

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 259  
Tuesday, December 18, 2001, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Alberty, Chair	Tyndall	Butler	West, Co. Inspect.
Hutson	Dillard, Vice Chair	Fernandez	
Walker			

The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600, Wednesday, December 12, 2001 at 3:20 p.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 3-0-0 (Alberty, Walker, Hutson "aye"; no "nays", no "abstentions"; Dillard, Tyndall "absent") to **APPROVE** the Minutes of November 20, 2001 (No. 258).

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**UNFINISHED BUSINESS**

**Case No. 1917**

**Action Requested:**

***Applicant requested a Reconsideration:***

Variance of lot width from 200' to 165' for lot-split L-19313 (Tract A). SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6; a Variance of lot area from 2 acres to 1.47 acres (Tract B). SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of land area from 2.2 acres to 1.95 acres if roadway dedication is required on 171<sup>st</sup> Street and Yale Avenue (Tract B). SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; OR in the alternative a Variance of Section 208 to allow 2 dwellings on 1 lot. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 4705 E. 171<sup>st</sup> St.

**Presentation:**

Ms. Fernandez informed the Board the applicant requested a continuance for a decision of reconsideration of Case No. 1917 on January 15, 2002.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 3-0-0 (Alberty, Walker, Hutson "aye"; no "nays", no "abstentions"; Dillard, Tyndall "absent") to **CONTINUE** for a decision on reconsideration of Case No. 1917 on January 15, 2002, on the following described property:

Tract A: the E/2 E/2 SW/4 SE/4 SE/4 of Section 28, T-17-N, R-13-E, of the IBM, containing 2.5 acres more or less; Tract B: the S/2 S/2 SE/4 SE/4 SE/4 of Section 28, T-17-N, R-13-E, of the IBM, containing 2.5 acres more or less, all in Tulsa County, State of Oklahoma.

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**Case No. 1919**

**Action Requested:**

Special Exception to construct a 250' monopole cellular transmission tower on property zoned AG. SECTION 1204.C.3.2. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES – Use Unit 4, located Tulsa State Fairgrounds/Expo Square.

**Presentation:**

This case was continued from November 20, 2001.

**Kelly Bahlman**, 320 S. Boston, requested a continuance of Case No. 1919 for Hemphill Corporation to January 15, 2002.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 3-0-0 (Alberty, Walker, Hutson "aye"; no "nays", no "abstentions"; Dillard, Tyndall "absent") to **CONTINUE** Case No. 1919 to January 15, 2002.

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## NEW APPLICATIONS

### Case No. 1920

#### Action Requested:

Special Exception to allow a manufactured home in a RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located 6502 N. Rockford.

#### Presentation:

**Delbert and Sharon Kirk**, 6502 N. Rockford, are the owners of the subject property. Mr. Kirk stated that when they purchased their land they noted there were other mobile homes in the area and one on the property. They discovered after they moved their mobile home on the property that they needed a special exception. There was no record of a special exception of the first mobile on the property. Mrs. Kirk stated a financial hardship. Photographs were submitted (Exhibit A-3) to the Board. They found out the other requirements for a mobile home. They have improved the property and would like to obtain approval of this application.

#### Interested Parties:

**Jerry Kidd**, 6510 N. Rockford, stated he has a doublewide mobile home in the neighborhood. He submitted photographs (Exhibit A-3). He stated that he and his wife obtained a Special Exception limited to five years to have a mobile home and build a stick built home on their property. They opposed a singlewide mobile home indicating it would decrease the value of their property. Mrs. Kidd stated that the previous mobile home and the current one on the subject property were moved in illegally.

#### Comments and Questions:

Mr. Alberty asked if they were opposed to a singlewide. Mr. And Mrs. Kidd replied they would not object to a doublewide or stick built home. Mr. Hutson asked if their application was for a singlewide mobile. Mrs. Kidd responded that it was for a singlewide for a temporary placement. Mr. Kidd stated that because of the one protestor at their hearing, they reconsidered and put in a doublewide on a permanent foundation.

#### Interested Parties:

**Charlene Burdick**, 6513 N. Rockford, stated the applicants have been cleaning up the property. She added that she received no notification that a mobile home was being moved in. She stated that she looked at the property as a prospective buyer. She lives in a mobile home on her own property and plans to build a stick built home.

