

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 230
Tuesday, August 17, 1999, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Dillard Looney Tyndall, Chair Walker		Arnold Bruce Stump	West, Zoning Officer Glenn, County Inspector

The notice and agenda of said meeting were posted in the Office of the County Clerk on, Friday, August 13, 1999, at 8:21 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** the Minutes of July 20, 1999 (No. 230).

NEW APPLICATIONS

Case No. 1665

Action Requested:

Variance of the required 30' frontage on a public street to 0' to construct a dwelling.
SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located North & West of NW/c Keystone Expressway & N. 193rd West Avenue.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report. Mr. Bruce mentioned that the Sand Springs Board of Adjustment reviewed the case and recommended approval (Exhibit A-2).

Case No. 1665 (continued)

Presentation:

The applicant, **Terry L. Mills**, 910 North Roosevelt, Sand Springs, OK, submitted a site plan (Exhibit A-1) and stated that they bought this property and had an attorney do a title opinion on the property and said that everything was fine and in order on the property. Mr. Mills went to the Building Inspector's office to get a building permit and was told that he needed this requested variance. Mr. Mills asked the Board to approve his application.

Interested Parties:

The Board is in receipt of a petition of support from nearby neighbors (Exhibit A-3).

Comments and Questions:

Mr. Alberty asked Mr. Mills if he understood the situation with the County in regard to maintenance of the road? Mr. Mills replied that he understood. Mr. Alberty then asked if there was any kind of agreement between the homeowners as far as maintenance? Mr. Mills replied that up to this point everybody has just pitched in. Most of the people in the immediate area are life long friends and go to church together.

MR. LOONEY IN AT 1:40 P.M.

Mr. Walker asked the applicant who developed the area? Mr. Mills replied that it had been George and Agnes Miller. They bought the ten acres north of their property and subdivided it into three separate lots.

Mr. Walker mentioned that he is familiar with the area and the lot is land locked. He feels he can support this application.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Dillard, Looney, Tyndall, Walker "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a **Variance** of the required 30' frontage on a public street to 0' to construct a dwelling, finding that it meets the requirements of Section 1670.3. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6**, subject to the County being held harmless with regards to maintenance responsibility on the road, on the following described property:

W 396' of the S 10 Acres of SE/4 of the NE/4 of Section 2, T-19-N, R-10-E,
Tulsa County, State of Oklahoma.

Case No. 1666

Action Requested:

Special Exception to allow a manufactured home in a RS zoned district for an indefinite period of time. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and a Variance to allow two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, located 7002 West Brady Street.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **Jackie Inglett**, 4224 South Sunburst East, Sand Springs, OK, submitted a site plan (Exhibit B-1) and stated that she would like to move a mobile home onto her son's property. Her son will help her take care of her husband who has cancer.

Comments and Questions:

Mr. Alberty asked Ms. Inglett if there are other mobile homes in the area? Ms. Inglett replied that there are one or two other mobile homes.

Mr. Walker mentioned that he drove through this area and there is a mobile home around the corner from this property. It is across a creek and the creek serves as a natural buffer. The subject property is located next to several really nice homes. He finds it difficult to support this applicant.

Interested Parties:

Brent Hogan, 110 North 70th West Avenue, stated that he bought his home in September. Mr. Hogan submitted photos of the neighborhood (Exhibit B-2). Mr. Hogan also submitted a petition of opposition signed by several of his neighbors (Exhibit B-3). They oppose this application because they feel the mobile home will decrease property values in the area.

Jerry Shoemaker, stated that she lives next door to the property in question. Ms. Shoemaker mentioned that she is opposed to any mobile homes in the area. Ms. Shoemaker volunteered to help the applicant build a room addition onto the existing house but she cannot support a mobile home.

Applicant's Rebuttal:

None.

Comments and Questions:

Mr. Alberty mentioned that he has a problem introducing mobile homes into areas that are mainly stick built homes.

Case No. 1666 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Dillard, Tyndall, Looney, Walker "aye"; no "nays", no "abstentions"; no "absent") to **DENY** a **Special Exception** to allow a manufactured home in a RS zoned district for an indefinite period of time. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **Variance** to allow two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, on the following described property:

All of Block C, Farm Colony Addition, County of Tulsa, State of Oklahoma.

Case No. 1667

Action Requested:

Special Exception to allow one manufactured home on each of three separate lots in the RM district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9**, located 7904-7906-7908 West 18th Street.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report. Mr. Bruce informed the Board that this case had been heard by the Sand Springs Board of Adjustment and they recommended approval (Exhibit C-2).

