

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 252  
Tuesday, May 15, 2001, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

**MEMBERS PRESENT   MEMBERS ABSENT   STAFF PRESENT   OTHERS PRESENT**

Alberty, Chair	Tyndall	Butler	West, Co. Inspec.
Dillard, Vice Chair		Fernandez	
Walker			
Hutson			

The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600, Friday, May 11, 2001 at 8:38 a.m., as well as at the City Clerk's office, City Hall.

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

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**MINUTES:**

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Hutson "aye"; no "nays", no "abstentions"; Dillard, Tyndall "absent") to **APPROVE** the Minutes of April 17, 2001 (No. 251).

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**UNFINISHED BUSINESS**

**Case No. 1830**

**Action Requested:**

Special Exception to construct a 220' self-supporting tower in an AG zoned area within 242' of property zoned RS and OL. SECTION 1204.C.3. & 5. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES – Use Unit 4; and a Special Exception to allow a self-supporting tower of galvanized steel lattice-work structure with three legs, located 6035 W. 40<sup>th</sup> St.

**Presentation:**

**Kevin C. Coutant**, 320 S. Boston, submitted a packet of exhibits including the factors to be considered and photographs. The proposed tower is a self-supporting 220' tower. It would be approximately 300' from the nearest residential structures, forty feet from the nearest residential district to the east, with no existing towers in the vicinity. The surrounding properties would be open church land to the north, pasture

to the east, open church land to the south, and a church to the west. The surrounding topography is flat with minimal tree coverage. The plan includes nine Cellwave antennas near the top of the tower at 217' and provision for collocation of two similar antenna facilities at 197' and 177'. The initial building would be about 12' x 20'. Ingress and egress would be a 25' access and utility easement running south from the site to West 41<sup>st</sup> Street. The tower is necessary to provide coverage in this area of town to avoid unavailability of service. The tract is approximately 2,500 square feet within a parent tract of seven acres and probable development would be a church. The exhibit indicated that landscaping would be per Zoning Code. Mr. Coutant stated that he contacted Mr. Harmon, the owner of the property to the east and Mr. Levy, his attorney. He supplied them with site maps, and answered their questions. He informed the Board that Mr. Levy authorized him to tell the Board they do not object to this application.

**Comments and Questions:**

Mr. Alberty asked if he had a letter from Mr. Levy. Mr. Coutant replied he did not have a letter, that they just discussed this case yesterday and ran out of time for obtaining documentation. Mr. Hutson asked if the same person owned the OL property and PUD. He replied it is the same owner. He also explained that a large gas pipeline runs north on the east side of the property line. He added that there would not be development along that property line because of the pipeline. Mr. Alberty asked why they proposed to locate so far to the east. Mr. Coutant responded that was the church's request, so it would not prevent future use of the property for ball fields, and existing septic tank.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 3-0-0 (Alberty, Walker, Hutson "aye"; no "nays"; no "abstentions"; Tyndall, Dillard "absent") to **APPROVE** a **Special Exception** to construct a 220' self-supporting tower in an AG zoned area within 242' of property zoned RS and OL; and a **Special Exception** to allow a self-supporting tower of galvanized steel lattice-work structure with three legs, contingent on receipt by staff of a letter from the adjoining property owner that they have no objections to the tower, that they understand the height of the tower and the type of construction of the tower, 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:

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

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**Case No. 1837**

**Presentation:**

Ms. Fernandez stated this case was continued from the last meeting for additional information from the applicant. The applicant has withdrawn the application.

**Comments and Questions:**

Mr. Alberty asked Mr. West to investigate this injection well site, with the assistance of the district attorney.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 3-0-0 (Alberty, Walker, Hutson "aye"; no "nays"; no "abstentions"; Tyndall, Dillard "absent") to **Accept** the withdrawal of the applicant.

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**Case No. 1844**

**Action Requested:**

Special Exception to allow church use with related facilities, day care, private school in an AG zoned district. Ms. Fernandez stated the Board required proof of the lagoon permit, further discussion on the school or daycare and whether they were in violation of existing there, and proof from the fire marshal of compliance for the existing structures.

**Presentation:**

**Leonard Pirtle**, stated he is the church pastor. He submitted the fire marshal's inspection list, and letter of approval, the Department of Environmental Quality permit for the lagoon (Exhibits B-1, B-2, B-3). He submitted the water consumption record (Exhibit B-4). He informed the Board that the fire marshal's list for improvements included a sprinkler system expanded to the whole facility, which they had not been required to do eighteen months before when they finished the third phase of construction. They established a time schedule for complying with the fire marshal. Rev. Pirtle stated there is no overflow, no raw sewage escaping at this time. They are in the process of getting bids for Phase II design and construction. He also mentioned the daycare would be closing in two weeks, because they are expanding the school into those rooms. They are planning to meet with the City of Owasso to discuss connection with their sewer system. If this is not possible they will begin construction on the lagoon in July.

