

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 245
Tuesday, October 17, 2000, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty
Tyndall
Walker, Chair
Looney
Dillard

Butler
Fernandez
Stump

West, Zoning

The notice and agenda of said meeting were posted in the Office of the County Clerk on, Friday, October 13, 2000 at 8:25 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **Tyndall**, the Board voted 5-0-0 (Alberty, Dillard, Walker, Looney, Tyndall "aye"; no "nays", no "abstentions"; no "absences") to **APPROVE** the Minutes of August 15, 2000 (No. 243) and September 19, 2000 (No. 244).

UNFINISHED BUSINESS

Case No. 1638

Action Requested:

Special Exception to the uses allowed in the AG District to allow an outdoor soccer field (Use Unit 20 – Commercial Recreation NEC). SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 20; and a Variance to the hard surface parking requirements. SECTION 1320.G. GENERAL REQUIREMENTS, located 2424 W. 91st St. S.

Presentation:

John Crouch, 4512 S. Kingston, stated his parents own the subject property. He would like to put up some low-level lighting around an area they use for soccer training and practice. He submitted a diagram (Exhibit A-1) of the light design. The idea is to give them a little extra practice time when it starts getting dark earlier.

Comments and Questions:

Mr. Alberty asked if he anticipates that games will be played on this field. He replied that his business is called Kick Smart, and they only do private supplemental training to existing associations and teams or individuals for extra skills training. Mr. Alberty asked about parking because there was nothing provided to the Board regarding parking. Mr. Crouch stated that the largest number of kids they have had at a time is 40. He estimated 20 to 30 cars would be the most on the property at a time. He added that they always park on the subject property on the driveway or grassy area, never on the street or any other property. Practices usually involve only one team of 15 at a time.

Protestants:

Jack Nitts, 2212 W. 91st St. S., stated that his property abuts the east boundary of the subject property. He stated he would oppose a change of zoning classification. Mr. Walker made a point of clarification to the protestant that this application is not for a zoning change.

Comments and Questions:

Mr. Tyndall asked about the two structures and driveways on the property. Mr. Crouch responded that one is the main house and the other is a missionary house that is used occasionally by visiting missionaries. Mr. Tyndall asked if lighting would cause a problem for traffic on 91st Street. Mr. Crouch replied that was the reason for the choice of lighting and the way it would be directed on the field. The lights can only illuminate about 100' and will be directed toward the center of the field. Mr. Crouch reminded the Board that this property is his parents' home and they do not want a soccer complex in their yard. Mr. Tyndall asked about restroom facilities. He replied that they use the facilities at the two houses. The house closest to the lake has a garage with restroom facilities, which they use most frequently. Mr. Tyndall asked if Jenks has given approval. Ms. Fernandez replied that she had spoken with Bob Richards and he had asked for more information and sent her a copy of the Comprehensive Plan.

Interested Parties:

Ms. Nitts, 2212 W. 91st St. S., stated that traffic is less than they had anticipated but pointed out that there is only one route in and out of the subject property. She asked the Board if it made any difference for emergency ingress and egress. Mr. Dillard explained that since they are not confined in a building, but free to move about.

Board Action:

On **MOTION** of **Looney**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to the uses allowed in the AG District to allow an outdoor soccer field; and a **Variance** to the hard surface parking requirements, finding hard surface not

Case No. 1638 (continued)

needed for this low-key use, subject to the plan submitted and no commercial use; maximum of 30 cars; for private practice and instruction; and limited to three years, on the following described property:

Beg. 2475' W of the NE/c of Section 22, T-18-N, R-12-E, thence 1320' S, thence 825' W, thence E 1320' N, thence 335.7' E, thence 415' S, thence 153' W, thence 320.65' S, thence 153' E, thence 210.81' NE, thence 178' N, thence 130' NE, thence 362.89' NE, thence 165' E to the point of beginning, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 1772

Action Requested:

Special Exception to permit a mobile home in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Variance to permit two dwellings on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 422 Terrace Dr.

Presentation:

Chair Walker read a letter from the Sand Springs Board of Adjustment, stating they have no objection to this application.