**Applicant's Rebuttal:**

Mrs. Kirk responded that they bought the property for a daughter-in-law and grandchildren. They would not have purchased it if they had known they could not put a mobile home on the land.

Mr. Alberty noted the area is in transition, recognizing there are several other mobile homes. He also noted the interested parties live in mobile homes. Mr. Alberty stated that if a singlewide for five years for Mr. and Mrs. Kidd was approved, it should be satisfactory for this case. Mr. Walker was in support of a temporary singlewide mobile home. Mr. West was notified that the mobile home was moved in and he contacted the owners.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 3-0-0 (Alberty, Walker, Hutson "aye"; no "nays", no "abstentions"; Dillard, Tyndall "absent") to **APPROVE** a **Special Exception** to allow a manufactured home in a RS zoned district, with conditions for a building permit, DEQ approval for disposal of waste water, skirting, and tie-downs, and a time period of five years, finding 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 9 and 10, Block 1, Phillips Farms, Tulsa County, State of Oklahoma.

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**Case No. 1921**

**Action Requested:**

Special Exception to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6; OR in the alternative: a Variance of the average lot width in an AG district from 200' to 180'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of the land area from 2.2 acres to 2.13 acres for a lot-split. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 11620 N. Yale.

**Presentation:**

**Tracie Poland**, 11620 N. Yale, Sperry, Oklahoma, submitted a site plan (Exhibit B-1). She stated they want to move a mobile home in the back yard. She stated they have extended the lagoon to exceed required size.

**Comments and Questions:**

Mr. Alberty asked if they did not want to split the property. Mrs. Poland stated they were willing to do whatever was needed to make it legal. Mr. Alberty informed her they might not have enough frontage to split the land without a variance.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 3-0-0 (Alberty, Walker, Hutson "aye"; no "nays", no "abstentions"; Dillard, Tyndall "absent") to **APPROVE** a **Special Exception** to allow two dwelling units on one lot of record, with conditions for tie-downs, skirting, DEQ approval, and building permits, finding they would like to keep it under single ownership, and there is not sufficient frontage to do a lot-split, on the following described property:

Part of S/2 NE SE SE of Section 4, T-21-N, R-13-E, Beg. SE/c thence W to SW/c of said parcel, thence N to the NW/c of said parcel, thence E 330.00' to point on N line of said parcel, thence S 300.00', thence E 330', thence S 30.00' to POB AND the S/2 NE/4 SE/4 SE/4 of Section 4, T-21-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma.

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**Case No. 1922**

**Action Requested:**

Variance of Section 330 to reduce minimum lot area from 2 acres to 1.42 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6; and a Variance to reduce minimum land area from 2.2 acres to 1.6 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 1630 E. 163<sup>rd</sup> Pl. S.

Mrs. Fernandez stated that this property is in the Glenpool fence-line, but Glenpool declined to hear the referral case.

**Presentation:**

**Scott Hargis**, 1650 E. 163<sup>rd</sup> Pl. S., introduced himself to the Board.

**Tasha Morgan**, 1650 E. 163<sup>rd</sup> Pl. S., stated that they would like to purchase a portion of property owned by Mr. Hargis' sister. They already maintain the property, use it for cattle and make payments on it.

**Comments and Questions:**

Mr. Alberty confirmed that they want a Variance for the reduction of the subject property. Mr. Hutson asked about access to the subject property. Mr. Hargis stated there is a gate for access. Mr. Hargis submitted a site plan (Exhibit C-1).

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of Walker, the Board voted 3-0-0 (Alberty, Walker, Hutson "aye"; no "nays", no "abstentions"; Dillard, Tyndall "absent") to **APPROVE** a **Variance** of Section 330 to reduce minimum lot area from 2 acres to 1.42 acres; and a **Variance** to reduce minimum land area from 2.2 acres to 1.6 acres, as presented, finding there are other lots of similar size and it would qualify except for the AG zoning, on the following described property:

A part of the SW/4 NE/4 NW/4 of Section 30, T-17-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, now known as Lot 3, Block 1, Faulkenberry Estates, according to the recorded plat thereof being more particularly described as follows, to-wit: Beg. at a point 25' N of the SW/c of said SW/4 NE/4 NW/4 of Section 30, said point also being the SW/c of said Lot 3, Block 1, Faulkenberry Estates, thence N 0°08'48" W along the W line thereof for 233.85', thence N 88°23'22" E for 265.82', thence S 0°41'20" E for 240.71' to the S line of said Lot 3, thence S 89°52'02" W along the S line thereof for 268.01' to the POB.