**Comments and Questions:**

Mr. Walker asked for the lagoon capacity, to which Mr. Pirtle replied 650,000, the next phase would be another tank of the same size, and it was designed for a third tank, if needed. Mr. Alberty asked if he wanted to exclude the daycare from the request. He replied that they wanted to leave it in so they could add it again in two or three years. Mr. Hutson asked what relief the church has received to be in the AG district. Rev. Pirtle responded that in 1992 the BOA approved church use and nursery school, and

in 1998 application was made for a special exception for church use and accessory uses (Christian school and daycare). Mr. Alberty recalled that the Board asked for more specific information and it was not supplied to the Board and now they are making a new application for more relief. Mr. Pirtle responded that they have more important information to offer also.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 3-0-0 (Alberty, Walker, Hutson "aye"; no "nays"; no "abstentions"; Tyndall, Dillard "absent") to **APPROVE** a **Special Exception** to allow church use with related facilities, day care, private school in an AG zoned district; per the conceptual plan, and with the conditions that future phases for disposal of waste water, run-off, and any new plans must be brought before the Board of Adjustment for approval, to currently refrain from opening the school until facilities for the sewage system are designed, built, and approved, on the following described property:

A tract of land that is part of the SE/4 SW/4 of Section 9, T-21-N, R-14-E, of the IBM, starting at the SW/c of the SE/4 SW/4 of said Section 9; thence N 88°44'40" E along the Sly line of said Section 9 for 390.00'; thence N 01°13'58" W and parallel with the Wly line of the SE/4 SW/4 for 71.42' to the POB of said tract of land; thence continuing N 01°13'58 W and parallel with the Wly line of said SE/4 SW/4 for 1002.52'; thence N 88°44'37" E for 593.73'; thence S 11°12'59" W, parallel with and 100.00' Wly of as measured perpendicular to the Wly right-of-way line of US-169 for 372.31' to the NE/c of Lot 1, Block 1, Owasso Freewill Baptist Church, thence S 88°44'37" W along the Nly line of said Lot 1 for 453.47' to the NW/c of Lot 1; thence S 01°13'58" E along the Wly line of Lot 1 for 633.00' to the SW/c of Lot 1; thence S 83°02'02" W along the Nly right-of-way line of US-169 W exit ramp for 60.30' to the POB of said tract of land; AND a tract of land beg. at the SW/c of the SE/4 SW/4 of said Section; thence N 88°44'40" E and along the S line of said SE/4 SW/4 a distance of 175.93'; thence N 1°15' 20" W a distance of 50.00'; thence N 83°01'52" E a distance of 215.16'; thence N 1°13'58" W a distance of 1002.52'; thence S 88°44'37" W a distance of 390.02' to the W line of the SE/4 SW/4; thence S 1°13'58" E a distance of 1073.93'; to the POB, AND a tract of land beg. at a point 1073.93' N of the SW/c of the SE/4 SW/4 and on the W line of said SE/4 SW/4 thence N 88°44'37" E a distance of 983.75' to a point 100' W of and at a right angle to the W line of US-169; thence N 11°17'16" E a distance of 74.14'; thence N 3°15'37" E a distance of 605.72'; thence N 1°18'03" W a distance of 249.65'; thence S 88°44'37" W a distance of 1046.98' to a point on the W line of said E/2 SW/4; thence S 1°13'58" E a distance of 929.36' to the POB, all being located in Tulsa County, State of Oklahoma.

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**Case No. 1845**

**Action Requested:**

Special Exception to allow a temporary 32' x 80' manufactured building for the intended use for additional classrooms associated with the current church use. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5, located SW/c E. 91<sup>st</sup> St. & Co. line.

**Presentation:**

**Jerry Ledford, Jr.**, 8209 E. 63<sup>rd</sup> Pl., represented the New Heart Fellowship church. They purchased the property from another church and within the last six months have outgrown the space. They need additional classroom space and propose to temporarily use a 32' x 80' manufactured building on Sundays and Wednesdays for a period of two years.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 3-0-0 (Alberty, Walker, Hutson "aye"; no "nays"; no "abstentions"; Tyndall, Dillard "absent") to **APPROVE** a **Special Exception** to allow a temporary 32' x 80' manufactured building for the intended use for additional classrooms associated with the current church use, on a temporary basis for a period of two years, on the following described property:

E 317.5' of the N 343' of the NE/4 of Section 24, T-18-N, R-14-E less and except the N 60' and the E 50' thereof, Tulsa County, State of Oklahoma.

