

**COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 178**  
Tuesday, March 21, 1995, 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 Eller Looney Tyndall, Chairman Walker		Gardner Moore Jones Beach	Fields, Glenn, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, March 20, 1995, at 11:30 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 1:30 p.m.

**MINUTES:**

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of February 7, 1995 (No. 177).

**UNFINISHED BUSINESS**

**Case No. 1328**

**Action Requested:**

Variance of the required 2.2 acres per dwelling unit of land area - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6, located 8708 East 98th Street North.

**Presentation:**

The applicant, **Byron Fry**, 7111 South 99th East Avenue, #1307, was not present.

**Comments and Questions:**

Mr. Jones advised that the applicant is ill and unable to attend the meeting. He noted that the Board previously approved a request for two dwelling units on one lot of record, and the remainder of the application was continued to this meeting in order to advertise for a variance of the 2.2-acre land area requirement.

Case No. 1328 (continued)

Mr. Alberty noted that a lot-split was not requested and the land will remain under one ownership.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **ALBERTY** the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required 2.2 acres per dwelling unit of land area - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6; finding that two dwelling units were previously approved on the tract; and finding that the tract will remain under one ownership, with no lot-split; and 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:

Beginning 2164.47' east NW/c, S/2, SW/4 then south 659.20', east 197.04', north 659.13', west 197.13' to POB, Section 13, T-21-N, R-13-E, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 1331**

**Action Requested:**

Variance to permit two dwelling units on one lot of record - **SECTION 207. ONE SINGLE-FAMILY DWELLING UNIT ON ONE LOT OF RECORD** - Use Unit 6/9, located 17402 West 32nd Street, Sand Springs, Oklahoma.

**Presentation:**

The applicant, **Richard Harris**, 17402 West 32nd Street, Sand Springs, Oklahoma, submitted a plot plan (Exhibit A-2) and informed that his mother-in-law is in need of assistance and requested permission to install an additional mobile home for her use. The applicant stated that he lives in the existing double-wide unit (4.37 acres).

**Comments and Questions:**

In reply to Mr. Alberty, Mr. Jones advised that 2.2 acres of land is required for each dwelling unit, and additional relief may be required. A plat of survey (Exhibit A-1) was submitted.

In reply to Mr. Alberty, the applicant stated that the land will remain under one ownership.

Case No. 1331 (continued)

Mr. Alberty asked if there are other tracts in the area with more than one dwelling unit, and Mr. Harris replied that there was a similar application approved in 1993, and there are other lots in the area with more than one dwelling.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **WALKER** the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record, and a **variance** of the 2.2-acre land area requirement per dwelling unit - **SECTION 207. ONE SINGLE-FAMILY DWELLING UNIT ON ONE LOT OF RECORD** - Use Unit 6/9; per plan submitted; finding that there are other tracts in the area with more than one dwelling unit; and finding that the mobile home will be used for a family member only; on the following described property:

Lot 6, Western Hills Ranchettes, Tulsa County, Oklahoma.

**Case No. 1332**

**Action Requested:**

Special Exception to permit a golf course in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5, located northeast corner of 33rd West Avenue and 181st Street South, Glenpool, Oklahoma.

**Presentation:**

The applicant, **Beeline Properties**, was represented by **Jeff Lamoreaux**, 3152 South Owasso, and **Steve Lamoreaux**, 6320 East 94th Place, who submitted a plot plan (Exhibit B-1) for a proposed 18-hole golf course. Mr. Jeff Lamoreaux informed that he and his brother will operate the course. He noted that they have designed it and plan to complete the major portion of the construction work, with some assistance in dirt moving. He stated that friends and family are investing in the project.

**Comments and Questions:**

Mr. Looney asked if a clubhouse is proposed, and Mr. Lamoreaux answered in the affirmative.

In reply to Mr. Alberty, the applicant stated that a market study has been completed, and they have reviewed statistics. He informed that the entire 260 acres will be utilized, with the exception of a wooded area in the eastern portion of the tract. He added that no residential development is proposed.

