

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 174  
Tuesday, November 15, 1994, 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>
Eller Looney Tyndall, Chairman	Alberty Walker	Moore Russell	Glenn, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, November 14, 1994, at 10:05 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Tyndall called the meeting to order at 1:39 p.m.

**MINUTES:**

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** the **Minutes** of October 18, 1994 (No. 173).

**NEW APPLICATIONS**

**Case No. 1305**

**Action Requested:**

Variance of the maximum 750 sq ft for a detached accessory building and a variance to permit an accessory building in the side yard - **SECTION 240. PERMITTED YARD OBSTRUCTIONS** - Use Unit 6, located 6802 West 34th Street South.

**Presentation:**

The applicant, **Michael Patton**, 6802 West 34th Street, submitted a plot plan (Exhibit A-2) and informed that he is proposing to construct an accessory building on a two-acre tract, which will be large enough to allow him to restore antique cars and build a small aircraft. Photographs (Exhibit A-1) were submitted.

**Comments and Questions:**

Mr. Tyndall inquired as to the size of the new structure, and the applicant replied that the building will be 30' by 40'.

Case No. 1305 (continued)

In response to Mr. Tyndall, Mr. Patton informed that there is an accessory building across the street that is similar in size (30' by 48'), and one to the east that is 30' by 40'. He informed that the proposed building will be constructed of metal sheeting and will be 14' in height.

Mr. Looney inquired as to the height of the overhead door, and the applicant replied that a 10' by 10' door will be installed.

Mr. Looney asked the applicant if any type of commercial activity will be conducted in the building, and Mr. Patton replied that the building will be for his personal use only.

In response to Mr. Looney, the applicant stated that all activity will be inside the building and there will be no outside storage of material.

Mr. Tyndall inquired as to the amount of noise created by the airplane engine, and the applicant advised that the aircraft will have a four-cylinder engine, which is comparable to those installed in automobiles.

**Board Action:**

On **MOTION** of **LOONEY** the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building and a **variance** to permit an accessory building in the side yard - **SECTION 240. PERMITTED YARD OBSTRUCTIONS** - Use Unit 6; per plan submitted; subject to no outside storage and no commercial activity on the property; finding that there are numerous large accessory buildings in the neighborhood; and finding a hardship demonstrated by the large size of the tract (approx. 2 acres) and the rural nature of the area; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

West 240', S/2, NW/4, SE/4, NE/4, less north 25', Section 19, T-19-N, R-12-E, Tulsa County, Oklahoma.

**Case No. 1306**

**Action Requested:**

Special Exception to permit a single-wide mobile home in an AG-R zoned district, a variance to permit two dwelling units on one lot of record - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** and **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6/9, located 11635 North 97th East Avenue.

Case No. 1306 (continued)

**Presentation:**

The applicant, **Gladys Thomas**, 11635 North 97th East Avenue, Collinsville, Oklahoma, requested permission to install a 16' by 80' mobile home on her property, which will be used as a residence for her mother.

**Comments and Questions:**

Mr. Tyndall inquired if there are other mobile homes in the area, and Ms. Thomas replied that there is one on the fourth property down the street, and another one approximately one-half mile away. She informed that there are several mobile homes in the general area, and some lots have more than one dwelling unit.

Mr. Tyndall asked if the proposed use is temporary, and the applicant replied that she is requesting that the mobile home be approved only for the lifetime of her mother.

Mr. Eller asked if the mobile home will be skirted and tied down, and the applicant answered in the affirmative.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **LOONEY** the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Special Exception** to permit a single-wide mobile home in an AG-R zoned district, a **variance** to permit two dwelling units on one lot of record - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** and **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6/9; subject to skirting and tie-downs; subject to a building permit; and subject to the use being permitted only during the lifetime of the applicant's mother, and being removed at the end of that time; finding that there are other mobile homes in the area and other lots with more than one dwelling unit; and finding that the temporary use will not be detrimental to the neighborhood; on the following described property:

West 575', south 200', north 1050', S/2, SW/4, less west 25', Section 6, T-21-N, R-14-E, Tulsa County, Oklahoma.

