

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 203  
Tuesday, April 15, 1997, 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 Looney Tyndall Walker, Chairman	Eller	Gardner Beach Huntsinger	Meeks, Building Inspection Glenn, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, April 10, 1997, at 12:13 p.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Eller, Looney "absent") to **APPROVE** the minutes of March 18, 1997 (No. 202).

**UNFINISHED BUSINESS**

**Case No. 1491**

**Action Requested:**

Special Exception to permit a 130' PCS monopole antenna in an AG district. **SECTION 220. HEIGHT EXCEPTIONS** - Use Unit 4, located 13032 South 185<sup>th</sup> Avenue East.

**Presentation:**

The applicant, **Kris Doyle/Western Wireless**, 7043 East 15<sup>th</sup> Street, stated that since the previous hearing he has met with the adjacent family and has chosen a new location. Mr. Doyle explained that the monopole has been reduced to 100' in order to meet the 110% setback from property lines, as well as residential structures.

**Comments and Questions:**

Mr. Alberty asked the applicant where the tower will be located? Mr. Doyle stated the tower has been moved to the southeast toward the middle of the subject property.

**Interested Parties:**

Mark McDonald, 18231 East 131<sup>st</sup> Street, representing his mother-in-law, stated his mother-in-laws property is adjacent to the subject property. Mr. McDonald informed the Board that his mother-in-law is in agreement with the new location, which meets the 110% setback.

**Board Action:**

On MOTION of ALBERTY, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Eller, Looney "absent") to **APPROVE** Special Exception to permit a 100' PCS monopole antenna in an AG district. **SECTION 220. HEIGHT EXCEPTIONS** - Use Unit 4, as amended and applied for; subject to revised location; subject to a setback of 110% of the tower height away from abutting property boundaries and subject to removal by the applicant if the tower is abandoned for more than 180 days; finding that there are no towers within ¼ mile of this location; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

A tract of land lying in the SW/4, Sec. 1, T-17-N, R-14-E, I.M., Tulsa County, Oklahoma, being described as follows: All of the SE/4, SE/4, SE/4, SW/4 of said Sec. 1. AND a tract of land lying in the SW/4, Sec. 1, T-17-N, R-14-E, I.M., Tulsa County, Oklahoma, being described as follows: Commencing at the SE/c, SW/4 of said Sec. 1; thence S88°40'30"W along the S line for 329.88'; thence N01°14'33"W for 281.59' to the POB; thence continuing N01°14'33"W for 50.00'; thence N88°40'46"E for 50.00'; thence S01°14'33"E for 50.00'; thence S88°40'46"W for 50.00' to the POB.

**NEW APPLICATIONS**

**Mr. Looney in at 1:41**

**Case No. 1493**

**Action Requested:**

Variance of the rear setback to permit an accessory building. **SECTION 320. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 1730 East 151<sup>st</sup> Street South.

**Presentation:**

The applicant, Paul Newsom, 424 NW 43, Oklahoma City, submitted a site plan (Exhibit A-1), plot plan (Exhibit A-2), application for a building permit (Exhibit A-3) and an application for a lot split (Exhibit A-4). Mr. Newsom is proposing to build a detached garage behind his home. He explained he had a building permit for his home, but failed to get a permit for the detached garage.

**Comments and Questions:**

Mr. Walker asked the applicant why he is crowding the rear property line? Mr. Newsom stated he chose the garage location because he will eventually install a pool between the house and the detached garage. The applicant wants to place the garage away from the proposed pool site as far as possible. The proposed detached garage location is approximately 150' from the house.

Mr. Gardner stated that one of the things that makes this application unusual is that the house is setting toward the rear of the property. The AG district requires a 40' setback, which is greater than the normal rear setback.

Case No. 1493 (continued)

Mr. Newsom informed the Board that the case map shows the property line inaccurately.

Mr. Beach stated that the case maps are accurate based on the legal description submitted by the applicant. The application would have to be continued to verify the legal description and case map.

In response to Mr. Walker, Mr. Beach stated that if the Board is convinced that the location of the proposed building is within the tract described by the legal description, then the Board can take action on this application.

Mr. Alberty asked the applicant to state his hardship in order to grant the request? Mr. Newsom asked Mr. Alberty what a hardship constitutes?

Mr. Beach informed the applicant, that a hardship is something physically unique regarding the property. If the literal terms of the Code were to be enforced it would cause an unnecessary hardship.

