

**COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 187**  
Tuesday, December 19, 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  
Beach

Glenn, Building  
Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, December 15, 1995, at 4:42 p.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 **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** the **Minutes** of November 21, 1995 (No. 186).

**NEW APPLICATIONS**

**Case No. 1387**

**Action Requested:**

Special Exception to permanently permit a heliport for private use in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 2, located northeast of the northeast corner East 111th Street and South Garnett Road.

**Presentation:**

The applicant, **Michael Hackett**, 406 South Boulder, informed that his client, **Wayne Crain**, was previously granted the right to operate a private heliport on the subject property (40 acres) for a period of one year and requested that a permanent approval be granted. He explained that approximately three-fourths of the land lies within the Haikey Creek floodplain and cannot be developed. Mr. Hackett informed that the helipad is located near the western boundary of the property and approximately 500' from the nearest residences. The applicant advised that his client has complied with all conditions imposed by the Board and his flight log will verify the fact that only

Case No. 1387 (continued)

six landings have been made. The applicant asked that the Board approve R-22, R-44, Bell 47 and Switzer 300 helicopters for landings at this location. The applicant submitted photographs (Exhibit A-1) and a packet (Exhibit A-3) containing a flight log, location map, petition and letters of support and sound comparisons.

**Interested Parties:**

**Jerry Farland**, 4028 South Chestnut, Broken Arrow, Oklahoma, informed that he flies a helicopter for AirEvac for Tulsa and advised that the helicopters mentioned by the applicant have very low noise levels.

**Ms. Jerry Glenn**, 10501 South Garnett, informed that she owns property to the west of the subject tract and does not hear the helicopters visiting that site.

**Protestants:**

**Tony Deangelis**, 4313 South Butternut, Broken Arrow, Oklahoma, stated that he lives two houses south of the subject property. He noted that the helipad is not 500' from the residential area, as stated by Mr. Hackett, but is much closer. Mr. Deangelis stated that he is not concerned with the noise, but is very concerned about the safety factor. He asked that the Board protect the residential area and deny the application.

**John Buchard**, president of The Trails Homeowners Association, stated that he represents 50 homeowners in the area. He informed that the residents of this area are concerned with noise that will be generated by the helicopters, as well as the precedent that will be set by approving the application. He stated that the proposed elevated expressway will travel across the subject property and many of the trees will be removed. He noted that in July a small helicopter was at treetop level and barely avoided a crash at a nearby intersection.

**Glenda Deangelis** informed that that she lives in a nearby housing addition and that Mr. Crain has violated the conditions previously imposed by the Board. She stated that there have been night flights and helicopters have also flown over the residential area. Ms. Deangelis stated that her complaints to FAA concerning these activities were not addressed. She pointed out that there is new residential development in the area and a heliport at the proposed location would be hazardous to the neighborhood.

**Deborah Turman**, 4400 South Butternut, Broken Arrow, Oklahoma, informed that it was suggested at the prior meeting that numbers be taken from helicopters flying over the neighborhood; however, it is impossible to see these numbers from the ground. She pointed out that the number of flights at this location exceeded six, as was stated by the applicant. Ms. Turman submitted photographs and the name of a County Sheriff (Exhibit A-2) that investigated a flight violation. She stated that the helicopter lands less than 500' from her home and flies over the residences to reach the helipad

Case No. 1387 (continued)

**Interested Parties:**

**Jerry Glenn** informed that he lives on property that touches the subject tract on the northwest corner. He noted that several helicopters travel in the area, but he rarely observes landings on Mr. Crain's property.

**Buddy Roberts**, 4308 South Butternut, Broken Arrow, Oklahoma, stated that the jets flying overhead produce more noise than the helicopters.

Mr. Tyndall asked if the case was heard by the Broken Arrow Board of Adjustment, and Mr. Beach stated that Broken Arrow elected not to hear this application, since they had recommended denial of the original application.

**Applicant's Rebuttal:**

Mr. Hackett advised that other individuals in the area have heliports and all helicopters flying in the area do not land on Mr. Crain's property.

In response to Mr. Looney, Mr. Hackett stated that fencing has been installed to satisfy previous Board requirements. He noted that his client has had no nighttime landings.