Mona J. Adams, 422 Terrace Dr., Sand Springs, stated she tore down the stick home that was on the property and there is an existing septic system in place. She desires to place a two-bedroom mobile home for her two youngest children to live in. One son has been on disability all his adult life and is unable to work. She stated that she and her husband are getting older and need their children close by to help them. She obtained DEQ approval on the soil percolation test. She added that there are two dwelling units on the lot across the street and on a lot next door, and several mobile homes.

Protestants:

None.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney “aye”; no “nays”; no “abstentions”; no “absences”) to **APPROVE** a **Special Exception** to permit a mobile home in an RS district; and a **Variance** to permit two dwellings on one lot of record, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, subject to DEQ approval, tie-downs, and skirting, on the following described property:

Case No. 1772 (continued)

Lot 3, Block 21, Charles Page Home Acres #2, Tulsa County, State of Oklahoma.

Case No. 1774

Action Requested:

Special Exception for Use Unit 17 to allow an overnight campground for RVs. SECTION 1217. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES – Use Unit 17, located N of NW/c Keystone Exp. & 209th W. Ave.

Presentation:

Barry Hacker, 1115 Renaissance Dr., represented the owner, **Don Bowden, Jr.** Mr. Hacker stated that the property is zoned CS, surrounded by AG on the north and west, commercial to the east, and AG to the south with a residence owned by Mr. Bowden. He stated that Mr. Bowden would like to open a campground for RV's. He indicated that the Sand Springs Board of Adjustment approved the application.

Comments and Questions:

Mr. Tyndall asked if the overnight campground meant one night stays. Mr. Hacker replied that would be the typical stay, it is not intended for a long-term or permanent stay facility.

Protestants:

None.

Board Action:

On **MOTION** of **Alberty**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** for Use Unit 17 to allow an overnight campground for RVs, per plan, finding that it 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:

A tract in the NE/4 SE/4 of Section 3, T-19-N, R-10-E of the IBM, being more particularly described as Beg. 65' W and 705' N of the SE/c NE/4 SE/4, thence W along a line parallel to the S line of the NE/4 SE/4, 433.60', thence N and parallel to the E line of the NE/4 SE/4 466.69', thence E and parallel to the S line of the NE/4 SE/4 498.60' to a point on the E line of the NE/4 SE/4, thence S along said line 236.89', thence W parallel to the S line of the NE/4 SE/4 65', thence S and parallel to the E line of the NE/4 SE/4 229.80' to the POB, Tulsa County, State of Oklahoma

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Case No. 1775

Action Requested:

Variance of Section 208 to permit two dwelling units on one lot of record in an AG district. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6, located 10326 N. New Haven.

Presentation:

Phyllis Chism, 10340 N. New Haven, Sperry, stated she owns five acres and would like to allow her son to move a mobile home on the property. She stated that because of her age and single status she needs his help.

Comments and Questions:

Mr. Tyndall asked where the home would be located on the property. She replied that her mobile is on the northeast section of the first 200' and his would be on the southeast section of the first 200'. Mr. Alberty asked if there are other lots in the subdivision with two dwelling units. She replied that there are six other such lots. Mr. Looney asked if they were all mobile homes. She responded that all of the second dwellings on these lots were mobile homes; some of them have two mobile homes.

Protestants:

None.

Board Action:

On **MOTION** of **Alberty**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Section 208 to permit two dwelling units on one lot of record in an AG district, finding that two units on this size lot is within the Code, and subject to DEQ approval, tie-downs and skirting, on the following described property:

Lot 6, Block 2, Cummings Acres, Tulsa County, State of Oklahoma

Case No. 1776

Action Requested:

Variance of Section 207 to permit 0' street frontage in an AG district. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located E of SE/c 81st W. Ave. & W. 41st.

Presentation:

Darrell Lee, Rt. 2, Wynette, Oklahoma, stated he wants to build a single-family residence on his property. He stated that an easement was provided in 1988, but never recorded.