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**Case No. 1847**

Ms. Fernandez stated that the applicant, Ronald Shipman, at 742 N. Willow St., asked to be re-advertised because he supplied the wrong legal description to the Board.

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**Case No. 1848**

**Action Requested:**

Variance to permit greater than one single-family residence on lot. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD; a Special Exception to permit mobile home on RS zoned lot. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9; and a Special Exception to waive time limit. SECTION 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 5760 S. 65<sup>th</sup> W. Ave.

**Presentation:**

**Bronson Watts**, 5760 S. 65<sup>th</sup> W. Ave., stated he proposes to place a mobile home on Lot A of his 5.5 acres for relatives to occupy. He owns all four lots and lives on Lot B.

**Comments and Questions:**

Mr. Alberty asked for the type of sewage system to be used. He replied it would be a septic tank, but they have looked into the possibility of connecting to the City of Tulsa sewer system. It was determined that the request for a special exception to waive a time limit was unnecessary.

**Mr. Dillard arrived at 2:25 p.m.**

Mr. Alberty noted that the property is large enough to subdivide but the owner chooses to keep the land under one ownership.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** to permit greater than one single-family residence on lot; a **Special Exception** to permit mobile home on RS zoned lot as a permanent dwelling, with conditions of DEQ approval, tie-downs, skirting and a building permit, finding the property is large enough to support a second dwelling, and 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 at SE/4 SE/4, Section 31, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Beg. 1290' N and 30' W of the SE/c of section; thence W 1260'; thence S 230' to the N line of the St. Louis and San Francisco Railroad right-of-way; thence NEly along right-of-way approximately 1263.90' to a point 30' W of the E line of the section; thence N 125.2' to the POB and the S 30' of the vacated street adjacent on the N thereof, less the N 100' of the E 200' and S 30' of the vacated street adjacent on the N side of said 100' x 200' tract.

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**Case No. 1849**

**Action Requested:**

Special Exception to construct a 100' monopole wireless telephone transmission tower on property zoned AG. SECTION 1204.3.C. & E. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions, located E. 111<sup>th</sup> St. S. & 145<sup>th</sup> E. Ave.

### Presentation:

**Kevin Coutant**, 320 S. Boston, Ste. 500, stated this application is for a 100' monopole for U.S. Cellular. He submitted a packet of Exhibits (Exhibit C-1). He covered the factors specific to this case. The tower would be of galvanized steel, designed to accommodate three slim line antennas. Initially it would have one antenna and could collocate two more. It would be located approximately 330' from the nearest residential structure, and 525' from a residential district. There are no other towers in the vicinity. To the north and east is open pasture land zoned AG. To the south and west is residential property zoned AG. The topography is flat with partial tree coverage. The building would be 12' x 20' with an aggregate rock exterior. There is a 25' access and utility easement running south from the site to E. 111<sup>th</sup> St. S. The tower is needed to provide cellular service in an area where there is inadequate service available and to provide coverage for the extension of the Creek Expressway. The tract is approximately 2,500 square feet on a 2.5 acres parent tract. The probable development of the parent tract is large lot residential. Landscaping will comply with the Zoning Code.

### Interested Parties:

**Sid Sigler**, 4800 S. Chestnut Ave., Broken Arrow, Oklahoma, stated he lives directly across the street from the site. He met with the Board and homeowners in GreyOaks subdivision and they are opposed to the tower. He met with the Broken Arrow Planning Commission regarding this tower. The site is county land, but the circumference is within the city limits of Broken Arrow. He indicated that they were disappointed that it is proposed for a site zoned AG, which is in their plans for a residential district. He stated there are two cell phone towers within a half-mile to the east-southeast on 145<sup>th</sup> and Aspen. As a homeowner he would prefer to not have this in view of his porch and dining room.

**David Curry**, 2405 W. Austin, Broken Arrow, stated he lives directly north of the site. He expressed his opposition to the application and desire to see the AG land used for residential development. He was concerned that the tower would discourage development.

**Richard McMann**, 5104 S. Chestnut Ave., stated he was concerned that the tower would reduce the value of the homes in the area.

**Preston Stiner**, 4333 S. Chestnut, stated that if it was under the zoning code of the City of Broken Arrow, they would probably not allow at this site because of the potential for residential construction. His concerns were as those previously stated.

**Ann Balis**, 4333 S. Beech Ave., **Neal Lapham**, 2401 W. Austin, were opposed to the application for the reasons stated above.

**Doyle Grote**, 1210 S. Detroit, Regional Project Manager for U.S. Cellular, shared a story of a valuable home that was built near a very high and visible tower. The point was that the desirability of property near a tower is debatable. He reminded the

Board that this is like a street light without the side arm for the light, which would generate no noise and no traffic.

The residents of the GreyOaks subdivision submitted a letter of opposition to the Board. (Exhibit C-2).