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**Case No. 1923**

**Action Requested:**

Variance of the required lot width from 200' to 140'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6; a Variance of required lot area from 2.0 to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of required land area from 2.2 acres to 1.6 acres to allow lot-split #19322. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 14022 E. 136<sup>th</sup> St. N.

Mrs. Fernandez stated that the Collinsville plan for this area is low-intensity residential and Collinsville did not want to hear this referral case.

**Presentation:**

**Melvin Flanary**, 14022 E. 136<sup>th</sup> St. N., Collinsville, Oklahoma, stated he wanted to split his property in two tracts.

**Comments and Questions:**

Mr. Alberty asked how they handle their sewage. Mr. Flanary replied that they had a soil percolation test for a separate septic system. Mr. Alberty asked if the house would be stick built. Mr. Flanary replied in the affirmative.

**Interested Parties:**

There were no interested parties who wished to speak.



small, privately owned airstrip running north and south near the visible house. The entire area is undeveloped with numerous trees and few access roads. Mr. Stowe stated the ingress and egress would be by the owner's main entrance and down an existing road on the property. The applicant needs this tower site to provide an acceptable signal along the highway and river where there is no significant signal. The leased area is 50' x 50' and according to INCOG is not included in the Comprehensive Plan. They do not plan to do any landscaping because the ground level of the highway is six to ten feet higher than the site, which is adjacent to the highway right-of-way. Mr. Stowe stated that they would be willing to comply with any requirements. He informed the Board that he spoke with an interested party regarding opposition to the site due to the airport. If the interested party had contacted him sooner he could probably have worked out something.

**Comments and Questions:**

Mr. Alberty confirmed the elevations of the highway, tower and airport with Mr. Stowe. Mr. Alberty asked why the site would be a problem for the airport. Mr. Stowe replied that the interested party was concerned with problems that could be caused by wind shear.

**Interested Parties:**

**Dave Davis**, 601 S. Boulder, Suite 100, stated he was representing Mark Durham. He requested a continuance because there are only three Board members present. Mr. Alberty asked the Board if anyone was inclined to make a motion for a continuance, and no motion was made. Mr. Davis informed the Board that Mr. Durham asked that the location be moved 300' southeast of the current location because it interferes with safety margins in approaches to the landing strip to the west. He submitted a case map (Exhibit D-3) marked for exhibit to the Board. He also submitted a letter from Mr. Durham to Mr. Stowe regarding this problem and offered to pay for a new survey to have the tower moved. He indicated that the applicant has not shown a hardship.

**Comments and Questions:**

Mr. Hutson asked Mr. Davis if the interested party is willing to pay whatever reasonable fees that Cingular Wireless states would accommodate the move. Mr. Davis replied that it depends on what fees it would entail. Mr. Hutson reminded him of the \$5,000.00 mentioned the Cingular has tied up in the project so far. Mr. Davis replied that the applicant would be willing.

**Applicant's Rebuttal:**

Mr. Stowe stated that the \$5,000.00 is an approximate figure. He said there would be additional expenses for such things as more roadway, and utility lines, because the difference in the distance is more like 500'. He pointed out that Mr. Durham has not filed his request with the FAA, or they would have found it during the planning. He further stated they don't even plan to build until next year. He stated he was sympathetic, but he also considers 300' of airspace to be an insignificant distance.



Mr. Alberty noted the elevation differences of the tower and proposed airport. He was troubled that it is a proposed airport, and the letter of request from Mr. Durham was dated just yesterday. Mr. Walker stated his support of the location as presented rather than closer to someone else's property.

