

COUNTY BOARD OF ADJUSTMENT
Meeting No. 74
Tuesday, July 15, 1986, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Looney Tyndall Walker	Wines	Gardner Jones Moore	Edwards, Building Inspector

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Monday, July 14, 1986 at 10:50 p.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:37 p.m.

MINUTES:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE the Minutes of June 17, 1986 (No. 73).

UNFINISHED BUSINESS

Case No. 658

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential District - Use Unit 1220 - Request a use variance to allow for a water recreation facility and other outdoor commercial recreational uses in an RS zoned district, located 1/2 mile south of the SE/c of Garnett and 141st Street.

Presentation:

The applicant, Larry Colt, 14503 South Garnett, Broken Arrow, Oklahoma, was not present.

Comments and Questions:

Mr. Jones stated that the water recreation facility was approved in concept at an earlier meeting, but Mr. Colt was required to submit detail plans for review. He informed that the applicant has not met with Staff or Mr. Edwards since the concept was approved.

Case No. 658 (continued)

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **CONTINUE** Case No. 658 until August 19, 1986 to allow the applicant sufficient time to submit detail plans for the recreation facility.

Case No. 663

Action Requested:

Appeal - Section 1650 - Appeals from the County Inspector - Use Unit 1227 - Request an appeal from the decision of the Building Inspector to allow a nonconforming auto salvage to continue in an RS District.

In The Alternative

Use Variance - Section 410 - Bulk and Area Requirements in Residential Districts - Use Unit 1227 - Request a use variance to allow an auto salvage in an RS District, located west of the SW/c of 57th Street South and 107th West Avenue.

Comments and Questions:

Mr. Jones informed that no record has been found of a state license being issued for the operation of a salvage business on the subject tract. He submitted a Staff Analysis to the Board (Exhibit A-1) and explained that aerial photographs (Exhibit A-2) show that there were no automobile salvage activities on the subject property in February of 1979, approximately 25 junked cars in 1980, and approximately 20 cars in 1981. He informed that the Tulsa County Zoning Code took effect on September 15, 1980 and that the tract was covered by the 5 mile zoning perimeter radius of the City of Tulsa prior to that time. He informed that, since approval to operate an automobile salvage on the subject property has never been granted, the use was illegal at the time Tulsa County took jurisdiction.

Letters from the Assistant District Attorney's office were submitted (Exhibit A-4).

Presentation:

The applicant, Menzola Jackson, was represented by Lorraine Haynes, 1416 North Boston Place, Tulsa, Oklahoma, who stated that Ms. Jackson bought the property in question because a small business was in operation on the tract. She informed that Ms. Jackson's son, James Evans was to continue to operate a salvage business at the above stated location. Ms. Haynes stated that the business was in operation in 1978 and asked the Board to allow Mr. Evans to continue conducting the salvage business at the present address. She pointed out that Ms. Jackson paid a commercial price (\$7,000 for 2.85 acres) for the land and expected to be able to use the property for business purposes. A letter of support (Exhibit A-3) was submitted.

Comments and Questions:

Mr. Alberty asked Ms. Haynes if Ms. Jackson has any proof that was given to her at the time of purchase which would assure her that the land was zoned for the use intended.

Case No. 663 (continued)

Ms. Haynes stated that it was taken for granted by Ms. Jackson that the use would continue, and the property was not zoned residential until 1980.

Mr. Gardner asked Ms. Haynes to state her definition of a small business, which was referred to in her presentation. She informed that the cars on the lot were stripped and carried to shredders immediately and were not placed on the lot permanently.

Protestants:

David Phillips, 200 North Roosevelt, Sand Springs, Oklahoma, stated that he represents Jim Anderson, a neighbor to the west of the subject tract. He stated that 1978 aerials do not show salvaged cars on the property and the Oklahoma Tax Commission has no record of a license being issued for an salvage operation on the property.

