW NE & NE NW less S 1295.25' W/2 W/2 NE NW and less Beg. NE/c NW NE Th. W 1073.63' S 80' SE 590' S 125' SE 214.35' NE 310' N 330' POB for Hwy. and less Beg. 1073.63' W NE/c NW NE Th. W 1566.37' S 24.75' E 1320' S 10.25' E 246.37' N 35 POB, Sec. 32, T-19-N, R-12-E, Tulsa County, Oklahoma.

**Additional Comments:**

Mr. Gardner stated for the benefit of the interested parties on this application, the race park must abide by these conditions and it is usually the neighborhood who informs the building inspector if there are violations.

**Case No. 1422**

**Action Requested:**

Special Exception to permit a 100' supporting tower for a cellular antenna. **SECTION 220. HEIGHT EXCEPTIONS** - Use Unit 4, located 8801 West 41st Street South.

**Presentation:**

The applicant, **Wanda L. Anderson/Sprint Spectrum, L.P.**, 10830 East 45th Street, Suite 302, submitted a site plan (Exhibit E-1), site survey (Exhibit E-2), surveyor's certificate (Exhibit E-3), letter of approval from the Sand Springs Board of Adjustment (Exhibit E-4) and a memo amending the tower height (Exhibit E-5). Ms. Anderson stated this tract is located behind the Corner Stone Community Church in a wooded area. She further stated this will be a monopole tower and a free standing tower measuring 150' in height. She explained there will be an equipment cabinet installed on the 50' x 50' tract.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit a 150' supporting tower for a cellular antenna. **SECTION 220. HEIGHT EXCEPTIONS** - Use Unit 4; per plan submitted, finding that the approval of this request will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

Commencing at the SW/c SE/4, Sec. 24, T-19-N, R-11-E, I.B.M., Tulsa County, Oklahoma, thence N88°44'58"E for 362.30', thence N1°15'02"W for 1733.14' to POB; thence N84°38'37"W for 50.00'; thence N5°21'23"E for 50.00'; thence S84°38'37"E for 50.00'; thence S5°21'23"W for 50.00' to POB and a 20' wide access easement commencing at the SW/c said SE/4; thence N88°44'58"E for 59.46'; thence N1°15'02"W for 50.00' to POB; thence N44°09'07"E for 180.97'; thence N1°59'10"E for 220.61'; thence N24°56'26"E for 169.69'; thence N1°05'56"E for 344.42'; thence N16°28'32"E for 140.74'; thence N4°38'45"W for 113.38'; thence N21°09'44"W for 294.66'; thence N58°00'32"E for 226.87'; thence N10°58'07"E for 37.42'; thence N11°07'03"W for 132.25'; thence N23°06'19"W for 42.28'; thence N84°38'37"W for 26.81' to a point 10' N5°21'23"E of the SE/c said 50' x 50' site.

There being no further business, the meeting was adjourned at 2:24 p.m.

Date approved: June 18, 1996

A handwritten signature in black ink, consisting of several loops and flourishes, positioned above a horizontal line.

Chairman