Mr. Newsom stated that there is not enough room to install the garage between the house and the subject location. He further stated that in the near future there will be a pool between the house and the proposed garage.

Mr. Walker stated the applicant is indicating the hardship is the location of the house to the rear of the property, which restricts the location of the garage and pool.

In response to Mr. Walker, Mr. Newsom stated the hill slopes down in front of the house and left him no choice but to move the house back toward the rear of the property. The location of the house does not allow much room for the detached garage, considering he would like to install a pool.

Mr. Alberty asked the applicant if he was advised he would need a 40' setback in the AG district? He answered negatively.

Mr. Alberty suggested the case be continued to enable the applicant to work with the County Inspector on the placement of the proposed garage and to find a hardship that meets the test of the Code.

In response to Mr. Alberty, Mr. Newsom stated he did not know he had to have a building permit for the detached garage since he already had one for the house. The slab for the detached garage has been poured.

Mr. Looney asked Mr. Newsom what the distance between the house and the proposed garage will be? He stated approximately 150' between the house and the garage.

Mr. Looney asked the applicant if the land between the house and the proposed garage is flat land? Mr. Newsom answered affirmatively.

Mr. Looney asked the applicant if he shifted the proposed building to meet the proper setbacks, would that impose a hardship with regard to building the pool in the future? Mr. Newsom stated that if he shifted the building it would infringe on the fenced area of the pool.

Mr. Looney asked the applicant if there is a house located to the south? Mr. Newsom stated that there is a house located to the southeast, which is approximately 250 yards away from his property.

Mr. Tyndall asked the applicant how wide the road behind his property is? Mr. Newsom stated it is not really a road but an 8' or 10' dirt path.

Mr. Looney stated he could support the variance based upon the fact that the applicant's closest residence is 250 yards away. He commented that there would not be any detriment to any surrounding property owners. Mr. Looney stated he could support this application with the hardship being the proximity of the proposed garage to the house and the future pool.

Mr. Walker stated that if the land was more dense he could be supportive of this application, but as it stands today, he cannot support the application.

Mr. Alberty stated that the proposed garage is large and to be set 6' off the common property line infringes upon the rights of the neighboring property. The proposed garage is not setback what would normally be considered a utility easement, which is 11'.

Case No. 1493 (continued)

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Eller "absent") to **CONTINUE** Case No. 1493 to May 20, 1997, at 1:30 p.m., to allow the applicant time to determine the nature of his hardship.

**Case No. 1494**

**Action Requested:**

Variance to allow two dwelling units on one lot of record **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**; and a Special Exception to allow a manufactured home in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 6523 North Garrison Avenue.

**Presentation:**

The applicant, **Julius A. Bunnell**, P.O. Box 580216, stated the subject property is family owned property and he would like to move close to his parents to help with their care.

**Comments and Questions:**

Mr. Walker asked the applicant if he can provide a plot plan? He stated he did not have a plot plan, but he could point out the location of the buildings on the case map.

Mr. Looney asked the applicant to identify the various buildings on the subject property? Mr. Bunnell indicated that there is a family home, barn, small sheds and chicken houses. He explained that the family home is the only permanent structure on a foundation and the barn is a pole barn. Mr. Bunnell stated he will place the mobile home on the vacant lot so that he can help care for his parents.

Mr. Looney asked Mr. Bunnell if he would be the tenant of the mobile home? He answered affirmatively.

Mr. Alberty asked the applicant if he knew the size of the subject tract? He stated the tract is 501 depth wise, 200 frontage.

Mr. Beach asked the Board for clarification as to where the applicant indicated the additional property that he owns? Mr. Walker stated that property is to the south and east, which is adjacent to the subject tract. Mr. Walker explained that the applicant indicated he would like to place the mobile home in an open area on the northside of the marked property and near the existing residence.

Mr. Bunnell stated the mobile home will be a 14 x 60 with a metal roof.

Mr. Alberty stated that according to Mr. Bunnell's dimensions there is approximately 2 ½ acres. In view of a hardship it is possible to have more dwellings on this property than the one that is existing.

Mr. Bunnell stated that there is a PSO easement on the flatter section of the subject property, which drops down a hill and would not be feasible to live on. Mr. Bunnell informed the Board that there are mobile homes adjacent to the subject property.

Mr. Alberty asked Mr. Bunnell what type of sewer system he would have? He stated he would have a septic system.