Jim Anderson, 10920 West 57th Street, Tulsa, Oklahoma, stated that he bought his property in 1956 and that the land is to be used for single-family dwellings only. He pointed out that he informed Mr. Evans that the property was zoned residential when the cars were first moved on the lot.

Additional Comments:

Mr. Walker stated that he has viewed the area and although he has noted that many of the houses have old cars parked in the yard, the character of the neighborhood is residential.

Mr. Looney stated that he is inclined to uphold the decision of the Building Inspector because, even if the use was determined to be nonconforming, it would have expired after 5 years.

Board Action:

On MOTION of TYNDALL, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **UPHOLD** the Decision of the Building Inspector and to **DENY** an Appeal (Section 1650 - Appeals from the County Inspector - Use Unit 1227) to reverse decision of the Building Inspector to allow a nonconforming auto salvage to continue in an RS District; finding that, if there was a business in operation on the subject tract, it would have terminated with the lapse of a 5 year time period, and

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **DENY** a Use Variance (Section 410 - Bulk and Area Requirements in Residential Districts - Use Unit 1227) to allow an auto salvage in an RS District; finding that the neighborhood is residential in character and an auto salvage business would be detrimental to the area and would not be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 663 (continued)

Lot 7 and 8, Block 4, Buford Colony, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 668

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request a variance of land area from required 2.2 acres to 1.25 acres, lot area from 2 acres to 1.19 acres, and lot width from 200' to 165.42' in order to permit a lot split, located east of South 145th West Avenue, 1/4 mile north of West 56th Street.

Presentation:

The applicant Ed Farris, Route 3, Sand Springs, Oklahoma, submitted a plat of survey (Exhibit B-1) and stated that he is representing his wife Jennifer Horn Farris. He informed that his wife and her previous husband were divorced after his parents had given them a tract of land and in the divorce settlement it was required that Ms. Farris deed back half of the lot to Mr. and Mrs. Horn. He stated that Sand Springs approved the lot split on June 3, 1986, subject to this Board's approval.

Comments and Questions:

Mr. Walker stated that the road easement is 16 1/2' on the survey and not 50' as usually reserved.

Mr. Alberty asked the applicant if he is opposed to changing the easement to 50' and he replied that he is not.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **APPROVE** a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of land area from required 2.2 acres to 1.25 acres, lot area from 2 acres to 1.19 acres, and lot width from 200' to 165.42' in order to permit a lot split; subject to the road easement being 50' instead of the 16 1/2' indicated on the survey; on the following described property:

The SW/4, SW/4, NW/4, NW/4 of Section 33, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 669

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an RM-2 zoned district, located east of the SE/c of 78th West Avenue and 17th Street.

Presentation:

The applicant, Larry Carpenter, 9 South Nogales, Tulsa, Oklahoma, stated that he is planning to move a mobile home on the subject tract and informed that there are approximately 20 or 30 mobiles in the area. A letter (Exhibit C-1) from the City of Sand Springs recommending approval was submitted.

Comments and Questions:

Mr. Looney asked the applicant if there is a sanitary sewer hookup on the property and he replied that the mobile home will have a septic tank for sewage disposal.

Mr. Alberty asked Mr. Carpenter if he has County Health Department approval and he replied that the owner stated that he has had prior approval. He informed that the land is sandy and that he doesn't anticipate a percolation problem.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **APPROVE** a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RM-2 zoned district; subject to Building Permit and Health Department approval; finding that there are numerous mobile homes in the area and the granting of the special exception request will not be detrimental to the neighborhood; on the following described property:

Lot 46, Billingtons Acre Tracts, Tulsa County, Oklahoma.

Case No. 672

Action Requested:

Minor Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1209 - Request a minor variance of the lot width from 200' to 165' in order to permit a lot-split, located north of the NE/c of 166th Street North and Memorial Drive.