Presentation:

The applicant, **Marion E. Massey**, 1123 South Delaware Avenue, submitted a site plan (Exhibit C-1) and stated that he came before the Board in 1996 and made application to allow a mobile home on Lots 1 and 2 and had a 14' x 80' mobile home spread across the two lots. Mr. Massey explained that the trailer is over 20 years old and is in bad shape. Mr. Massey would like to remove the existing trailer and the house on Lot 3 and replace them with mobile homes on each of the three lots.

Interested Parties:

None.

Comments and Questions:

Mr. Walker asked Mr. Massey if his property runs up to the large building? Mr. Massey replied that it does.

Mr. Walker asked Mr. Massey to explain what the two story structure is behind the existing house. Mr. Massey replied that it is a storm cellar with a shed built on top of it and it will be torn down also.

Case No. 1667 (continued)

Mr. Walker inquired about the existence of the inoperable vehicles and Mr. Massey explained that they would be removed.

Mr. Walker feels that approval of this application would be an improvement to this industrial area.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Dillard, Looney, Tyndall, Walker "aye"; no "nays", no "abstentions"; "absent") to **APPROVE *Special Exception*** to allow one manufactured home on each of three separate lots in the RM district, finding that the Special Exception 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, **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9**, subject to the applicant receiving a building permit; subject to a sanitation system being approved by the proper authorities; subject to the existing trailer on the property being removed prior to the establishment of the new dwelling units and the removal of any existing inoperable vehicles and subject to the removal of the two-story structure/shed, on the following described property:

Lot 1, 2, & 3, Block 4, Lake Subdivision, less W 5' of Lot 3, Tulsa County, State of Oklahoma.

Case No. 1668

Action Requested:

Special Exception to allow a Community Group Home in an AG District. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT**, located 1616 East 151st Street South.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **Maxine D. Bronner**, 585 West Fairview Street, Tulsa, OK 74106, submitted a site plan and floor plan (Exhibit D-1). Ms. Bronner mentioned that she would like to operate a group home on the subject property.

Comments and Questions:

Mr. Tyndall asked Ms. Bronner if she is asking to allow twelve boys in the home and what the Staff ratio will be? Ms. Bronner replied that she would like to have twelve boys and the State requirement is that they have one Staff person per every twelve children. A social worker will be onsite and a psychiatrist/psychologist will also be available. They will also have an administration department on site.

Mr. Walker asked Ms. Bronner if this facility will be similar to the Tulsa Boys Home? Ms. Bronner replied that it will be similar. These children will be coming from the Department of Human Services. They can also come from any organization where children don't have homes.

Mr. Alberty inquired as to how many resident staff people will be on site 24 hours a day? Ms. Bronner replied that every eight hours there will be a staff change. During the day some other staff people will be available. The administration office will be open during the day. The operator will be there 24 hours a day. Ms. Bronner mentioned that she will live on site.

Mr. Alberty asked the applicant to describe the facility. Ms. Paulette Herd, Keller Williams Realty, informed the Board that the house is approximately 9,000 square feet and has four bedrooms and five bathrooms. The master suite is about 1,200 square feet. Ms. Herd submitted an aerial photo of the grounds (Exhibit D-2).

Ms. Bronner explained to the Board that she has an on ground school for the children. There will be a full curriculum and activity program for the children. The children will stay on site 24 hours a day. The children are allowed to stay in her home until the age of 18.

Mike Parnell, Mother Tucker Ministries, 5332 South Memorial, Tulsa, OK 74145, stated that these kids will not be coming from the juvenile detention system. Most of the kids who will be in the home will come from Mother Tucker Ministries and DHS.

Interested Parties:

The following people spoke in opposition to the case:

Steve Schuller, 100 West 5th Street, Suite 500, Tulsa, OK, 74103, representing **Jim and Debbie Glover**; who live next door to the subject property. They are concerned about the protection of their house and animals. They are also concerned about where the boys will come from and what backgrounds they have.

Case No. 1668 (continued)

Tim Hefner, mentioned that he represents several homeowners in the area and submitted a petition (Exhibit D-4) in opposition of the application. Mr. Hefner and the other homeowners in the area feel that there are too many risks involved in having problem children in an upscale area like this.

Paul Newsome, 1730 East 151st Street, adjacent to the subject property. Mr. Newsome is concerned about the safety of his wife and child. This is not an area for children because of the expensive houses, farm land and ponds that can be hazards for the children. Mr. Newsome submitted photos of his house and the surrounding area (Exhibit D-6).

Morris Monty, 5700 South 107th East Avenue, Tulsa, OK 74146, mentioned that he owns the ten acres due east of the subject property. Mr. Monty is opposed to this application. He is concerned about his property value decreasing. Mr. Monty feels that the community home will cause problems for the community.

Charles E. Creekmore, 1909 East 151st Street, stated that he owns twenty acres directly across the street from the subject property. Mr. Creekmore submitted a letter of opposition from several neighbors (Exhibit D-5). Mr. Creekmore's main concerns are security for the community home and security for the neighbors. He does not believe that the septic system is adequate to handle all the boys and staff that will be in the house.