**Applicant's Rebuttal:**

Mr. Coutant stated that the PSO transmission line that runs along 111<sup>th</sup> Street is about 70' tall. This tower has about a 500' setback from the front property line and more than that from the neighbors in the subdivision to the north. It does not produce noise, trash or traffic. He was familiar with the Broken Arrow Zoning Code and they allow towers that are shown to be within the guidelines. He indicated that the applicant would be a good neighbor.

**Comments and Questions:**

Mr. Alberty stated that he listens very closely to the objections of interested parties. He expressed that he would have been more responsive to a protest from residents that live on adjoining properties or within the radius of those notified rather than those living far from that radius.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Special Exception** to construct a 100' monopole wireless telephone transmission tower on property zoned AG, 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 of land in part of the E/2 W/2 SW/4 SE/4 SE/4 of Section 28, T-18-N, R-14-E of the IBM Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Commencing at the SE/c of said E/2 W/2 SW/4 SE/4 SE/4; thence N 01°24'18" W, along the E line of said E/2 W/2 SW/4 SE/4 SE/4, a distance of 524.05'; thence S 88°35'11" W, parallel to the S line of said E/2 W/2 SW/4 SE/4 SE/4, a distance of 47.50' to the POB; thence continuing S 88°35'11" W, parallel to the S line of said E/2 W/2 SW/4 SE/4 SE/4 a distance of 50.00'; thence N 01°24'49" W, a distance of 50.00'; thence N 88°35'11" E, parallel to the S line of said E/2 W/2 SW/4 SE/4 SE/4, a distance of 50.00'; thence S 01°24'49" E, a distance of 50.00' to the POB.

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**Case No. 1850**

**Action Requested:**

Variance of Section 207 to permit 0' frontage on a lot for residential purposes from the required 30' to permit new construction on an existing parcel. SECTION 207. STREET FRONTAGE REQUIRED -- Use Unit 6, located 4921 S. 149<sup>th</sup> W. Ave.



**Presentation:**

**John and Kim Mulligan**, P.O. Box 701294, submitted a packet of exhibits (Exhibit D-1). They purchased the property several years ago. They had an attorney and the title company, and they knew nothing about this restriction or they would have dealt with it before purchasing the land. The seller granted roadway access easements from adjacent landowners, and the County gave them a house number. They obtained a detached garage permit from Tulsa County, and still were not informed of restrictions for a house. John Mulligan stated the City of Sand Springs informed them that they have frontage property on 145<sup>th</sup>, but the road does not come through yet.

**Comments and Questions:**

Mr. Alberty verified with Ms. Fernandez that the City of Sand Springs has no objections to this application. Mr. Alberty stated that not only does the applicant have easements file of record but they also access 145<sup>th</sup>, which is an unimproved section line road at this time.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of Section 207 to permit 0' frontage on a lot for residential purposes from the required 30' to permit new construction on an existing parcel, finding easements have been provided that are filed of record, on the following described property:

The S 440.13' N 880.26' SE/4 SE/4 of Section 29, T-19-N, R-11-E of the IBM, Tulsa County, State of Oklahoma.

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**Case No. 1851**

**Action Requested:**

Variance of Section 207. requirement for 30' of frontage for residential purposes to 0' on a land-locked parcel to permit lot-split. SECTION 207. STREET FRONTAGE REQUIRED -- Use Unit 6, located 13924 S. 188<sup>th</sup> E. Ave.

**Presentation:**

**Mike Kerr**, 12822 S. 193<sup>rd</sup> E. Ave., Broken Arrow, stated that the subject property was split off of his father's property. He proposed to build a house, and the County instructed them to go to the Board of Adjustment for a lot-split.

**Comments and Questions:**

Mr. Alberty asked for location of the easement roadway. Mr. Kerr pointed it out on the map and stated that the family wants to keep it a private road. Mr. Dillard asked for

the width of the easement and if it had been surveyed. Mr. Kerr replied that it is a 20' easement and it has been surveyed.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of Section 207. Requirement for 30' of frontage for residential purposes to 0' on a land-locked parcel to permit lot-split, 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:

E/2 S/2 NE/4 SW/4 SE/4 and W/2 S/2 NE/4 SW/4 SE/4, of Section 12, T-17-N, R-14-E, Tulsa County, State of Oklahoma.

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**Case No. 1852**

**Action Requested:**

Variance of setback for an accessory building from the required 85' to 43' from centerline of East 161<sup>st</sup> Street South. SECTION 320. ACCESSORY USES IN AGRICULTURAL DISTRICTS -- Use Unit 6; and a Variance of Major Street and Highway Plan to allow the accessory building in the planned right-of-way in an AG district, located 9805 E. 161<sup>st</sup> St. S.