Comments and Questions:

Mr. Jones informed that this case has been approved by the Technical Advisory Committee and will be heard by TMAPC on July 16, 1986.

Presentation:

The applicant, George Beard, was represented by Chuck Williams, Route 1, Box 606, Collinsville, Oklahoma, who asked the Board to allow a lot split on the subject tract.

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Case No. 672 (continued)

Protestants: None.

Board Action:

On MOTION of TYNDALL, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Minor Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1209) of the lot width from 200' to 165' in order to permit a lot-split; subject to TMAPC approval; finding that there are other lots in the area that are smaller than the lots in question; on the following described property:

S/2, N/2, NW/4, SW/4 of Section 12, T-22-N, R-13-E, Tulsa County, Oklahoma.

Case No. 675

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the lot area in an AG zoning district from 2 acres to 1.74 acres in order to clear title to a previously conveyed tract, located east of the NE/c of West 31st Street and 145th West Avenue.

Presentation:

The applicant, Paula Johnson, was represented by Herman Johnson, 14133 West 31st Street, Sand Springs, Oklahoma, who stated that he is attempting to sell his home and found that at some time 100' had been dedicated for a roadway. Mr. Johnson informed that he is in need of a lot split in order to sell the property. A location map (Exhibit D-1) was submitted.

Comments and Questions:

Mr. Looney asked the applicant if the City of Sand Springs has approved the lot split and he answered in the affirmative.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) of the lot area in an AG zoning district from 2 acres to 1.74 acres in order to clear title to a previously conveyed tract; on the following described property:

The east 330' of the south 330' of the SW/4 of the SW/4 of Section 16, T-19-N, R-11-E, Tulsa County, Oklahoma, less the south 100' thereof for road right-of-way, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 661

Action Requested:

Special Exception - Section 710 - Principal Use Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to permit an auction house in a CS District.

Variance - Section 1340(d) - Design Standards for Off-Street Parking Areas - Use Unit 1215 - Request a variance of the all-weather material required for off-street parking to permit gravel off-street parking, located on Highway 64 and East 171st Street South.

Presentation:

The applicant, Lewis Reynolds, 909 Kennedy Building, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) and informed that there is a house and pole barn on the subject property at this time. He stated that his client plans to live in the house and use the barn for inside auctions. The business will be called Frontier Auction Service and weekly auctions will be conducted. Mr. Reynolds explained that the outside sales will be held between 10 a.m. and 5 p.m. on either Friday, Saturday, or Sunday, and inside sales will be conducted on Friday or Saturday between the hours of 7 p.m. and 11 p.m. There will be seating for approximately 90 customers and snack items will be for sale. Mr. Reynolds informed that there will be no outside storage except for temporary storage of items that are brought in the day before the auction and no livestock will be sold unless an entire farm is auctioned. He stated that the nearest home is approximately 1/3 mile from the subject property and the owner of this home, Mr. West, protested a zoning change, but is in favor of this request. Mr. Reynolds asked the Board to allow a gravel parking lot to be installed and pointed out that the area is sparsely populated and, in his opinion, the dust created by the traffic which would only enter the property twice each week would not be annoying to Mr. West who is 1/3 mile away.

Comments and Questions:

Mr. Looney asked the applicant if the Bixby Council has taken action on the request and he informed that the Bixby Board of Adjustment did not have a quorum present at the scheduled meeting.

Mr. Alberty asked the applicant if he would object if the number of sales being conducted each week is limited to 2 sales and he replied that he would not.

Mr. Alberty asked if there are commercial operations to the west of the subject tract and Mr. Reynolds informed that there is a LPG facility which has gravel parking.

Case No. 661 (continued)

Mr. Looney asked if there is to be other construction on the property and the applicant replied that the owner plans to expand if his business is successful.

Mr. Alberty asked if the parking area is designated by the shaded area on the plot plan and Mr. Reynolds replied that the area shown on the plan is approximately 3/4 acre which will accommodate approximately 60 cars, with a green area south of the highway and shrubs and trees to the north.