In reply to Mr. Looney, Mr. Hackett advised that his client is a licensed pilot, but does not own a helicopter.

Mr. Tyndall asked how many individuals use the heliport, and the applicant replied that Mr. Crain and three or four of his friends would be the only pilots using the heliport.

Mr. Gardner pointed out that, although the area is sparsely populated at this time, the surrounding land will not remain undeveloped in the future, and stated that a time limit may be appropriate if the application is approved.

Mr. Alberty stated that he does not find this location appropriate for a permanent heliport.

Mr. Tyndall advised that he is not supportive of the application, because the area is developing and there is indication that growth will continue.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **DENY** a **Special Exception** to permanently permit a heliport for private use in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 2; finding that development is occurring in the area and approval of the heliport on a

Case No. 1387 (continued)

permanent basis at the proposed location will be detrimental to the neighborhood and violate the spirit and intent of the Code; on the following described property:

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

**Case No. 1392**

**Action Requested:**

Appeal from the decision of the County Inspector that the operation of hay rides for sale to the public in an AG zoned district is a Use Unit 20 - Commercial Recreation, Intensive, and is not permitted.

In the alternative, request a special exception to permit commercial hay rides in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 20.

Variance of the all-weather surface requirement - **SECTION 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located 18308 East 101st Street South.

**Presentation:**

The applicant, **Mervin Kraft**, 18308 East 101st St. S., informed that he provides animal tours, hayrides and pony rides for day care centers and preschool children, which are scheduled Monday through Friday. He stated evening hayrides were open to the public during Halloween.

**Comments and Questions:**

Mr. Tyndall asked if horse stables are located on the property, and the applicant answered in the affirmative. He added that horses are boarded at this location.

In reply to Mr. Tyndall, Mr. Kraft stated that customer parking is provided on the property.

Mr. Looney asked if the property is leased, and Mr. Kraft replied that he has a four-year lease, with the option to purchase.

Mr. Alberty inquired as to the number of customers anticipated at any given time, and Mr. Kraft replied that the maximum number to this date has been approximately 50.

Case No. 1392 (continued)

**Protestants:**

**Tom Donathan** informed that he lives across the street from the subject property and pointed out that the use is too intense for the area. He noted that buses visit the property and the lights of vehicles leaving the premises shine directly toward his home. Mr. Donathan pointed out that traffic is heavy on 101st Street and the use creates a hazard for neighborhood residents, as well as motorists traveling this busy street. He stated that the proposed business is too intense for the area and that property owners in the area are opposed to the request.

**Dick Slaymaker** informed that he lives to the west of the subject property and noted that the applicant is conducting hayrides, advertising pigs, hogs and chickens for sale, and advertising live music, with flashing lights.

**Additional Comments:**

Mr. Glenn advised that the property is zoned for agriculture use and stated that approval of Use Unit 20 at this location would permit rodeo grounds, race tracks, fairgrounds, etc.

In reply to Mr. Looney, Mr. Glenn advised that electricity to the sign has been disconnected; however, if the special exception is approved a sign will be allowed.

Mr. Kraft noted that a dude ranch includes hayrides.

In reply to Mr. Alberty, Mr. Gardner advised that a dude ranch customarily has guest housing, with hayrides and horseback riding being accessory uses for the guests.

Mr. Glenn pointed out that the approaching traffic on 101st Street is not readily visible at this location (access drive of subject tract).

Mr. Tyndall stated that he is not supportive of the special exception request at this location.

**Board Action:**

On **MOTION** of **TYNDALL** the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **UPHOLD** the decision of the County Inspector that the operation of commercial hay rides and other commercial recreational uses to the public in an AG zoned district is a Use Unit 20 - Commercial Recreation, Intensive, and is not permitted as a matter of right, and thereby **DENY** the appeal.

Case No. 1392 (continued)

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **DENY** a **special exception** to permit commercial recreation uses in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 20 and a **variance** of the all-weather surface requirement - **SECTION 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**; finding the proposed commercial uses to be too intense for the area; and finding that approval of the request would be detrimental to the neighborhood and would violate the spirit and intent of the Code; on the following described property:

E/2, NW/4, Section 25, T-18-N, R-14-E, less and except 1 acre in the NE/4, NE/4, NW/4 of said E/2, NW/4, Tulsa County, Oklahoma.

