

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 292  
Tuesday, September 21, 2004, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

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

Charney	Beach	Jordan, Ray
Dillard, Secretary	Butler	County Inspections
Hutson, Vice Chair		
Tyndall		
Walker, Chair		

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Wednesday, September 15, 2004 at 1:52 a.m., as well as in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

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

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**MINUTES**

On **MOTION** of **Dillard**, the Board voted 4-0-1 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; Hutson "abstained"; no "absences") to **APPROVE** the Minutes of August 17, 2004 (No. 291).

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**UNFINISHED BUSINESS**

**Case No. 2119**

**Action Requested:**

Special Exception to permit a fireworks stand for a period of 5 years to be 2005 to 2010, Variance of all-weather surface for parking. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS; SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, W. of SW/c W 8<sup>th</sup> St. and S. 175<sup>th</sup> W. Av.

**Presentation:**

The applicant was not present. The case was moved to the end of the agenda.

LT 2 BLK 4, WEKIWA HILLS

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**Case No. 2120**

**Action Requested:**

Special Exception to permit a fireworks stand for a period of 5 years, Variance of requirement for all-weather parking in an RS district SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS; SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located: 4503 South 49<sup>th</sup> West Avenue.

**Presentation:**

Mr. Beach informed the Board that the applicant called before the meeting to say he was too sick to attend. The case was continued from the last meeting because it was advertised with the wrong legal description.

**Comments and Questions:**

Mr. Charney referred to the staff recommendation being for the July 4<sup>th</sup> season only. Mr. Walker commented that the state law provides for July 4<sup>th</sup> and New Years' seasons.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On Motion of Hutson, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a fireworks stand for a period of 5 years; and a **Variance** of requirement for all-weather parking in an RS district, for fireworks only, per state limitation of days of operation, on the following described property:

W244.4 LT 23 BLK 1, BRIDGES THIRD SUB

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**NEW APPLICATIONS**

**Case No. 2125**

**Action Requested:**

Variance of maximum of 750 square feet of floor area allowed for an accessory building to permit 1,500 square feet on a 5 acre tract in the RS district -- Section 240.2.E -- Permitted Yard Obstructions -- Use Unit 6, located: 2630 South 69<sup>th</sup> Avenue West.

**Presentation:**

**Darran Douglas**, 2630 South 69<sup>th</sup> West Avenue, proposed to put a 30' x 50' metal building on his property. He wants to store his collection of vehicles out of the weather. They are not for sale.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; "absences") to **APPROVE** a **Variance** of maximum of 750 square feet of floor area allowed for an accessory building to permit 1,500 square feet on a 5 acre tract in the RS district, with condition there be no commercial activity, on the following described property:

S1/2 SE NW SE SEC 18-19-12

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**Case No. 2126**

**Action Requested:**

Variance of required 30 feet of frontage on a public street or dedicated right-of-way to 0 feet to permit construction on a 2.32 acre lot in the AG district -- SECTION 207 STREET FRONTAGE REQUIRED, located: 15507 North 91<sup>st</sup> East Avenue.

**Presentation:**

**Bob Jones**, 1215 East 96<sup>th</sup> Street North, Suite 202, Owasso, Oklahoma, for the applicant, James Reynolds, stated the request. He added they have no public road frontage, but they have an easement dedicated to public access.

**Comments and Questions:**

Mr. Walker noted the survey was provided (Exhibit A-1).

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Tyndall**, the Board voted 4-0-1 (Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; Charney "abstained"; no "absences") to **APPROVE** a **Variance** of required 30 feet of frontage on a public street or dedicated right-of-way to 0 feet to permit construction on a 2.32 acre lot in the AG district, as presented, on the following described property:

E326 W3626 S336.7 N673.4 N/2 N/2 LESS W25 THEREOF FOR RD SEC 24 22  
13 2.32AC (TR 27)

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

**Case No. 2127**

**Action Requested:**

Variance of the required 30 feet of frontage on a public street for a lot used for residential purpose to 0 feet -- SECTION 207. Street Frontage Required; Variance of Lot Area from required 2 acres to 1.25 and 1.16 acres; and Variance of Land Area from required 2.1 acres to 1.25 and 1.16 acres to permit a lot split -- SECTION 330. -- Bulk and Area Requirements in the Agriculture Districts -- Use Unit 6, located: 620 South 193<sup>rd</sup> Avenue West.

**Presentation:**

**Cynthia Phillips**, 207 North Main, Sand Springs, Oklahoma, stated she represented the applicant, Freeda B. Peggs. She explained the request is to allow a lot-split. There is a dedicated road easement and a utility easement for the back one acre of property.