Mr. Edwards informed that the new zoning was subject to a plat. Mr. Reynolds stated that he is not aware of the platting requirement.

Mr. Alberty pointed out that the owner will be required to replat the property or acquire a waiver of this requirement.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Use Permitted in Commercial Districts - Use Unit 1215) to permit an auction house in a CS District; and to **APPROVE** a **Variance** (Section 1340(d) - Design Standards for Off-Street Parking Areas - Use Unit 1215) of the all-weather material required for off-street parking to permit gravel off-street parking; subject to no more than 2 auctions being conducted each week, primarily consisting of the sale of furniture, farm implements and small equipment in the existing building; subject to the filing of a plat; and subject to outside sales being conducted on either Friday, Saturday, or Sunday, 10 a.m. to 5 p.m. and inside sales being conducted on either Friday, Saturday, or Sunday, 7 p.m. to 11 p.m.; finding that the granting of the special exception request will not be detrimental to the area; and finding that there will be only 2 auctions each week; and the sparsely populated area will not be adversely affected by the gravel parking lot; on the following described property:

A tract of land located in the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4) of Section 28, Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma; more particularly described as follows:

Beginning at a point 335 feet West of the Southeast corner (SE/c) of the SW/4 SE/4 of said Section 28, Township 17 North, Range 14 East, thence North 89° 50' West along the South Section line a distance of 388 feet, thence North 0° 10' East, a distance of 277.77 feet, thence North 74°51' East, along the South right-of-way line of U.S. Highway 64 a distance of 402.05 feet, thence South 0°10' West, a distance of 333.13 feet to the POINT OF BEGINNING, Tulsa County, Oklahoma.

Case No. 664

Action Requested:

Use Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1217 - Request a use variance to permit the sale of implement trailers and tractors in an AG zoned district.

Variance - Section 320 - Accessory Uses in the Agriculture District - Request a variance to allow a business sign in an AG district.

Variance - Section 1340.d - Design Standards for Off-Street Parking Areas - Request a variance to waive the hard surface parking requirement, located at 20640 Highway 75 South.

Presentation:

The applicant, Rex Bowers, Route 1, Box 402, Mounds, Oklahoma, stated that his property is on Highway 75 and that he operates a small tractor sales and service business from his home. Mr. Bowers informed that he works on small tractors, sells implement trailers and pickups. He explained that he was cited by Mr. Edward's office for conducting the business in an agriculture zoned district and was informed that he would be required to obtain a use variance to continue the operation. He informed that he and 2 other family members live on 120 acres and the tractors are parked between his home and the fence line on U. S. 75. Mr. Bowers stated that at one time he placed the items for sale on a portion of the land that was zoned CS, but had a trailer stolen at that location, so he then moved them closer to his home and installed lights. He stated that he has no employees and asked the Board to allow the installation of a small business sign and the continued operation of the existing sales operation on the grassy area next to his home. Mr. Bowers stated that the neighbors have no objection to the application. An aerial photo (Exhibit F-1) was presented.

Protestants: None.

Comments and Questions:

Mr. Walker asked the applicant how many vehicles would be displayed on the property and he replied that he now has 2 tractors, 3 pickups and 1 trailer. Mr. Bowers stated that he will have a maximum of 8 items on the lot at one time.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **APPROVE** a Use Variance (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1217) to permit the sale of implement trailers and tractors in an AG zoned district; to **APPROVE** a Variance (Section 320 - Accessory Uses in the Agriculture District) to allow a business sign in an AG district; and to **APPROVE** a Variance (Section 1340.d - Design Standards for Off-Street Parking Areas) to waive the hard surface parking requirement; subject to 1

Case No. 664 (continued)

business sign with a maximum size of 32 sq. ft.; subject to a maximum of 8 vehicles being stored on the front 1.6 acres of the property; subject to the use variance being approved for the applicant only; finding a hardship imposed on the applicant by the proximity of the highway and the presence of CS zoning in the area; and finding that the sale of implement trailers and tractors will not be detrimental to the area; on the following described property:

A tract beginning 100.85' west of the NE/c of S/2 of SE/4, thence west 392.67', north 354.73', east 392.42', south 354.74' in Section 15, T-16-N, R-12-E, Tulsa County, Oklahoma.