Case No. 1776 (continued)

Comments and Questions:

Mr. Walker established that the property is across the road from the Tulsa Community College. Mr. Alberty asked if this was the parcel where the National Guard is going to build a facility. Mr. Lee replied that it is not, but his property is on the other side of the fence line to the west. Mr. Alberty asked if the easement amounts to a 275' private driveway. Mr. Lee stated that the drive is already there and is also the driveway for the owner of the property to the north of the subject property. Mr. Dillard asked if the neighbor is going to give the applicant a perpetual easement to use the driveway. Mr. Lee replied in the affirmative. He stated that when he had the deed recorded he got the easement recorded also.

Protestants:

None.

Board Action:

On **MOTION** of **Alberty**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Section 207 to permit 0' street frontage in an AG district, finding there is a 20' access easement filed of record and an existing driveway for access from 41st Street, point of clarification that the County has no maintenance responsibilities for this road, on the following described property:

N 330' S 990' E 640' NW NW, less W 310', Section 30, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

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Case No. 1777

Action Requested:

Variance of Section 208 one single-family dwelling per lot of record to permit two dwelling units in an AG district. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9, located 15610 N. 145th E. Ave.

Presentation:

Richard Rakes, 15610 N. 145th E. Ave., Collinsville, stated he has a five-acre tract and would like to let his son move a mobile home on the property.

Comments and Questions:

Mr. Looney asked what street access is used. Mr. Rakes replied 145th E. Ave., adding that it is a dead end street, and would be the same for the second dwelling.

Protestants:

None.

Case No. 1777 (continued)

Board Action:

On **MOTION** of **Looney**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Section 208 one single-family dwelling per lot of record to permit two dwelling units in an AG district, finding that property is large enough for a lot-split if desired, on the following described property:

A 5 acre tract of land situated in the E/2 of the SE/4 of Section 16, T-22-N, R-14-E, Tulsa County, State of Oklahoma, more particularly described to-wit: Beg. 329.97' S of the NE/c of the SE of the SE; thence W 661.22' thence S 329.98' thence E 661.37' thence N 329.97' to the POB

Case No. 1778

Action Requested:

Special Exception to allow a mobile home in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located W of NW/c of W. 59th St. & S. 33rd W. Ave.

Presentation:

Ms. Fernandez stated that the applicant desires to withdraw this application and requested a refund of fees. Staff recommends a refund of \$75.00.

Board Action:

On **MOTION** of **Looney**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to accept the withdrawal and **APPROVE** a Refund of \$75.00.

Case No. 1779

Action Requested:

Variance of average lot width requirement from 200' to 105' to permit a lot split. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, located 5912 E. 96th St. N.

Presentation:

Thomas Fees, 101 W. 4th St., Owasso, stated he received a portion of land with a 1000' long, 30' strip along the west side of the property for access to E. 96th St. N. He added that when he applied for a building permit and lot split, he was told he had to meet the average lot width requirement.

Comments and Questions:

Mr. Walker asked about the use of the rest of the tract in front. Mr. Fees replied that his father lives there. Mr. Walker asked about the tract in between. Mr. Fees responded that his grandfather lives there in a mobile home.

Protestants:

John Dorfinghouse, Rt. 1 Box 605, Sperry, stated he owns the ten acres immediately adjacent to the east of the subject property. He asked for the planned use of the property and how it is being divided. He indicated he would oppose the subdivision of more than three parcels. He stated that the land does not percolate and wanted to know what type of sewage system would be used. He added that he would be opposed to a lagoon system as it would decrease the value of his property. He pointed out that there are already two lagoons near his property line and he would not want any more to be put in that area.

Applicant's Rebuttal:

Mr. Fees reminded the Board that they have the results of the percolation test and the results were positive. He advised the Board that the front 2.5 acres would remain the same, the middle 4.3 acres would remain the same, and there would not be more than the three dwellings on the property. He added that there would only be the two existing lagoons.

John Dorfinghouse, stressed to the Board that he would be very opposed to another lot split and/or another lagoon near their boundary line. Mr. Alberty advised him that the applicant has made his plans clear, but a new owner could later apply for something else and he would need to protest before the Board again.