**Presentation:**

Ms. Fernandez stated that the City of Bixby expressed concern about this structure being permitted in the right-of-way.

**Ken Binkley**, 9805 E. 161<sup>st</sup> St. S., stated that he began building without a permit. He received a notice of violation and stopped building.

**Comments and Questions:**

Mr. Walker asked if the structure was a pole barn style. He replied that it was a pole barn. He submitted four photographs (Exhibit E-1). He described the topography and stated he wanted to place it so he would not have flooding problems. He pointed out that a mobile home and an existing business nearby are closer to the road than his building. He stated that if they widened the road there would be a lot of structures that would have to be moved.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **DENY** a **Variance** of setback for an accessory building from the required 85' to 43' from centerline of East 161<sup>st</sup> Street South; and a **Variance** of Major Street and Highway Plan to allow the accessory building in the planned right-of-way in an AG district, finding a lack of hardship.

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**Case No. 1853**

**Action Requested:**

Special Exception to permit a single-wide mobile home in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9, located 2009 E. 73<sup>rd</sup> St. N.

**Presentation:**

**Bobby Webster**, 2110 E. 73<sup>rd</sup> St. N., proposes to place a mobile home to lease on nine acres.

**Comments and Questions:**

Mr. Alberty asked if there were other mobile homes in the area. He replied that there are two or three.

**Interested Parties:**

**Jeff Kirkham**, 1727 E. 73<sup>rd</sup> St. N., stated that this would be a second mobile home on the property. He questioned how many could be moved in on this property.

**Maxine Eberhart**, 7407 N. Victor, stated that a mobile home would depreciate the value of her home. She asked the application be denied.

**Applicant's Rebuttal:**

Mr. Webster stated that there is another mobile home directly across the street from Ms. Eberhart on Victor. He stated that he is a general contractor and that he upgrades all of his property. He plans to paint and skirt the mobile home.

**Comments and Questions:**

Mr. Walker asked if there is a separate deed on the second home. Mr. Webster replied that there is a separate deed.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **DENY** a **Special Exception** to permit a single-wide mobile home in an RS zoned district, finding that it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare.

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**Case No. 1854**

**Action Requested:**

Variance of Section 208 one single-family dwelling or mobile home per lot of record to permit three dwelling units in an AG district. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD -- Use Unit 6, 9; and a Variance to street frontage required on a public roadway. SECTION 207. STREET FRONTAGE REQUIRED, located 13051 N. Peoria.

**Presentation:**

**Troy Hurd**, 13151 N. Peoria, moved a mobile on parents' property without a permit. He set it where he had one previously. When he went to get utilities he discovered he needed to go before the Board of Adjustment.

**Comments and Questions:**

Mr. Albery asked if it was all family on the lot. Mr. Hurd responded in the affirmative. Mr. Dillard asked the size of the other two mobiles. Mr. Hurd replied that they are 14' x 65'.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 4-0-0 (Albery, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of Section 208 one single-family dwelling or mobile home per lot of record to permit three dwelling units in an AG district; and a **Variance** to street frontage required on a public roadway, with conditions for DEQ approval, building permit, skirting and tie-downs, finding the property is large enough for more than three dwellings, on the following described property:

E/2 Gov't Lot 2, Section 31, T-22-N, R-13-E, Tulsa County, State of Oklahoma.

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**Case No. 1855**

**Action Requested:**

Special Exception to permit fireworks sales from June 25 to July 4, 2001, from 9:00 a.m. to 9:00 p.m. in a CH district for a period of five years. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES -- Use Unit 2; and a Variance of all-weather surface for temporary use. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 5505 W. Skelly Dr.

**Presentation:**

Ms. Fernandez informed the Board that Mr. West pointed out a problem about the case to her before the meeting. Mr. West stated that the State Fire Marshal requires all fireworks stands to be 30' from any structure.

**Jason Marietta**, 2311A W. 4<sup>th</sup>, Pittsburgh, Kansas, with Jakes Fireworks, stated that the buildings are portable and can be moved easily. He would have no problem revising a site plan or whatever is needed to comply with the laws.

**Comments and Questions:**

Mr. Alberty informed the applicant the Board would only be able to approve for one year at a time, if they are inclined to approve the application. State laws dictate the dates and length of time the stands can be open. Mr. Alberty asked if the applicant intends to place the stands temporarily or permanently. He responded they place the stands there temporarily just for the Fourth of July holiday season. Mr. Walker mentioned the request for relief for the parking. Mr. Marietta replied that the parking area is part gravel and part paved.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION of Dillard**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Special Exception** to permit fireworks sales from June 25 to July 4, 2001, from 9:00 a.m. to 9:00 p.m. in a CH district; and a **Variance** of all-weather surface for temporary use, with conditions, that buildings may be set up by June 15, 2001 and removed before August 1, 2001, and placed 30' from the existing structure, finding it is a temporary use and it would 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:

Lots 1, 2, part of 3, 4, and 5, Block 7, Opportunity Heights, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beg. at the NE/c of Lot 3; thence W along the N line of Lot 3, a distance of 21.6' to a point; thence S 36'41" W a distance of 173.3' to a point on the S line of said Lot 5; thence E along the S line of Lot 5, Lot 4 and Lot 3 a distance of 124.60' to the SE/c of said Lot 3; thence N a distance of 139' along the E line of Lot 3 to the POB.