Case No. 665

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow a lodge (German American Society of Tulsa) in an AG zoned district, located on the NW/c of 129th East Avenue and 101st Street South.

Presentation:

The applicant, German American Art Society, was represented by Larry Rau, 4109 South Maple, Broken Arrow, Oklahoma, who submitted a site plan (Exhibit G-2) and asked the Board to approve a 10,000 sq. ft. lodge at the above stated location. He informed that the building will be built in phases and will have parking for approximately 150 cars, with greenways on the west, 129th East Avenue, and 101st Street South. The structure will be used for a museum and a social and cultural meeting place. Mr. Rau stated that dances will be held in the building 1 time each month and beer will be served.

Comments and Questions:

Mr. Jones informed that on June 23, 1986, the City of Broken Arrow recommended approval (Exhibit G-1) of this application.

Mr. Alberty asked the applicant to give an estimate of the current membership and he replied that the organization has approximately 400 members or 200 families.

The applicant informed that the society is involved in the Octoberfest and Mayfest activities in Tulsa.

Mr. Looney asked the applicant if the parking lot will be hard surface and he answered in the affirmative.

Mr. Gardner pointed out that the lodge would be required to meet platting requirements.

Case No. 665 (continued)

Mr. Alberty stated that a plat designating easements, dedication of right-of-way and building setbacks, will be required if the application is approved.

Protestants:

Charles Cleveland, 7909 South 72nd East Avenue, Tulsa, Oklahoma, stated that he is a member of the church which owns property at 12401 East 101st Street, which abutts the subject tract. He informed that the church plans to construct a building on the property in the near future and objects to the serving of alcohol near the church.

Mr. Looney asked Mr. Cleveland to state the distance from the church property to the west boundary of the subject property and he stated that it is approximately 150'.

Interested Parties:

Mr. Jones informed that there appears to be approximately 300' between the applicant's property and the protestant's property.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow a lodge (German American Society of Tulsa) in an AG zoned district; per plot plan submitted; and subject to platting the property; on the following described property:

The south 297' of the east 639' of the SE/4, SE/4 of Section 20, T-18-N, R-14-E, Tulsa County, Oklahoma.

Case No. 666

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1202 - Request a special exception to allow a rifle and pistol range in an IM zoned district, located south and west of the SW/c of Yale Avenue and 66th Street North.

Presentation:

The applicant, Tulsa County Sheriff's Office, was represented by Don Carter, who asked the Board to allow a shotgun and pistol range for use by the sheriff's department only. He informed that a range officer will be on duty at all times and all firing will be into a 18' berm. A flood hazard review (Exhibit H-1) was submitted.

Case No. 666 (continued)

Comments and Questions:

Mr. Albery asked Mr. Carter if there will be a building installed on the property and he informed that 1 control tower will be installed.

Mr. Albery inquired if ammunition or equipment will be stored on the site and Mr. Carter replied that there will be no storage.

Mr. Looney asked if there are residences in the area and Mr. Carter informed that there are some to the east of the subject tract.

Mr. Albery asked if the county owns the property where the range will be located and Mr. Carter informed that the subject tract is owned by the owner of the race track in the area.

Mr. Albery inquired if automatic weapons will be fired at the location and he replied that there will be none.

Mr. Walker asked Mr. Carter how far the nearest house is from the proposed range and he replied that there is a house on Yale, about 3/4 miles away.