Dave Hughes, 1416 East 151st Street, Bixby, OK, mentioned that his property is about 100 yards from the proposed community group home. He is opposed to the application.

Ken Daubney, 14802 South Idle A While, Bixby, OK, stated that he owns the property across the street and has several bulls and is concerned about the boys breaking into the bull pen and getting injured. Mr. Daubney is opposed to the application.

Michael Sager, 14500 South Utica, mentioned that he has lived in the area 22 years. Mr. Sager has never had to lock his doors or taken the keys out of the car. He feels he won't be able to do that anymore with the group home moving in down the street. Mr. Sager informed the Board that the City Board of Adjustment denied the same application to be located in the Fairview Mansion located in the City of Tulsa. Mr. Sager feels that the Fairview Mansion is a better location for this type of home. This home has not been brought up to Code to house that many people.

Rosie Hogsdkin, 2290 East 151st Street, stated that she is opposed to the application.

Case No. 1668 (continued)

Diana Whittey, mentioned that she shares the same concerns about this application as her neighbors do. Ms. Whittey commended Ms. Bronner for her work but she does not feel this is a good area for the home.

Bruce Ewing, 1809 East 151st Street, stated that he is a pastor and he believes in what Ms. Bronner is doing. However, he does not think this is an appropriate location due to the various safety concerns.

Kelly Telepharil, 8506 East 109th Street South, stated that he is an administrator for Bixby schools. Mr. Telepharil mentioned that Bixby schools is overpopulated and this group home will only add more children.

Neil Erickson, 14059 South 26th East Avenue, mentioned that he lives about one mile north of this property. Mr. Erickson mentioned that his son is a developmentally disabled child in the Bixby schools. The protestants seem to be scared about the children but shouldn't be. Developmentally disabled children need good loving homes like this one.

Jim Glover, 1724 East 151st Street, mentioned the same fears and concerns as the previous speakers. He does not think this area is suitable for the children.

Oral Austin, 2187 North Vancouver, mentioned that he lives in Gilcrease Hills. In that area is the Francis Willey Group Home. That group home does not affect the community in any way. The children are very well disciplined and the staff is very well trained. Mr. Austin mentioned that he is an ordained minister and works at the Lloyd D. Rader center. At the center he works with juvenile delinquents. The kids that will under Ms. Bronner's direction at the subject group home are not in the same classification as juvenile delinquents. This facility is a positive for the community and should be approved.

Mike Williams, 15832 South Peoria, stated that he is concerned about property values decreasing. There are many problem areas such as a four lane highway, ponds, woods that are tempting for children to trespass onto and get into trouble. Mr. Williams is also concerned about the septic system on the property and whether or not it will be adequate for the number of people.

Applicant's Rebuttal:

Paulette Herd, 8505 East 132nd Street, Bixby, OK, mentioned that she is the realtor for Ms. Bronner. Ms. Herd stated that there is a lot of misinformation floating around. When Ms. Bronner bought the property they never suspected there would be a problem with the use. The children are not juvenile delinquents, they are children who have home problems. They have parents who have drug

Case No. 1668 (continued)

problems or are abusive. Ms. Herd met several of the children and they are all well dressed and well behaved. Ms. Herd submitted an aerial photo of the subject property (Exhibit). Ms. Herd stated that this house and the 13 acres that surround it are the perfect location for the group home.

Ms. Bronner informed the Board that the children are not juvenile delinquents they have emotional problems. She asked the Board to approve her application and to allow the children to be housed in this home.

Comments and Questions:

Mr. Alberty asked Ms. Bronner if she currently operates a home in California? Ms. Bronner replied that she does and she will reside at the home in Tulsa. Ms. Bronner stated that her daughter runs the home in California.

Mr. Alberty asked the applicant if she has been contacted by anyone in the surrounding area in regard to what kind of facility she will be operating? Ms. Bronner replied negatively.

Mr. Alberty stated that this is a highly emotional issue. Mr. Alberty mentioned that he has been a party on both sides of the issue and there is rarely a home of this type opened without some opposition. He indicated that most of the protestants spoke from fear and not knowledge. Mr. Alberty mentioned to the Board that he would support a continuance of the application to allow Ms. Bronner to open the facility and to have a neighborhood meeting and see if a compromise can be made.

Mr. Walker mentioned that he owns property near the Tulsa Boy's Home and Rader. He had been told by both groups that they were just "educational" facilities. He has had problems with vandalism from the people from both facility. Mr. Walker stated that he is opposed to this facility and he understands how the neighbors feel.