\*.\*.\*.\*.\*.\*.\*.\*.\*.\*.

**Case No. 1856**

**Action Requested:**

Special Exception to permit fireworks sales from June 5 to July 4, 2001, from 9:00 a.m. to 9:00 p.m. in an IM district for a period of one year. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES -- Use Unit 2; and a Variance of

all-weather surface for temporary use. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 6520 Charles Page Blvd.

**Presentation:**

**Jason Marietta**, 2311A W. 4<sup>th</sup>, Pittsburgh, Kansas, stated he proposes to do the same as stated in the previous case but for fewer days. The landowner has approved. The gasoline pumps are over 100' away.

**Comments and Questions:**

Mr. Alberty asked if he would agree to the same conditions as the previous application. He responded in the affirmative.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Dillard**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Special Exception** to permit fireworks sales from June 5 to July 4, 2001, from 9:00 a.m. to 9:00 p.m. in an IM district for a period of one year; and a **Variance** of all-weather surface for temporary use, with condition that buildings may be set up by June 15, 2001 and removed before August 1, 2001, and placed 30' from any existing structure, finding it is a temporary use and it would 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. 279.73' S and 26.46' SW of the NE/c of NE, thence SW along the S line of hwy. 211.05' SE 174.83' NE 59.55' E 81.06' to point 24.75' W of E line of NE, thence N 215.81' to the POB, Section 7, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

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**Case No. 1857**

Mr. Alberty determined that the subject property was outside of the Board's jurisdiction and the case was stricken from the agenda.

**Case No. 1858**

**Action Requested:**

Special Exception to permit a single-wide mobile home in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9, located 6032 S. 59<sup>th</sup> W. Ave.

**Presentation:**

**Wanda Duke**, 6032 S. 59<sup>th</sup> W. Ave., stated that they own the property and they have moved a mobile home onto the land. They are presently living in the mobile home.

They plan to demolish the stick-built home that exists there. They plan to move the mobile home onto the site of the stick-built home.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Special Exception** to permit a single-wide mobile home in an RS district, allowing the two dwellings until the stick-built home is demolished, 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:

Lots 21 through 24, Block 13, New Taneha, Tulsa County, State of Oklahoma.

\*.\*.\*.\*.\*.\*.\*.\*.

**Case No. 1859**

**Action Requested:**

Special Exception to permit a single-wide mobile home in an RE district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9, located 9375 N. Osage Dr.

**Presentation:**

**George Evans**, 9569 N. Osage Dr., stated they have removed an old house, put in a septic tank, and put in a new waterline. They propose to move in a mobile home.

**Comments and Questions:**

Mr. Alberty asked if the septic tank has been approved. Mr. Evans replied that the tank has been approved.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Dillard**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Special Exception** to permit a single-wide mobile home in an RE district, with conditions for DEQ approval, building permit, skirting and tie-downs, 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:

S 133' N 904.68' Gov't Lot 1, Section 23, T-21-N, R-12-E, Tulsa County, State of Oklahoma.

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**Case No. 1860**

**Action Requested:**

Special Exception to permit a single-wide mobile home in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9, located 2620 S. 49<sup>th</sup> W. Ave.

**Presentation:**

**Dolly Million**, 2620 S. 49<sup>th</sup> W. Ave., stated that the subject property belongs to her mother. She stated that the home her mother is living in at the time is structurally unsound. She proposes to move a mobile home on the site of the existing home. She indicated that there is another mobile home on W. 27<sup>th</sup> St., and across the street there is a doublewide mobile home.

**Interested Parties:**

**Oren Brown**, 7800 S. Union, stated he owns the property next door to the subject property. He objects to a mobile home because it would decrease the value of his property. He has invested in rental property in the neighborhood and made improvements. A case map marked by Mr. Brown was submitted for exhibit (Exhibit G-1).

**Comments and Questions:**

Mr. Hutson asked Mr. Brown if he did not think a new mobile home would be an improvement to the existing structure. He stated that it would not be an improvement to a vacant lot. The house in question is on the far north of the property. He stated he would object to any mobile home because they are trying to improve the area.