Protestants:

Dana Rasure, 1 Boston Plaza, Tulsa, Oklahoma, stated that she represents 7 individuals that own property adjacent to the proposed range. A map (Exhibit H-2) was submitted. She informed that the firing will be toward Bird Creek Ranch, which is the wooded area behind the berm. Ms. Rasure pointed out that her clients are concerned with the safety of tenants that have leased portions of the ranch. She asked that, if the application is approved, the range be restricted to law enforcement personnel only, that insurance be provided for anyone harmed on Bird Creek Ranch by the firing on the range, that the hours of operation be from 6 a.m. to 5 p.m., Monday through Friday, 6 a.m. to 1 p.m. on Saturday and no use on Sunday, that no automatic weapons be used on the range and that no more than 10 people be permitted to shoot at one time.

Mr. Looney asked Ms. Rasure if any of her clients live within 1/4 mile of the site in question and she replied that she does not believe they do, but people are working in the wooded area at various times.

Applicant's Rebuttal:

Mr. Carter informed that an agreement has been made with the owner that the range will not be used when the race track is in operation and no firing will take place on Sunday. He pointed out that this property will only be used temporarily until such time as the County can acquire a permanent location for a firing range.

Case No. 666 (continued)

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **APPROVE** a Special Exception (Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1202) in concept to allow a rifle and pistol range in an IM zoned district; subject to pistols and shotguns only (no automatic weapons); subject to applicant returning to the Board with a site plan depicting location and height of the control tower, fencing and the berm; subject to use by law enforcement personnel only, with an instructor present at all times; subject to usage being restricted to Monday through Saturday, 8 a.m. to 5 p.m., (except during race track operation); and subject to a further review by the Board of the insurance question; on the following described property:

Lot 1, Block 1, Lausen Park Addition, Tulsa County, Oklahoma.

Case No. 667

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 2 and 5 - Request a special exception to allow a Use Unit 2 (firing range) and a Use Unit 5 (Police Academy) in an IL zoned district, located east of the SE/c of Yale Avenue and 66th Street North.

Presentation:

The applicant, Imel and Garber Architects, was represented by Blaine Imel, 5200 South Harvard, Tulsa, Oklahoma, who submitted a plot plan (Exhibit K-1) and explained that the 40,000 sq. ft. to 50,000 sq. ft. police academy building will include all phases of police training, as well as a firing range, which the City now has the funds to construct. Mr. Imel pointed out that the berm is horseshoe shaped as a safety precaution. He informed that the closest building is approximately 2,000' from the site and there are no residences in the immediate area. Mr. Imel informed that the erection of the control tower will be necessary before the movable targets can operate.

Comments and Questions:

Mr. Alberty asked Mr. Imel to state the height of the berm and he informed that it is proposed to be 16', but if a greater height is required, the City will adjust the plans.

Mr. Alberty asked if Phase I includes the academy and firing range and Mr. Imel replied that the City is ready to start on the firing range as soon as approval is acquired from this Board. He informed that the academy will be up for bids in October or November of this year and completion is expected in 1988.

Case No. 667 (continued)

Mr. Alberty asked the applicant if he has researched the liability the Police Department might have should the firing range be responsible for an accident and he replied that Mr. Linker is in the audience and will answer questions concerning this subject.

Russell Linker, Assistant City Attorney, informed that the City of Tulsa is self insured and will be held responsible should a negligent act occur.

Mr. Looney asked if only small arms will be used on the firing range and Mr. Imel replied that that only pistols will be used at this time.

Protestants:

Dana Rasure, 1 Boston Plaza, Tulsa, Oklahoma, stated that she represents 7 individuals that own property near the proposed range. She informed that the firing will be toward Bird Creek Ranch and pointed out that her clients are concerned with the safety of tenants that have leased portions of the ranch. She asked that, if the application is approved, the range be restricted to law enforcement personnel only, that an attendant be on the range when in use, that insurance be provided for anyone harmed on Bird Creek Ranch by the firing on the range, that the hours of operation be noted, that no automatic weapons be used on the range and that no more than 10 people be permitted to shoot at one time.