**Case No. 1393**

**Action Requested:**

Variance of required land area from 2.2 to 1.49 acres and a variance of required lot area from 2.0 to 1.39 on Tract A; and a variance of required land area from 2.2 acres to 2.0 acres; and a variance of the required lot area from 2.0 acres to 1.43 acres on Tract B to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 19202 East 111th Street, South.

**Presentation:**

The applicant, **Vaughn Shafer**, 19202 East 111th Street, Broken Arrow, Oklahoma, informed that he is proposing to split the subject property in order to sell the front lot. He informed that this tract will consist of two acres and a new house will be constructed. A plat (Exhibit C-1) was submitted.

**Comments and Questions:**

Mr. Gardner asked if the house on the back lot will remain, and the applicant answered in the affirmative.

In reply to Mr. Alberty, Mr. Shafer stated that there is a barn on the front tract (Tract B).

Mr. Shafer noted that there is a lot to the west that contains only one and one-half acres, and there is a similar sized lot to the rear of his property.

**Protestants:**

None.

Case No. 1393 (continued)

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Variance** of required land area from 2.2 to 1.49 acres and a **variance** of required lot area from 2.0 to 1.39 on Tract A; and a **variance** of required land area from 2.2 acres to 2.0 acres; and a **variance** of the required lot area from 2.0 acres to 1.43 acres on Tract B to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; per plat submitted; finding that there are existing lots that are smaller than the lot in question; and finding that approval of the request will not be detrimental to the neighborhood, or violate the spirit, purpose and intent of the Code; on the following described property:

N/2, NE/4, NE/4, NE/4, Section 36, T-18-N, R-14-E, IBM, less beginning 462' west of the NE/c Section 36; thence west 198', south 330', east 198', north 330' to the POB, Tulsa County, Oklahoma.

**Case No. 1394**

**Action Requested:**

Variance of the required 40' rear setback in an AG zoned district 5' to permit a new detached accessory building - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, 3921 South 137th West Avenue.

**Comments and Questions:**

Mr. Beach advised that the Sand Springs Board of Adjustment was scheduled to hear this case on December 12, 1995; however, that meeting was canceled, due to the unavailability of Board members.

**Presentation:**

The applicant, **Clyde Stacy**, 3921 South 137th West Avenue, Sand Springs, Oklahoma, submitted a plot plan (Exhibit D-1) and explained that the detached accessory building would be too close to the house to open the door if it is constructed at the required 40' setback. He pointed out that his house is only set back 49'.

**Comments and Questions:**

Mr. Gardner advised that the accessory building could be constructed closer to the lot line if the property had a residential zoning classification. He pointed out that this provision was adopted in an AG zoned district to ensure separation of farm buildings from other farm buildings on adjoining lots.

Mr. Stacy stated that the abutting property owners are supportive of the request and one neighbor is in attendance.

Case No. 1394 (continued)

**Protestants:**

None.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Variance** of the required 40' rear setback in an AG zoned district to 5' to permit a new detached accessory building - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; per plan submitted; subject to the housing of farm animals being prohibited in the building; finding that the property has developed residential and RE zoned property is located to the southeast; finding that a detached building is permitted within 3' of the property line in residentially zoned areas; and finding that approval of the request, as conditioned, will not be detrimental to the area; on the following described property:

Beginning 753.85' west SE/c, N/2, SE/4, SW/4, thence north 129', northwest to a point on the east line of Rd.; thence southwest 194' to south line of N/2, SE/4, SW/4; thence east 283' to POB, Section 21, T-19-N, R-11-E, Tulsa County, Oklahoma.

**OTHER BUSINESS**

**Consider Approval of 1996 Board of Adjustment Meeting Schedule**

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** THE 1996 Board of Adjustment meeting schedule as presented.

There being no further business, the meeting was adjourned at 3:27 p.m.

Date Approved \_\_\_\_\_

1-18-96

  
Chairman