**Case No. 1307**

**Action Requested:**

Variance to permit two dwelling units on one lot of record, and a variance of the maximum 750 sq ft for an accessory building - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** and **SECTION 240.2. Permitted Yard Obstructions - Use Unit 6**, located 12112 East 132nd Street South.

**Presentation:**

The applicant, **Oleta Bowman**, 12112 East 132nd Street South, Broken Arrow, Oklahoma, requested permission to construct a garage/shop building with living quarters on the second floor. A plot plan (Exhibit B-1) was submitted. She stated that 100' greenhouses are located directly behind her property.

**Comments and Questions:**

Mr. Tyndall inquired as to the use of the shop, and the applicant stated that personal carpentry tools will be used in the shop area.

Mr. Looney asked if there will be commercial activity on the property, and Ms. Bowman replied that there will be no business activity on the lot or in the building.

**Protestants:**

Ms. Russell advised that the property lies within the Broken Arrow fence line and they recommended denial (Exhibit B-2) of the application. The Broken Arrow Board of Adjustment recommended denial for the following reasons:

1. No sanitary sewer available for this lot.
2. Location of this property and its surrounding uses.
3. Existing zoning in the area.
4. No specific information, explanations, nor reasons were submitted with this application.

**Additional Comments:**

In reply to Mr. Tyndall, the applicant reiterated that there are two 100' greenhouses just across the fence to the west, and noted that there are other tracts in the area with several buildings.

In response to Mr. Looney, the applicant stated that the building will be of wood construction.

Mr. Tyndall asked Ms. Bowman if she attended the Broken Arrow Board of Adjustment hearing and she replied that she did not attend that meeting.

Case No. 1307 (continued)

**Board Action:**

On **MOTION** of **LOONEY** the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record, and a variance of the maximum 750 sq ft for an accessory building - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** and **SECTION 240.2. Permitted Yard Obstructions - Use Unit 6**; per plan submitted; subject to no commercial use or outside storage of materials; and subject to a building permit and Health Department approval; finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

West 256.7, east 2640, south 725, N/2, NE/4, less South 211' and north 24' and west 50' for road.

**Case No. 1308**

**Action Requested:**

Variance of the required setback from an abutting street - **SECTION 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located south of the SE/c of West 21st Street South and South Yukon.

**Presentation:**

The applicant, **Bruce Blake**, 2425 South Yukon, was represented by **Jim Doherty**, Tulsa Chamber of Commerce, 616 South Boston, who stated that the applicant is proposing to enclose a craneway, which has been in use for many years. He informed that Yukon is a dead end street, and the area is zoned for industrial uses. Mr. Doherty noted that the building expansion will comply with all Code requirements. A plat of survey (Exhibit C-1) and photographs (Exhibit C-2) were submitted.

**Comments and Questions:**

In reply to Mr. Looney, Mr. Doherty informed that the expansion will result in an approximate 40% increase in plant area.

Mr. Tyndall asked if a variance was acquired when the original structure was built, and Mr. Doherty stated that the structure preceded zoning in the area.

Case No. 1308 (continued)

**Board Action:**

On **MOTION** of **LOONEY** the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Variance** of the required setback from an abutting street - **SECTION 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25; per plan submitted; finding that the existing structure will be enclosed and will not be moved closer to the street; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

A tract of land located in the E/2, NE/4, Section 15, T-19-N, R-12-E, of the IBM, Tulsa County, Oklahoma, according to the original U. s. Government survey thereof, being more particularly described as follows, to-wit:

Commencing at the NE/c of said Section 15, thence S89°25'00"W along the north boundary of said Section 15 a distance of 1324.68' to the NW/c of the E/2 of the NE/4 of said Section 15, thence S00°10'35"E along the west boundary of the E/2, NE/4 of said Section 15 a distance of 1,166.08' to the POB, thence S00°10'35" E a distance of 1363.73', thence N89°25'00"E a distance of 395.31', thence N00°10'35"W a distance of 1360.25', thence S89°55'19"W a distance of 395.30', to the POB, containing 12.360 acres more or less.