Additional Comments:

Mr. Linker informed that there will probably be a need to use automatic weapons on the subject property. He pointed out that the officers will be trained on all weapons used by the Police Department and asked that the Board not limit this training.

Mr. Looney asked Mr. Linker if he would object to permission being given for pistols only at this time and further uses being brought before the Board as they are needed. Mr. Linker and Mr. Imel informed that they are agreeable with this suggestion.

Ms. Rasure asked if the completed academy will have an indoor shooting range and Mr. Imel stated that it will not.

Mr. Alberty asked if the whole complex will consist of a firing range and buildings, an academy (40,000 to 50,000 sq. ft.), and a driving range for vehicles and Mr. Imel answered in the affirmative.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **APPROVE** a Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 2 and 5) in concept to allow a Use Unit 2 (firing range) and a Use Unit 5 (Police Academy) in an IL zoned district; per plot plan submitted;

Case No. 667 (continued)

subject to the firing range being used for small arms, such as pistols and hand guns; subject to law enforcement personnel only using the range; subject to firing range being properly supervised during hours of operation; subject to the hours of operation being from 7 a.m. to 5 p.m., Monday through Saturday; and subject to applicant returning to the Board for future approval of the driving range and the firing of automatic weapons, with specific design and safety considerations; on the following described property:

All that part of Lot 4, Block 5, Cherokee Expressway Industrial District, and addition in Tulsa County, Oklahoma, according to the official recorded plat thereof, more particularly described as follows, to-wit:

Beginning at a point 50.00' south of the north boundary and 50.00' west of the east boundary of said Lot 4, thence S 1°32'45" E parallel to and 50.00' from the east boundary of said Lot 4, a distance of 1202.84', thence S 88°27'15" W a distance of 50.00', thence S 1°32'45" E parallel to the east boundary of said Lot 4, a distance of 100.00', thence N 88°27'15" E, a distance of 100.00' to a point in the east boundary of said Lot 4, 1352.57' from the NE/c thereof, thence S 1°32'45" E along the east boundary of said Lot 4, a distance of 604.64' to the SE/c thereof, thence S 88°41'32" W along the south boundary of said Lot 4, a distance of 1984.14' to the SW/c thereof, thence N 1°29'33" W along the west boundary of said Lot 4, a distance of 369.16' to a point in the southerly boundary of Lot 3 of said Block 5, thence N 78°57'45" E a distance of 0.00', thence along the common boundary between Lots 3 and 4 of said Block 5 on a curve to the left having a radius of 653.81' a distance of 897.33', thence N 88°45'44" E a distance of 858.15' to a point 580.00' from the east boundary of said Lot 4, thence N 1°32'45" W parallel to the east boundary of said Lot 4 a distance of 914.03' to a point 856.97' from the NW/c thereof, thence N 88°45'44" E parallel to and 50.00' from the north boundary of said Lot 4, a distance of 530.00' to the point of beginning, containing 2,177,998 sq. ft. or 49.99995 acres, more or less, Tulsa County, Oklahoma.

Case No. 670

Action Requested:

Variance - Section 208 - One Single -Family Dwelling Per Lot of Record - Use Unit 1206/1209 - Request a variance to allow 2 dwelling units per lot of record (a residence and a mobile home), located north of the NE/c of 76th Street North and Sheridan Road.

Case No. 670 (continued)

Presentation:

The applicant, Russell Sherburn, 7709 North Sheridan, Owasso, Oklahoma, submitted a plat of survey (Exhibit M-1) and informed that he is asking permission to place a mobile home on a 2 1/2-acre tract that he owns. Mr. Sherburn informed that he has a home on the land and would like the mobile home for use by his son and daughter-in-law.