**Comments and Questions:**

Mr. Walker noted there are other smaller tracts in the area. The hardship is the unusual depth of the property.

**Interested Parties:**

**Terry Mills**, 19625 West 6<sup>th</sup> Street, submitted a petition of opposition and a map of the area (Exhibit B-2 and 3). Their complaints were concerning a decrease of property value due to a mobile home, being out of character for the neighborhood, and too many people for the limited municipal services. Some of the properties are on well water.

**Tom Guthrie**, 19650 West 6<sup>th</sup> Street South, stated he lives adjacent to the proposed lot-split. He stated the surrounding properties are three to five acre tracts. He pointed out that the access easement is only about 24 feet from his mother-in-laws' back door.

**Kelly Mills**, 19625 West 6<sup>th</sup> Street, thought the property was surrounded by RS zoning, which does not allow mobile homes. She added it is not in character with the neighborhood.

**Comments and Questions:**

Mr. Beach reminded the Board there was no request to approve a mobile home, which is a use by right in the AG district for a period of two years.

**Applicant's Rebuttal:**

Ms. Phillips responded that she did not believe a mobile home was going to be placed on the property. She noted that a number of people in this area have temporarily placed mobile homes on their property while they built a home. She pointed out numerous other properties received approval for one-acre tracts. She

informed the Board there is a municipal water line across the street from the subject property to a commercial nursery on 193<sup>rd</sup> West Avenue. The applicant does not want to decrease the value of her own property. She submitted a photograph (Exhibit B-1).

**Board Action:**

On MOTION of **Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required 30 feet of frontage on a public street for a lot used for residential purpose to 0 feet; a **Variance** of Lot Area from required 2 acres to 1.25 and 1.16 acres; and a **Variance** of Land Area from required 2.1 acres to 1.25 and 1.16 acres to permit a lot split, with condition: no mobile home after two years, on the following described property:

S/2 N/2 NE NE SE SEC 2 19 10

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**Case No. 2128**

**Action Requested:**

Special Exception to allow an outdoor soccer field in an AG district -- SECTION 310. Principal Uses Permitted In The Agriculture Districts -- Use Unit -- 20; Variance of the hard surface parking requirements -- SECTION 1320.G General Requirements located: 2424 West 91<sup>st</sup> Street.

**Presentation:**

**John Crouch**, 404 North Butternut Avenue, Broken Arrow, Oklahoma, stated he represented the owners. He stated they received approval for the outdoor soccer field for three years and he is back to obtain approval for the same. He informed the Board that nothing has changed. The provisions allowed were for: 40 players (the maximum number has been 40-50 at a time); parking limit of 30 cars; parking within the property lines, no on-street parking; practices usually involve one team of 15 at a time (it is probably more likely they have two teams of 30 players at a time). There have been no traffic incidents or congestion caused by the lighting or activity on the subject property. The lights illuminate only to 100 feet and are directed toward the center of the field (Exhibits C-5 and C-6). Restrooms are provided in the two dwellings on the property. He stated they have complied with the parameters set forth by the Board three years ago. He indicated there are two routes of egress.

**Comments and Questions:**

Mr. Tyndall asked if this was the same property they discussed three years ago with no differences. Mr. Crouch stated it is the same with the addition of the low-level, orange cast lights as approved.

**Interested Parties:**

**Guy Nelson**, 2515 West 91<sup>st</sup> Street, stated he lives across the street from the subject property. He complained that the lights are very bright. He was opposed to the commercial environment of the subject property in agricultural zoning. He stated things have changed. The soccer balls land in his pasture and players climb over the fence to retrieve the balls.

**Kendall Pierson**, 2511 West 91<sup>st</sup>, complained about the noise and increased traffic. She argued that the lights are not dim. She described the noise as louder than her television. Ms. Pierson stated that traffic would turn around in her driveway and even in her yard if they missed the turn for the soccer field. She has observed what appeared to be four teams at one time with referees. She added that dump trucks use their road, which was a danger to the children retrieving balls.

**Comments and Questions:**

Mr. Hutson asked the number of nights per week she observes the activities. She replied it was nightly. She added there is traffic all hours of the day to 10:00 p.m.

**Gary A. Edmonds**, 2708 West 91<sup>st</sup>, submitted a training advertising and a letter from the applicant (Exhibits C-1 and C-2). The ad indicated there were fifteen coaches listed and stated the hours were to 10:00 p.m. He submitted photographs showing how the lights on the field light up his whole yard after dark. He stated that the County Inspector had the lights shut off in March of 2004. He submitted two newspaper articles/advertisements (Exhibits C-7, C-8). Mr. Edmonds submitted a calendar of March 2004 marked to show the 26 days of the month there were practices at the subject property. He added they had two rainy days that month. He suggested they need a better entry, as cars swing wide to pull in and out of the property. He complained that soccer balls end up in his carport and reported one instance when it hit a car on the road. He talked to Mr. Crouch about it and they moved practices about 40 feet back. He suggested they need netting to block the balls. Their family and friends have witnessed the boys using the fence line as a bathroom. He stated this is a twelve-month per year operation. He added that the lights would be left on late, and once he went over at 11:00 p.m. to ask them to turn off the lights.