A tract of land located in the E/2, NE/4, Section 15, T-19-N, R-12-E, of the IBM, Tulsa County, Oklahoma, according to the original U. S. government Survey thereof, being more particularly described as follows, to-wit:

Commencing at the NE/c of said Section 15, thence S89°25'00"W along the north boundary of said Section 15 a distance of 1324.68' to the NW/c of the E/2, NE/4, Section 15, thence S00°10'35"E along the west boundary of the E/2, NE/4, Section 15 a distance of 2,529.81' to the POB, thence S00°10'35"E a distance of 110.19' to the SW/c of the E/2, NE/4, Section 15, thence N89°25'00"E a distance of 395.31' along the south boundary of the E/2, NE/4, said Section 15, thence N00°10'35"W a distance of 110.19', thence S89°25'00W a distance of 395.31' to the POB, containing 1.000 acres, more or less, Tulsa County, Oklahoma.

## Case No. 1309

### Action Requested:

Special Exception to permit a private heliport in an AG zoned district - **SECTION 210. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 2, located north and east of the northeast corner of East 111th Street South and South Garnett Road.

### Presentation:

The applicant, **Michael Hackett**, 406 South Boulder, Suite 820, noted that only three Board members are present and asked if the Board would consider a continuance of the case in order to have all members present to hear the application. He added that individuals that have agreed to speak concerning noise levels near a heliport were not able to attend this meeting, and also stated that a continuance would permit the Board to view the site before hearing the case.

Interested parties were opposed to a continuance, stating that they have left the workplace to attend this meeting.

After discussion, the Board determined to hear the case as scheduled.

Mr. Hackett stated that his client is proposing to operate a private heliport on his 40-acre tract of land. He emphasized that approximately three-fourths of the property is within a floodplain and will never be developed. The applicant requested permission for R-22 helicopters to take off and land on his client's property. Mr. Hackett informed that the helipad is isolated and will be located 600' from the south property line and 250' from the west property line. A packet (Exhibit D-2) was submitted, which contained limitations of use, factors to consider, a flood zone map and letters from residents living near a heliport. Mr. Hackett stated that his client is amenable to installing additional screening if required by the Board. Photographs (Exhibit D-1) were submitted. The applicant stated that the subject tract is abutted by AG zoned property on three sides, and area property owners have been advised of the proposal. Mr. Hackett stated that five of the six owners nearest the property have signed a petition of support (Exhibit D-3). He advised that his client will limit the number of pilots using the heliport and all operations will be during daylight hours. The applicant assured the Board that there will be no flights over the nearby residential developments.

### Comments and Questions:

In response to Mr. Tyndall, Ms. Russell informed that Broken Arrow staff was supportive of the application; however, the Broken Arrow Board of Adjustment recommended denial, due to the proximity of neighboring homes (Exhibit D-6).

Case No. 1309 (continued)

**Protestants:**

**Robert Bates**, 4705 South Butternut, stated that he is opposed to the application because of safety factors, and pointed out that he has recently observed a helicopter flying outside the guidelines that were submitted. Mr. Bates stated that he has also observed helicopters playing "tag" over the residential area.

**Dick Thomas**, 4409 West Eagle Pass Court, informed that he has worked with helicopters and noise is definitely a factor in this issue. He added that the possibility of a crash in nearby residential areas is a very real possibility. Mr. Thomas stated that he has also observed helicopters playing games at treetop level. He noted that the property owner applied for a landing strip in 1991 and it appears that the heliport could be the first phase of future development. Mr. Thomas stated that the neighborhood has been plagued by helicopters in the past and asked the Board to protect their future by denying the application.

**Dan Danner**, 10339 South 119th East Avenue, stated that he owns the 25-acre tract to the north of the subject property, and voiced a concern with enforcement of conditions that might be imposed. He pointed out that the current property owner has been landing a helicopter at this location for several years; however, expansion of the operation could cause a problem for the neighborhood.