Mr. Alberty asked Mr. Bunnell if he has had a perc test done on the location he has proposed? He answered negatively.

In response to Mr. Alberty, Mr. Bunnell stated he will have a separate septic system and he will have a perc test performed if this application is approved.

Case No. 1494 (continued)

Mr. Alberty asked the applicant if the mobile home will be permanent? He answered affirmatively.

Protestants: None.

***Board Action:***

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Eller "absent") to **APPROVE** a **Variance** to allow two dwelling units on one lot of record **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**; and a **Special Exception** to allow a manufactured home in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, subject to the manufactured home not to exceed the life span of the parents; subject to the Health Department approval and County Inspector issuing a building permit; subject to tie downs and skirting; finding that the subject property is approximately 2 ½ acres and based upon the zoning, it would permit a number of dwellings in excess of the request; finding that there is adequate land to support more than one dwelling unit, but the ownership wants to remain intact and not split the land; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will not impair the purpose, spirit and intent of the Code, on the following described property:

S/2, Lot 1, Block 3, Less S 100' thereof, Turley Addition, Tulsa County, Oklahoma.

***Additional Comments:***

Mr. Looney stated that there appears to have been 16 or 17 approvals of mobile homes in the general area of the subject property.

**Case No. 1495**

**Action Requested:**

Special Exception to allow a manufactured home in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 5640 North 145<sup>th</sup> East Avenue.

***Presentation:***

The applicant, **Debra A. Wilson**, 14411 East 56<sup>th</sup> Street North, Owasso, submitted a site plan (Exhibit B-1), application for a building permit (Exhibit B-2) and a letter of support (Exhibit B-3). Ms. Wilson stated she bought the 2 plus acres that is adjacent to her property and would like to put a mobile home on the acreage. She informed the Board that she contacted her immediate neighbors and asked if they would mind having a mobile home on the property and they indicated they had no objections.

***Comments and Questions:***

Mr. Walker asked the applicant if there are several mobile homes in the area? She answered affirmatively.

Mr. Looney asked the applicant who would be living in the mobile home? Ms. Wilson indicated that her son and his future wife will be living in the mobile home.

Case No. 1495 (continued)

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, “aye”; no “nays”, no “abstentions”; Eller “absent”) to **APPROVE** a **Special Exception** to allow a manufactured home in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, subject to the Health Department approval and a building permit; subject tie downs and skirting; finding that this is a large acreage and there are mobile homes throughout the subject neighborhood; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Beg. 326' N, SE/c, SE, SE; thence 165' N, W 670', S 165', E 670', Sec. 4, T-20-N, R-14-E, Tulsa County, Oklahoma.

**Case No. 1496**

**Action Requested:**

Variance of Section 310 to permit a motel in an AG district fronting 21<sup>st</sup> Street as part of the activities of Expo Square. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use unit 19, located 21<sup>st</sup> Street and Toledo Avenue.

**Presentation:**

The applicant, **Patrick J. Lloyd**, General Manager of Expo Square, representing the Tulsa County Public Facilities Authority (“Authority”), P.O. Box 4735, submitted a site plan (Exhibit C-1) and a photograph of the proposed motel (Exhibit C-2). Mr. Lloyd stated the Authority has been handed an opportunity through a proposal made by private development interest to construct a three (3) story, 103 room hotel. The hotel will be located between Gate 12 and the water park fronting on 21<sup>st</sup> Street. The front of the hotel will be directed toward 21<sup>st</sup> Street and the style will be close to the photograph submitted. Mr. Lloyd stated that a very important part of this proposal is that the developer is a local developer and will insure that this will be a quality project. The numerous Expo Square events will support this kind of activity and it will help market the fairgrounds for potential event producers. Mr. Lloyd commented that the proposed motel will benefit the community and Tulsa overall.

**Comments and Questions:**

Mr. Walker asked the applicant if the proposed motel will have an impact on parking during the State Fair and special events? Mr. Lloyd stated that there is no question that in a few instances in the given year, the parking lots are taxed to their limits. The motel will be oriented to the clientele that will be event personnel associated with the given event. He explained that the patrons of the hotel will be exhibitors who will be at the Fairgrounds anyway.

Mr. Walker asked the applicant if he felt the impact on parking will be minimal? He answered affirmatively.

Mr. Alberty asked Mr. Lloyd which site plan is the correct plan? He stated the correct site plan is the one without any direct access from 21<sup>st</sup> Street.