Sue Bagsby Whitis, 5220 W. 27<sup>th</sup> St., Tulsa, in the Berryhill area, stated that the property is on a dead end road, with houses only. The mobile homes are far from the subject property. She objects to a mobile home in the neighborhood.

**Comments and Questions:**

Mr. Dillard asked the applicant for the size of the mobile home. She stated the mobile would be 16' x 84'. Mr. Hutson asked if the County has condemned the house she is in now. She answered that the County has not condemned the house. She described the flooring as having fallen to the ground, and there is structural damage to the roof.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **DENY** a **Special Exception** to permit a single-wide mobile home in an RS district, finding that it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare.



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**Case No. 1861**

**Action Requested:**

Special Exception to allow a manufactured home in an AG-R zone. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -- Use Unit 9; and a Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 24720 W. 41<sup>st</sup> St. S.

**Presentation:**

**Carl Zickefoose**, 1324 N. Garfield, Sand Springs, stated that his mother owns and lives on the subject property and they would like to move a mobile home on the property as a second dwelling.

**Comments and Questions:**

Mr. Alberty asked if there were other lots with two dwellings in the area. He did not recall any other lots with two dwellings. Mr. Walker noted there are several other mobile homes in the area, and smaller tracts of land along the way.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Special Exception** to allow a manufactured home in an AG-R zone; and a **Variance** to allow two dwelling units on one lot of record, finding the property large enough for two dwellings, on the following described property:

S 440' N 468' E 250' W 500' NE, Section 29, T-19-N, R-10-E, Tulsa County, State of Oklahoma.

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**Case No. 1862**

**Action Requested:**

Tract 1: Variance of lot area from 2 acres to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS -- Use Unit 6; a Variance of land area from 2.2 acres to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of front yard abutting a public street from 85' of required right-of-way to 50'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; Tract 2: Variance of lot area from 2 acres to 1.55 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of the land area from 2.2 acres to 1.55 acres on Tract #2. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 17482 S. 145<sup>th</sup> E. Ave.

**Presentation:**

**Joan Derby**, 4047 E. 43<sup>rd</sup> St., stated she has inherited the property and needs to sell it. It is an odd shaped lot. Mr. Alberty asked for clarification of what she is proposing to do. She asked that her husband respond to questions.

**James Derby**, stated they are selling Tract 1, 1.5 acres. The lot that the house sits on has a different address, 14498 171<sup>st</sup> St. S. has a long panhandle that no one would want.

**Comments and Questions:**

Mr. Alberty asked Ms. Fernandez if 145<sup>th</sup> is statutory right-of-way. She replied that he was correct. The applicants explained that Tract II was AG land and would not be sold.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION of Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of lot area from 2 acres to 1.5 acres; a **Variance** of land area from 2.2 acres to 1.5 acres; **Variance** of front yard abutting a public street from 85' of required right-of-way to 50' on Tract #1; and a **Variance** of lot area from 2 acres to 1.55 acres; a **Variance** of the land area from 2.2 acres to 1.55 acres on Tract #2, with conditions that no structure be built within the setback or right-of-way on Tract II, with existing setback for dwelling on Tract I, finding it would 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:

Tract 1: A one acre tract of land in the SE/4 NE/4 of Section 33, T-17-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, lying immediately W of the E 105' of said NE/4, more particularly described as: From a 4" Brass Disk at the NE/c of said Section 33, go S 0°57'08" E along the E section line of Section 33 a distance of 1780.16' to a PK Nail and 2" Washer, thence S 81°46'29" W a distance of 105' to the POB, thence S 0°57'08" E a distance of 208.71', thence S 81°46'29" W a distance of 208.71', thence N 0°57'08" W a distance of 208.71', thence N 81°46'29" E a distance of 208.71' to the POB, AND a 6.36 tract being described as: from a 4" Brass Disk at the NE/c of said Section 33, go S 0°57'08" E along the E section line of Section 33 a distance of 1780.16' to a PK Nail and 2" Washer, the POB, thence S 0°57'08" E a distance 208.71', thence S 81°46'29" W a distance of 105', thence N 0°57'08" W a distance of 208.71', thence N 81°46'29" E a distance of 105' to the POB; AND Tract 2: 1.55 acre tract of land more particularly described as: from a 4" Brass Disk at the NE/c of said Section 33, go S 0°57'08" E along the E section line of Section 33 a distance of 1988.87' to a PK Nail and 2" Washer, the POB, thence S 0°57'08" E a distance of approximately 652' to the S line of the NE/4 of said Section 33, thence S 81°46'29" W a distance of 105', thence N 0°57'08" W a distance of 208.71', thence N 81°46'29" E a distance of approximately 638', thence N 81°46'29" E a distance of 105.85' to the POB.