Mr. Looney stated that no one on the Board is questioning the integrity of Ms. Bronner and he feels that it is a wonderful ministry. However, he feels that the location of the home is injurious to the neighborhood. Mr. Looney stated that he is opposed to the application.

Mr. Dillard stated that he understands the reason for the neighbors wanting to live in a country setting and the proposed group home would disturb that setting. Mr. Dillard mentioned that he could not approve the application.

Mr. Tyndall mentioned that the proposed group home is not in harmony with the surrounding homes.

Case No. 1668 (continued)

Mr. Alberty informed the Board that he would be abstaining from the vote because he feels the case should be continued to a later date to allow the applicant and protestors a chance to meet and discuss their differences.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-1 (Dillard, Looney, Tyndall, Walker, "aye"; no "nays", Alberty "abstentions"; no "absent") to **DENY Special Exception** to allow a Community Group Home in an AG District. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT**, on the following described property:

E/2, NE/4, NW/4 & E/2, W/2 NE/4 NW/4 Section 19, T-17-N, R-13-E,
Tulsa County, State of Oklahoma.

Case No. 1669

Action Requested:

Special Exception to allow church and related school (K-12) use in an AG and RE District. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICT**, located 8050 North Whirlpool Drive.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report. Mr. Bruce informed the Board that he has spoken with the applicant and the primary uses they would like considered at this time are the church related and school uses.

Presentation:

The applicant, **Steve Berry**, 11710 North Harvard, submitted a site plan (Exhibit E-1) and stated that he is the assistant pastor for the church. Mr. Berry mentioned that this application was approved in 1996 but was never acted upon. The church has now returned with a more detailed site plan and would like it approved.

Interested Parties:

None.

Comments and Questions:

Mr. Alberty asked the applicant if the church is going to maintain ownership of the commercial portion of the site plan or is the church going to sell it off to a developer? Mr. Berry replied that the church is not sure what they want to do with that portion of the property. There has been discussion both ways.

Case No. 1669 (continued)

Mr. Berry explained to the Board that the church would like to have the same approval that they had several years ago. The approval was for church and school use. The number of children in the school would be up to 250.

Mr. Bruce informed the Board that the application includes the land where the proposed commercial and residential uses are. Mr. Alberty suggested deleting those areas from the legal description. Mr. Stump mentioned that the church can leave the areas in the legal description and then when they are ready to proceed with the commercial rezoning, they can break the legal down at that time.

Neil Erickson, Mitchell Architects, stated that he is the architect for the proposed church. Mr. Erickson informed the Board that a plan was submitted to INCOG showing only the church uses.

Mr. Berry reminded the Board that at the previous meeting in 1996, Whirlpool mentioned that they would support the church use if a day care was provided and they were promised 150 spaces.

Mr. Stump stated that if the church is going to operate a commercial day care center, they need additional relief for that and it has not been advertised. Mr. Berry informed the Board that the day care was previously approved by the Board in 1996 without any problem. He explained that the day care is more like a Christian school. Mr. Alberty stated that it is a preschool and not a day care. There will be no infants in the school.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Dillard, Looney, Tyndall, Walker "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to allow church and related school with a mandatory curriculum (Preschool and K-12) use in an AG and RE District, finding that the Special Exception 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. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICT**, in accordance with the submitted concept plan for church and related school activities which includes preschool and K-12, limited to 250 students, subject to all prior approvals and subject to applying for a building permit, on the following described property:

E/2 of the SE/4, Section 28, T-21-N, R-13-E, IBM, less and except Highway 75 on the west and less road to State of Oklahoma on the south and less and except one acre square in the extreme SE/c of the NE/4, SE/4 thereof, Tulsa County, State of Oklahoma.

OTHER BUSINESS

Election of Officers

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Dillard, Looney, Tyndall, Walker "aye"; no "nays", no "abstentions"; no "absent") to **ELECT** *Ron Walker* as Chairman of the County Board of Adjustment

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Dillard, Looney, Tyndall, Walker "aye"; no "nays", no "abstentions"; no "absent") to **ELECT** *Gene Dillard* as Vice Chairman of the County Board of Adjustment

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Dillard, Looney, Tyndall, Walker "aye"; no "nays", no "abstentions"; no "absent") to **ELECT** *Wayne Alberty* as Secretary of the County Board of Adjustment

Discussion Regarding:

Potential Variance to Flood Plain Regulations.

Mr. Larry Glenn, County Building Inspector, submitted to the Board Tulsa County Amended Resolutions Adopting the Flood Plain Management Rules. Mr. Glenn informed the Board that it was approved last Monday at the Board of County Commissioners' Meeting. Mr. Glenn mentioned that the Board of Adjustment is the appeal Board to hear variances for flood plains in the County.

There being no further business, the meeting was adjourned at 4:30 p.m.

Date approved: _____

10/19/99
Ronald L. Walker
Chair