**Board Action:**

On **MOTION** of **Walker** to approve, Hutson seconded with an encouragement to the applicant, Cingular Wireless to work out something voluntarily, considering the existing airstrip and proposed strip, and that the interested party is willing to help with the expenses. The Board voted 3-0-0 (Alberty, Walker, Hutson "aye"; no "nays", no "abstentions"; Dillard, Tyndall "absent") to **APPROVE** a **Special Exception** for a 190.00' cell tower in an AG zone, finding all the factors are met as listed in the presentation, and finding 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:

Parent Tract: The NW/4 NE/4 lying S of U.S. Highway No. 64 right-of-way and the SW/4 NE/4 NE/4 NW/4, and the SE/4 NW/4 less the S/2 NE/4 SE/4 NW/4, all in Section 36, T-17-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma; Proposed Lease Site: A lease site lying in a part of the NW/4 NE/4 lying S of U.S. Highway No. 64 right-of-way, all in Section 36, T-17-N, R-14-E of the IBM Tulsa County, State of Oklahoma; said lease site being more particularly described as follows: Commencing at 3/4" iron rod found for the NE/c of said NW/4 NE/4; thence S 01°12'20" E, on the E line of said NW/4 NE/4, a distance of 663.94'; thence S 88°47'40" W, a distance of 573.69' to a 1/2" iron w/cap set for corner and the POB; thence S 42°18'36" W, a distance of 50.00' to a 1/2" iron rod w/cap set for corner; thence N 47°41'24" W, a distance of 50.00' to a 1/2" iron rod w/cap set for corner; thence N 42°18'36" E, a distance of 50.00' to a 1/2" iron rod w/cap set for corner; thence S 47°41'24" E, a distance of 50.00' to the POB; containing an area of 2,500 square feet or, more or less.

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**Case No. 1925**

**Action Requested:**

Variance of average minimum lot width from 200.00' to 165.00' to permit lot-split #19326. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, located 18600 S. Yale.

**Presentation:**

**Danny Myers**, 5626 E. 186<sup>th</sup> St. S., propose to deed land to their children to build on, but they are short on the frontage.

**Comments and Questions:**

Mr. Alberty confirmed that Mr. Myers has a 165' x 660' piece of property that he wants to split in half. Mr. Alberty noted that he does not have a problem with land area.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 3-0-0 (Alberty, Walker, Hutson "aye"; no "nays", no "abstentions"; Dillard, Tyndall "absent") to **APPROVE** a **Variance** of average minimum lot width from 200.00' to 165.00' to permit lot-split #19326, finding it creates the same amount of land area, and it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described:

S/2 NW/4 NW/4 SW/4 Section 3, T-16-N, R-13-E, Tulsa County, State of Oklahoma.

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**Case No. 1927**

**Action Requested:**

Special Exception for the installation of two AM radio towers. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 4, located 2603 E. 56<sup>th</sup> St. N.

**Presentation:**

**Bill LaFortune**, 2900 Mid-Continent Tower, stated he was representing Clear Channel Radio, Inc., with a request to install two radio towers on the site. This is to modify their existing signal for an A.M. radio station. He stated that he and the applicant have met with interested parties regarding their issues with the application. He asked for a continuance of the case in respect to the interested parties and the fact that there are only three Board members present.

**Comments and Questions:**

Mr. Alberty asked the interested parties if they had any objection to the continuance, and they did not.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 3-0-0 (Alberty, Walker, Hutson "aye"; no "nays", no "abstentions"; Dillard, Tyndall "absent") to **CONTINUE** Case No. 1927 to the meeting on January 15, 2002.

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**Item No. 11**

**Action Requested:**

Discussion on Proposed Amendments to Tulsa County Zoning Code.

**Presentation:**

Mrs. Fernandez asked that the amendments be postponed to the meeting on January 15, 2002 before a full Board.

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**Item No. 12**

**Action Requested:**

Approval of meeting dates for the 2002 calendar year.

**Presentation:**

Mrs. Fernandez presented the 2002 meeting schedule for approval. She pointed out that the February meeting would be on Wednesday of the third week. She also pointed out that in May the Room 119 is booked and we will meet in the Aaronson Auditorium on the regularly scheduled date of the third Tuesday of the month.

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There being no further business, the meeting was adjourned at 2:53 p.m.

Date approved: 1/15/02  
Wayne Attebery  
Chair