Board Action:

On **MOTION** of **Alberty**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of average lot width requirement from 200' to 105' to permit a lot split, finding that the area created meets the zoning code and that the 30' handle is to comply with the zoning ordinance with regard to an ownership handle to a major street, and the applicant's stated intention not to develop the property into four parcels but to maintain only three parcels, on the following described property:

Commencing at the NW/c of the NE/4 of Section 22, T-21-N, R-13-E, thence due E on an assumed bearing, along the N line of the NE/4 a distance of 661.02' to the NW/c of the W/2 E/2 NW/4 NE/4 and the POB, thence continuing due E a distance of 30'; thence S 00°13'11" E a distance of 992.55'; thence N 89°58'32" E a distance of 300.73' to a point on the E line of said W/2 E/2 NW/4 NE/4, thence S 00°13'57" E along said E line a distance of 330.00' to the SE/c of said W/2 E/2 NW/4 NE/4;

Case No. 1779 (continued)

thence S 89°58'32" W a distance of 330.80' to the SW/c thereof; thence N 00°13'11" W a distance of 1322.56' to the POB

Case No. 1780

Action Requested:

Approval of site plan per original approval (CBOA 1484), located E of NE/c E. 171st St. & Yale Ave.

Presentation:

George Schaffer, P.O. Box 300, Leonard, Oklahoma, represented the applicant **Kenneth Durrett**, in his absence. He submitted a site plan (Exhibit F-1) to the Board.

Comments and Questions:

Mr. Looney asked when they plan to start construction. Mr. Schaffer replied they would like to start within the next 60 days. Mr. Looney asked if it is a metal frame building. Mr. Schaffer responded that it is and would be covered with stucco.

Protestants:

None.

Board Action:

On **MOTION** of **Alberty**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the site plan per original approval (CBOA 1484), finding it is consistent with the concept approval, on the following described property:

Lot 1, Block 1, Quad Center and the E/ SW SW of Section 27, T-17-N, R-13-E, Tulsa County, State of Oklahoma.

Case No. 1781

Action Requested:

Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9; and a Special Exception to allow two manufactured dwellings in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, located 6331 W. 22nd St.

Presentation:

Clara Templeton, 6331 W. 22nd St., presented to the Board her request to replace a mobile home by attaching one mobile to another for a live-in nurse. **Mike**

Cutright, 3030 S. 49th W. Ave., stepped in to assist Ms. Templeton with her presentation. He described the connection for the two mobiles as a covered walkway and utilities connected, including the septic system. He added that the septic system has functioned well for two mobiles previously. She is currently staying with a friend and would like to move back into her home as soon as possible. She was unaware of the need to come before the Board, but she is willing to do whatever the Board decides.

Comments and Questions:

Mr. Walker asked if the second mobile home would be attached. Mr. Cutright replied that they would be attached by a covered walkway, and would be connected to the same septic system. Mr. Walker asked why the other mobile home was moved out. Ms. Templeton replied that it "fell in".

Protestants:

Dave Highbarger, 6340 W. Riverview Dr., stated he sent a letter to the Board and asked if it was part of the record. Mr. Walker acknowledged the Board had received the letter. He stated that he has lived there since 1991 and has experienced constant water pressure problems. He added that if the mobiles were used in the future as separate dwellings with larger families, that he would have even more problems with water pressure. He also indicated that there is an odor from the septic system on the subject property in the spring when the ground is damp.

Comments and Questions:

Mr. Walker asked if Mr. Highbarger's septic system works properly. Mr. Highbarger replied that it does and it flows downhill. Mr. Highbarger added that when a house fire occurred on Lot 6, no water would come out of the fire hydrant at 63rd and Riverview Dr. He stated that when another of his neighbors had a house fire, the firemen did not even hook up to the hydrant but took pump trucks to put out the fire.

Protestants:

O.L. Acker, 1039 W. F St., Jenks, stated he owns the property east of the subject property. He stated his concern for the lack of permits obtained for similar situations in this area, and the future problems that could arise from sharing a septic system.

Interested Parties:

Mr. Cutright, stated that the DEQ evaluated the septic system and approved it subject to obtaining a letter from Oklahoma City. He added that she is willing to make arrangements for the mobile to be moved out after her death, or if she moves.

internet and phone service to Owasso and surrounding Rogers County. He described the need for a thousand square foot building. He stated that they are seeking a sufficient size property to be far enough off the street. Mr. Alberty surmised that they were looking for utility use and not residential. Mr. Zablodill affirmed that.