Comments and Questions:

Mr. Alberty asked the applicant if this will be a temporary arrangement and Mr. Sherburn replied the mobile home will probably not be on the property more than 4 years. He stated that the mobile is new and is 14' by 70'.

Mr. Alberty inquired if there are other mobile homes in the area and he informed that there are mobiles on both sides of his property.

Mr. Alberty asked Mr. Sherburn what type of sewage system is planned and he replied that a septic tank and laterals have already been approved and inspected.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; Wines, "absent") to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1206/1209) to allow two dwelling units per lot of record (a residence and a mobile home); subject to Building Permit and Health Department approval; subject to a time limit of 5 years; and subject to the mobile home being occupied by members of the family only; finding a hardship imposed on the applicant by the size and narrow shape of the lot; and finding that there are numerous mobile homes already in the neighborhood; on the following described property:

S/2, S/2, NW/4/, SW/4, SW/4 of Section 26, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 671

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1206/1209 - Request a variance to allow 2 dwellings (existing residence and mobile home) on 1 lot of record, located at 22117 West 50th Street South, Sand Springs, Oklahoma.

Presentation:

The applicant, James Thompson, Jr., 2217 West 50th Street, Sand Springs, Oklahoma, submitted a location map (Exhibit N-1) and asked the Board to grant permission to locate a second mobile home on his

Case No. 671 (continued)

2-acre tract. Mr. Thompson informed that the mobile belongs to a friend whose parents have moved out of the state. He stated that, when his friend no longer needs the space, other members of his family may want to utilize the trailer hookup.

Comments and Questions:

Mr. Alberty asked the applicant how much property he owns and he replied that he owns 4 acres.

Mr. Alberty inquired if there are other lots in the area that have more than 1 dwelling and the applicant replied that the owner across the street has had a mobile on his property during construction of his home, but it has been moved. Mr. Thompson informed that the mobile home in question has been placed on the property, but not connected to utilities, and that he would like to have permission to have the 2 mobiles on his lot permanently.

Protestants:

Janny Simpson, 22112 West 46th Street, Sand Springs, Oklahoma, submitted a petition (Exhibit N-2) opposing the application and explained that Herrington Acres is a platted subdivision which has been accepted by the County. She pointed out that the land does not perk well and stated a concern that the applicant has an open cesspool and a water well on his lot. Ms. Simpson noted that the water line along the road only serves a portion of the addition and the remainder of the lots rely on water wells. She informed that there are homes ranging from \$75,000 to \$200,000 in the addition. She stated that there is a mobile home, a metal building and 14 cars parked on the property at this time, and asked the Board to deny the application.

Mr. Alberty asked Ms. Simpson if there are other mobile homes in the area and she replied that there are other mobiles, but not 2 on one lot.

Applicant's Rebuttal:

Mr. Thompson stated that when he purchased the property the only restrictions were no swine and no drilling. He asked if the petition of opposition was signed by neighbors surrounding his lot and Ms. Simpson replied that it was signed by nearby property owners. He informed that the neighbors that he visited with were not opposed to the second mobile on the lot. Mr. Thompson commented that there is a rooster fighting farm operating in the area and sees no reason why he cannot use his land as he chooses.

Mr. Alberty expressed a concern that the granting of the variance would set a precedent in the area and that the second mobile home would put a burden on the sewage system.

Case No. 671 (continued)

Board Action:

On MOTION of TYNDALL, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **DENY** a **Variance** (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1206/1209) to allow 2 dwellings (existing residence and mobile home) on 1 lot of record; finding that the applicant failed to demonstrate a hardship for the variance requested; and finding that 2 dwelling units on 1 lot of record would set an inappropriate precedent in the area; on the following described property:

Lot 11, Block 1, Herrington Acres Addition, Tulsa County, Oklahoma.

There being no further business, the meeting adjourned at 4:17 p.m.

Date Approved

Wayne Alberty

8-19-86

Chairman