Case No. 1332 (continued)

Mr. Looney asked when construction will begin, and the applicant stated that the starting date will be April 1, 1995 and the anticipated completion date is the summer of 1996.

**Protestants:**

**Michael Reed**, PO Box 922, Glenpool, Oklahoma, stated that his property abuts the subject tract and he is concerned that the construction of a golf course will have a negative impact on the quiet country atmosphere that his family now enjoys.

**Doctor Robert Gilmore**, 2716 West 171st Street, advised that his property abuts the property in question, and is opposed to the construction of the golf course. He stated that he purchased his 20-acre tract in order to enjoy the rural setting, and pointed out that the proposed business will be detrimental to the residential neighborhood.

**Jim Aaron**, 1831 East 71st Street, informed that a gas line serving the area runs across the subject property. He stated that he is proposing the construction of a new home on his tract and is opposed to the golf course.

There was discussion concerning restrictive covenants, and Mr. Alberty advised that this Board does not have jurisdiction over private agreements.

In reply to Mr. Tyndall, Mr. Jones advised that the subdivision has not been platteu and filed of record.

**Raymond Stacy**, P. O. Box 353, Mounds, Oklahoma, represented the nearby church, and informed that he is supportive of the application, but would like to have additional information about the project.

**Clay Ward**, Route 1, Box 69-E, Mounds, Oklahoma, stated that the general area is saturated with golf courses, and voiced a concern that that a club might be proposed at this location, with the possible sale of alcoholic beverages. Mr. Ward stated that much of the soil in the area cannot pass a percolation test, and sewage disposal for the facility could be a problem.

**Applicant's Rebuttal:**

Mr. Lamoreaux stated that it is their intent to beautify the land, and the location of the utility line will not be a problem. He informed that a small restaurant will be constructed to provide sandwiches and soft drinks for their customers, but a large eating establishment is not proposed. The applicant stated that a high-tech septic system is proposed, which requires a smaller amount of drainage field, and rainwater will be captured to irrigate the fairways and greens.

In reply to Mr. Alberty, the applicant stated that the purchase of the property will depend on the outcome of this hearing.

Case No. 1332 (continued)

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

Mr. Alberty noted that the land use appears to be compatible with the area and there is sufficient separation between the proposed development and the residences.

**Board Action:**

On **MOTION** of **ALBERTY** the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a golf course in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5; subject to the applicant submitting a detail site plan prior to development; subject to Health Department approval and a building permit; finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

SW/4 and the S/2, NW/4, and W/2, SW/4, SE/4, Section 34, T-17-N, R-12-E, Tulsa County, Oklahoma.

**Case No. 1333**

**Action Requested:**

Variance to permit two dwelling units on one lot of record - **SECTION 208 - ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Unit 6, located 16840 North 97th East Avenue.

**Presentation:**

The applicant, **Glen Just**, PO Box 296, Collinsville, Oklahoma, requested permission to construct a second dwelling on a 10-acre tract. He informed that his mother-in-law will live in the home and the land will remain under one ownership.

**Comments and Questions:**

Mr. Alberty noted that the applicant has sufficient land area to split the tract and construct several dwellings.

**Protestants:**

None.

Case No. 1333 (continued)

**Board Action:**

On **MOTION** of **ALBERTY** the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record - **SECTION 208 - ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Unit 6; subject to Health Department approval and a building permit; finding that the tract contains sufficient land area to support more than one dwelling unit; 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:

SE/4, NE/4, SE/4, less .25 acre for roadway, Section 12, T-22-N, R-13-E, Tulsa County, Oklahoma.

**Case No. 1334**

**Action Requested:**

Variance of the required 75' setback from an abutting AG zoned district to 25' to permit an addition to an existing building - **SECTION 930. - BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23, located 13795 East 136th Street North.

**Presentation:**

The applicant, **Rubin Hearn**, PO Box 393, Collinsville, Oklahoma, requested permission to construct a 50' addition (north) across the rear portion of an existing warehouse building.