Mr. Alberty asked Mr. Stump if this application requires a Special Exception for utility use or is it a use by right. Mr. Stump replied that in an AG district it is a use by right. Mr. Alberty asked the applicant what type of structure would be constructed. Mr. Zablodill submitted photographs (Exhibit G-2) to the Board. He stated it would be concrete blocks 14' tall and about 32 square feet. Mr. Marr submitted a site plan (Exhibit G-1) to the Board.

Protestants:

Brenda Lawrence, 7702 W. Owasso Expressway, stated that she is a real estate broker, representing the property owners immediately to the north and a family from Pine Brook to the east of the subject property. She stated a PUD, named Coffee Creek, was recently approved with plans for upscale residential housing. This facility would affect five to six lots in this addition, including a new elementary school, church and a strip of commercial property along Highway 169 and south of 106th Street North. She noted that one of the objections would be the noise from the generator.

Applicant's Rebuttal:

Mr. Zablodill, stated that the generator is on the site plan submitted. It is for emergency use in case of loss of power. The generator would be tested 15 minutes per week for maintenance. In addition, barrier walls would be constructed to funnel the noise away from the development, and the generator is placed on the opposite side of the site from the development. He stated that the noise would be almost non-existent.

Comments and Questions:

Mr. Walker asked if the generator is in an enclosed room. Mr. Zablodill replied that it would be an exterior generator. Mr. Walker asked if the wall was all that blocked the noise. Mr. Zablodill responded that the building will block it on the north and the wall would be along the front and side. Mr. Alberty asked if the applicant would consider a stockade style fence instead of the chain-link fence from the east portion of the building to the rear property line primarily to screen the activity from the neighborhood to the north. Mr. Zablodill replied that he could do the stockade style fence and would also want to put the chain-link fence inside where it would not be visible but still allow additional security.

Case No. 1782 (continued)

Board Action:

On **MOTION** of **Alberty**, the Board voted 4-1-0 (Alberty, Tyndall, Dillard, Looney “aye”; Walker “nay”; no “abstentions”; no “absences”) to **APPROVE** a **Variance** of average lot width from 200’ to 145.09’; a **Variance** of average lot width from 200’ to 60’; a **Variance** of lot area from 2 acres to 9,000 square feet; and a **Variance** to land area from 2.2 acres to 10,800 square feet to permit a lot split, per plan, with conditions: for utility use only, northwest side from building line to west property line have a 6’ solid stockade wood fence in addition to the security fence, finding it 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:

A part of SE/4 of Section 16, T-21-N, R-14-E, Tulsa County, State of Oklahoma, and being more particularly described as follows: Beginning at the NE/c of the SE/4; thence W 795.7’ thence S 175’ thence E 795.7’ thence N 157’ to the POB, less the E 40’ for road.

Case No. 1783

Action Requested:

Special Exception to allow a single-family dwelling in an OL zoned district to be used as a model home. SECTION 610. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS – Use Unit 6, located N of NE/c W. 8th St. & S. 176th W. Ave.

Presentation:

Mr. Walker stated that the Board received a letter from the Sand Springs Board of Adjustment, noting they have no objection to the application, and suggest that the OL buffer should probably be changed to a residential district if the model home is sold for residential use.

Robert Sellers, 3204 N. Ridge Ave., Sand Springs, selected the subject property because of the location and visibility from Keystone Expressway. He commented that it abuts a lot to the south that is zoned OL. He pointed out the difference in elevation, the corner lot is much lower than the subject property.

Comments and Questions:

Mr. Alberty informed the applicant that the corner lot is zoned commercial, not OL, but the lot to the east is zoned OL.

Protestants:

None.

Case No. 1783 (continued)

Board Action:

On **MOTION** of **Alberty**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a single-family dwelling in an OL zoned district to be used as a model home, finding that it 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:

Lot 4, Block 2, Wekiwa Hills, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 3:28 p.m.

Date approved: 11/21/00

Wayne Alberty
Chair