**Leonard Sackman**, 4404 South Butternut, stated that he moved into his home because of the quiet nature of the area.

**Lynn Bates**, 4705 South Butternut, stated that she has adjusted to the traffic noise near her home, but is concerned with the possibility of a helicopter crash over the residential neighborhood. Ms. Bates question who will receive complaints of violations.

**Lee Shope**, 4601 West Eagle Pass, stated that he is concerned that the safety of neighborhood children will be at risk if the heliport is not tightly secured. He pointed out that property values in the area could be negatively impacted by the construction of a heliport in the area.

**Deborah Turman**, 4400 South Butternut, stated that her concerns are the same as those expressed by other property owners in the area. She informed that that the owner of the subject property was not involved in the helicopter games previously referred to; however, the helicopters were owned by his friends. Ms. Turman advised that the letter (Exhibit D-5) circulated in the neighborhood by Mr. Hackett's client stated that he and his friends would use the heliport, and she voiced a concern that the friends would be those that played the helicopter games. She pointed out that, after the 1991 denial for a heliport, the applicant continued the use on the property, and the area residents were at a loss to get the denial enforced. . . petition and letter of opposition (Exhibit D-4) were submitted.



Case No. 1309 (continued)

**Glenda DeAngelis**, 4313 South Butternut, stated that she is representing her family and neighbors that reside at 4309 South Butternut. She stated that the land has been cleared between her property and the subject tract, and stated that noise, property values and safety are a concern.

**Interested Parties:**

**Fran Pond**, 5624 South 107th East Avenue, stated that the R-22 helicopter is a quiet helicopter, and noted that any type of irregular activities regarding helicopters should be reported to the FAA.

**Steve Pond**, owner of Tulsa Helicopters, 5624 South 107th East Avenue, stated that the operation will be limited to the property owners use, and should not be detrimental to the neighborhood.

In reply to Mr. Looney, Mr. Pond stated that the R-22 does not generate as much noise as the traffic on Highway 169, which abuts his property.

**Bob Jenkins**, 11813 East 61st Place, stated that his woodworking shop is next door to Mr. Pond's business and that he does not hear the R-22 helicopters when they land.

**Jerry Glen**, 10501 South Garnett Road, stated that his property joins the subject property on the northwest corner. Mr. Glen informed that he has also witnessed helicopters flying along the creek, but is not opposed to the private heliport, as presented.

**Applicant's Rebuttal:**

In response to Mr. Tyndall, the applicant stated that his client has FAA approval for operating a heliport. He advised that activity at the heliport can be monitored if his client is required to maintain a log of all helicopters (serial number) landing or taking off at this location, as well as the names of the pilots and the date and hour of take-off or landing. Mr. Hackett stated that his client is amenable to the installation of screening from the southwest corner of his property line across his driveway to the northeast corner of the Stacey Lynn Addition. He emphasized that the helicopter will not be stored on the property and there will be no fuel storage.

**Additional Comments:**

Mr. Tyndall remarked that the area has developed residential, with a potential for additional growth, and a heliport does not seem to be an appropriate use.

Case No. 1309 (contibnued)

Mr. Looney noted that the heliport will be restricted to small aircraft, with no more than three pilots and two or three landings each week. He added that the nearest residence is 600' away and the applicant is amenable to screening the area. Mr. Looney stated that he can support approval of the request for one year, per conditions.

Mr. Glenn advised that a screening fence cannot be erected in a regulatory floodway.

Mr. Tyndall acquiesced to Mr. Looney's proposal.

**Board Action:**

On **MOTION** of **LOONEY** the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Special Exception** to permit a private heliport in an AG zoned district for **one year only - SECTION 210. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 2; subject to FAA approval; subject to flights being restricted to three each week; subject to flights being during daytime hours only; subject to small two-seated helicopters (R-22) only; subject to the flight path being east/west over one and one-half miles of vacant unimproved property (not over residential development); subject to no fixed based operation and no fuel storage; and subject to screening along the south property line sufficient to prevent children from entering the property; on the following described property:

NE/4, SW/4, Section 29, T-18-N, R-14-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:13 p.m.

Date Approved 12/20/94

  
Chairman