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Case No. 1863

Action Requested:

Variance of Section 207 street frontage requirement of 30' to 0' to permit a residential use. SECTION 207. STREET FRONTAGE REQUIRED -- Use Unit 9, located 1768 E. 171<sup>st</sup> St. N.

Presentation:

**Jacqueline Prince**, P.O. Box 3241, Tulsa, stated she purchased 15 acres in Tulsa County. She stated that she needs a variance for utilities for a future residence. She understood when she bought the property that she had a dedicated easement for roadway to her property. She discovered that she needed a County maintained roadway.

Comments and Questions:

Mr. Alberty asked the applicant if she was sure the easement goes to her property, and that she has fifteen acres. She replied in the affirmative to both.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of Section 207 street frontage requirement of 30' to 0' to permit a residential use, finding there is an easement that provide access to the land, on the following described property:

The NE/4 NE/4 SW/4 AND W/2 NW/4 NW/4 SE/4 of Section 7, T-22-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma.

\*.\*.\*.\*.\*.\*.\*.\*.\*.\*.

Case No. 1864

Action Requested:

Variance of the required 30' frontage on a public street to 0'. SECTION 207. STREET FRONTAGE REQUIRED -- Use Unit 6, located E of NE/c E. 66<sup>th</sup> St. N. & 129<sup>th</sup> E. Ave.

Presentation:

**Dale Gifford**, 1424 S. Florence Ave., stated the address for the subject property is 13401 E. 66<sup>th</sup> St. N. He added that there is an existing 20' recorded roadway easement to his property. The Board approved his previous request but the legal description was incorrect.

Interested Parties:

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of the required 30' frontage on a public street to 0', finding the applicant needs to clarify the legal description, on the following described property:

E 331.00' of the E/2 SW/4 SW/4, less and except the S 660.00' thereof, Section 33, T-21-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma.

\*.\*\*\*\*\*.

**Case No. 1865**

**Action Requested:**

Special Exception to permit a mobile home in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9, located 6510 N. Rockford.

**Presentation:**

**Jerry L. Kidd**, 1328 S. Florence Pl., submitted a map to the Board. He proposes to move a mobile home on the property and eventually build a stick-built home. The residence on the property has been burned and the remainder will be removed. There are connections for sewer and the utilities. Mr. Kidd submitted photographs to the Board (Exhibit I-1).

**Interested Parties:**

**Nola J. Robinson**, 6416 N. Rockford Ave., stated that they do not need another mobile home in the neighborhood. She submitted photographs (Exhibit I-2) to the Board. She added that the property is depreciating her own property.

**Comments and Questions:**

Mr. Alberty reminded Ms. Robinson that Mr. Kidd plans to build a permanent structure. He asked if she would mind if the Board approved a mobile home on a temporary basis until he could build. She replied that she would not want to see someone without a home but she would not want another mobile home in the neighborhood.

**Applicant's Rebuttal:**

Mr. Kidd showed more photographs of other lots in the area. He pointed out numerous mobile homes in the neighborhood. He also showed the Board the improvements they have made on the property.

**Board Action:**

On **MOTION** of **Dillard**, the Board voted 3-1-0 (Alberty, Dillard, Hutson "aye"; Walker "nay"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS district for a period of five years, with conditions for DEQ approval, building permit, tie-downs and skirting, on the following described property:

Lots 6, 7, 8, Block 1, Phillips Farms Addition, Tulsa County, State of Oklahoma.

\*.\*.\*.\*.\*.\*.\*.\*.\*.\*.\*.

**Request for Interpretation**

**a. Interpretation of Doublewide Mobile Home with a permanent foundation as a Use Unit #6.**

Mr. West stated that in the last meeting doublewide mobile homes were addressed as being a Use Unit #6. He requested an interpretation from the Board that the minimum width of a doublewide mobile home is 24'. Mr. West stated that this would differentiate from some of the new, wider singlewide mobile homes, which would not be classified as Use Unit #6. He added that they previously also distinguished these as having a 3'12" pitched roof and anchored down to the permanent foundation system, and the chassis and wheels removed from the unit, classifying it as a single-family dwelling U.U. 6, permitting it to be used in an RE and RS zoned districts.

**Board Action:**

On **MOTION** of **Dillard**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** the interpretation of a doublewide on a permanent foundation as a Use Unit 6 to be a minimum of 24' wide, with a 3'12" pitched roof and chassis and wheels removed to be a single-family dwelling U.U. 6, permitted in RE and RS zoned districts.

**b. Interpretation of Modular Homes with a permanent foundation as a Use Unit #6.**

This interpretation remained unchanged from the previous meeting.

There being no further business, the meeting was adjourned at 4:55 p.m.

Date approved: 7/17/01  
Wayne Alberty  
Chair