**Comments and Questions:**

Mr. Alberty inquired as to the distance from the east wall to the east property line, and the applicant stated that the wall is approximately 150' from the east boundary.

In reply to Mr. Alberty, Mr. Hearn stated that the new addition will be approximately 24' from the north property line.

Mr. Alberty asked the applicant if he has conferred with the County Building Inspector concerning the proposed construction, and he replied that he was advised at that office that a variance of the setback would be required.

In response to Mr. Alberty, Mr. Hearn stated that the building is used for an automotive exhaust warehouse.

Case No. 1334 (continued)

**Protestants:**

**Mike Daniels**, 13620 North 141st East Avenue, submitted photographs (Exhibit C-1) and stated that additions have been made to the existing structure without permits, and the building is currently over the building setback line. He informed that the applicant is conducting a manufacturing business at this location and approval of the request would be detrimental to the neighborhood.

**Additional Comments:**

Mr. Alberty noted that the applicant can expand to the east by right, and any construction that was completed prior to 1980 is grandfathered in.

In reply to Mr. Looney, Mr. Daniels stated that there is a barn and mobile home to the north of the subject property.

Mr. Fields advised that IL zoning permits welding shops, warehousing and similar uses by right.

**Applicant's Rebuttal:**

Mr. Hearn stated that his property was zoned IL and the building was already in place when Mr. Daniels constructed his home. He pointed out that he could extend his building closer to Mr. Daniels residence, but would prefer adding to the north.

**Board Action:**

On **MOTION** of **ALBERTY** the Board voted 4-1-0 (Alberty, Eller, Tyndall, Walker "aye"; Looney, nay"; no "abstentions"; none "absent") to **DENY** a **Variance** of the required 75' setback from an abutting AG zoned district to 25' to permit an addition to an existing building - **SECTION 930. - BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23; finding that the applicant failed to present a hardship for the variance of the 75' setback from the north property line; on the following described property:

The west 330.75' of the east 661.5' of the south 516.6' of the SW/4, SE/4, Section 28, T-22-N, R-14-E of the IBM, Tulsa County, Oklahoma.

**Case No. 1335**

**Action Requested:**

Special Exception to permit a mobile home in an RS zoned district - **SECTION 410 - PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 9, located 902 West 4th Street.

**Presentation:**

The applicant, **Murl Sanders**, 900 West 4th Street, Sand Springs, Oklahoma, requested permission to install a mobile home on his property for rental purposes. He pointed out that there are numerous mobile homes in the area.

**Comments and Questions:**

Mr. Tyndall inquired as to the recommendation from the Sand Springs Board of Adjustment (Exhibit D-1), and the applicant replied that they required a hard surface driveway, tie downs and a separate septic system.

In reply to Mr. Tyndall, the applicant stated that a creek is located to the south of the subject property.

**Protestants:**

**Linda McDaniel**, 904 West 4th Street, Sand Springs, Oklahoma, informed that her home is to the west of the subject property and the renters are causing a disturbance. She stated that Mr. Sanders is a good neighbor, but is opposed to the renters.

In reply to Mr. Walker, Ms. McDaniel stated that she was not aware of the Sand Springs Board of Adjustment meeting.

**Applicant's Rebuttal:**

Mr. Sanders stated that he was out of town for some time and was not aware of the disturbance. He advised that the problem will be corrected.

**Board Action:**

On **MOTION** of **WALKER** the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS zoned district - **SECTION 410 - PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 9; subject to Sand Springs requirements; subject to the mobile unit being installed on a permanent foundation; subject to a hard surface driveway; subject to Health Department approval, a building permit, skirting and tie downs; finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Case No. 1335 (continued)

Beginning 823' west and 30' south of the NE/c of the SE/4, thence west 75', south 190', east 75', north 190', Section 10, T-19-N, R-11-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:00 p.m.

Date Approved April 18, 1995

John N. Zyzanski  
Chairman