**Glen Strobel**, 2723 West 91<sup>st</sup>, mentioned complaints as listed by the previous interested parties. He mentioned that a soccer ball hit his wife's windshield when she was driving down the road. He indicated the trees and fence were too close to the road. The driveway to the property is too narrow.

**Frank Burr**, 9228 South 27<sup>th</sup> West, added to the other complaints, stating the lights on the field can blind drivers when they come up the hill.

**Applicant's Rebuttal:**

Mr. Crouch responded that his parents are neighbors also on the south. He regretted that he did not know about any instances of balls hitting cars. He stated

he would be willing to put up netting and fencing as needed. He commented that the lights are used from October to March. The evening practices are on Mondays, Tuesdays and Thursdays with an occasional Wednesday or Friday practice and sometimes a Saturday soccer camp. He researched to find other practice soccer fields in the area and all he could find were a couple of baseball fields with lights. Sue Price of Tulsa Parks helped him (Exhibit C-9). He added that half of the teams practice at the Victory Christian School field.

**Board Action:**

On Motion of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions", no "absences") to **DENY** a **Special Exception** to allow an outdoor soccer field in an AG district, finding 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; and a **Variance** of the hard surface parking requirements, on the following described property:

W/2 W/2 W/2 NW NE & E/2 NE NW LESS BEG 2803.5W NEC SEC TH E136.20  
SW362.89 SW130 S178 SW210.81 W153 N320.65 E153 N415 E160.8 POB  
SEC 22 18 12, 20ACS

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**Case No. 2129**

**Action Requested:**

Variance of required side yard from 15 feet to 9 feet-6 inches to permit an addition to a manufactured home. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AG DISTRICT, located: 1510 South 266<sup>th</sup> Avenue West.

**Presentation:**

**Navonda Rhodes**, 1510 South 266<sup>th</sup> West Avenue, stated she started an addition to her mobile home without a permit. She explained this was the only feasible place she could add on to the mobile. When she applied for the building permit she was advised to come before the Board of Adjustment for this relief.

**Interested Parties:**

**Judy Landrith**, P.O. Box 1017, Mannford, Oklahoma, submitted photographs (Exhibit D-1). She stated she lives directly behind the subject property. Ms. Landrith stated the applicant had a lovely place until she began adding accessory buildings making the property appear over-built. An exhibit was provided with a map, photographs and petition (Exhibit D-2).

**Applicant's Rebuttal:**

Ms. Rhodes stated that she was going to build a privacy fence next.

**Comments and Questions:**

Mr. Charney asked how many accessory buildings are on the property. Mr. Beach responded that there is no restriction to the number of accessory buildings, livability space, or land coverage. Ms. Rhodes stated she has two buildings and a lean-to. Mr. Tyndall asked if it was to be an addition to the house with a covered foundation, enclosed, roof, and plumbing. Ms. Rhodes replied that it would be connected. Mr. Walker asked for the hardship. No hardship regarding the land could be offered.

**Board Action:**

On **Motion** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of required side yard from 15 feet to 9 feet-6 inches to permit an addition to a manufactured home, finding lack of a hardship, on the following described property:

LT 4 BLK 4, KEYSTONE MANOR SUBURBAN ACRES II

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**Case No. 2119**

**Action Requested:**

Special Exception to permit a fireworks stand for a period of 5 years to be 2005 to 2010, Variance of all-weather surface for parking. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS; SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, W. of SW/c W 8<sup>th</sup> St. and S. 175<sup>th</sup> W. Av.

**Presentation:**

The applicant, **Phillipe Shannon**, was not present. Mr. Beach reminded the Board that this case was continued from the August hearing.

**Comments and Questions:**

The Board discussed the application.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a fireworks stand for a period of 5 years to be 2005 to 2010; and a **Variance** of all-weather surface for parking, with conditions: for fireworks sales only and by state limitations of days of operation per year, 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:

LT 2 BLK 4, WEKIWA HILLS

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**OTHER BUSINESS**

**Election of Officers:**

On **Motion of Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the standing slate of officers for 2004-2005.

There being no further business, the meeting was adjourned at 3:25 p.m.

Date approved: \_\_\_\_\_

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Chair