Mr. Alberty stated that obviously the proposed motel will displace some parking spaces, however, the motel does provide parking. Mr. Alberty asked Mr. Lloyd if he knew how many spaces the motel will provide? He stated that the motel site plan shows spaces for 105.

Mr. Lloyd stated that there has not been any specific number with regard to parking spaces out of concern that it may change when the motel chain is selected. There may be a time that the hotel exceeds the provided parking, but there are many times that the demand for parking spaces for the events and the hotel will be more than met.

Mr. Gardner stated that the primary event for which they cannot meet on-site parking is the State Fair. They are non-conforming as to that event, but other events can be accommodated.

Case No. 1496 (continued)

Mr. Gardner stated that the Board of Adjustment can approve everything that is existing at the Fairgrounds as a Use Unit 20. However, to get the Use Unit 20 as a matter of right it would have to be zoned IM. He commented that the Board would not want the fairgrounds zoned IM. The Hotel is a Use Unit 19, a less intense use than uses in Use Unit 20, which is what is unique about this application.

Mr. Looney asked the applicant where the proposed simulcast building will be located? Mr. Lloyd stated the simulcast building will be immediately south of the race track grandstands. He explained that there is a tract of land between the grandstand and the northern boundary of the water park in which the 30,000 SF building will be erected.

Mr. Looney asked the applicant if the simulcast building is part of the consideration for this application? Mr. Lloyd answered negatively.

Mr. Tyndall asked the applicant if the motel will have a pool? He stated it would not have a pool.

Mr. Looney asked Mr. Lloyd if there will be any lighting or anything that will be different than what is already existing that might offend the neighbors? He stated the only lighting that would be considered would be parking area lighting of a low intensity (1 foot candle).

### ***Interested Parties:***

**Darryl French**, 4519 East 21<sup>st</sup> Place, stated he lives in the Mayo Meadows residential subdivision for 20 years. The Expo Square has been a fairly reasonable neighbor and he has no objections to the intent of a hotel on the subject site. He explained that his intent is to request development standards for the concern of the impact that this form of commercial activity will have on residentially zoned neighborhoods. Mr. French expressed concerns for the residential areas south of 21<sup>st</sup> Street and requested four areas of consideration from the Board: (1) a building setback similar to urban zoning categories (100' from centerline of 21<sup>st</sup> Street); (2) commercial sign standards (200 SF maximum size, 12' height limit); (3) direct all future lighting away from residential area, and (4) minimum development standards for landscaping. Mr. French stated he would not recommend an additional access point for the hotel, because any other perceived secondary access point might suddenly become the major popular access point in order to empty other events without benefit of the existing stop light.

### ***Comments and Questions:***

Mr. Walker informed Mr. French that one of the reasons the subject area is not zoned for industrial medium intensity is so that the developments do have to come before the Board for review.

### ***Applicant's Rebuttal:***

**Mr. Lloyd** stated that the building setback, as shown on the site plan, will exceed the 100' setback and the setback line will defer to what ever the County zoning requirements are. It is premature to comment on the signage without having an opportunity to speak with the developer. However, the developer will want to have something that is tastefully done and suits the marketing. Mr. Lloyd explained that it is his hope to be able to take down the existing chain link fence (between Gate 12 and the waterpark) and landscape the area. Mr. Lloyd stated the majority of lighting will be toward the back of the hotel where the service areas are located, which will face the north. He explained that the hotel will not require high intensity lighting.

### ***Comments and Questions:***

Mr. Looney asked the applicant if he would object to coming back before this Board with a detailed site plan or plot plan? Mr. Lloyd stated he had no objection to coming back before the Board with the final plans.

Mr. Beach suggested to the applicant that he might want to consider that the signs meet the requirements of the CS district signage conditions in Chapter 12. He explained that a CS district would allow this use by right.

Case No. 1496 (continued)

Mr. Walker stated he would prefer to let the applicant propose signage and if it appears to not be offensive, than the Board can support it. He further stated that if the sign is too intrusive, even if it met the CS district, then his vote would have to be against that kind of signage. Mr. Walker commented that he could approve this application in concept. The Board can give specific approval per site plan for signage, lighting, landscaping, etc.

Mr. Alberty stated he agrees with Mr. Walker and if the Board elects to approve this application, it should be approved in concept and than they would have their approval for the hotel/motel site. The Board will give specific consideration when the applicant returns with a detailed site plan for setbacks, signage and landscaping.

Mr. Glenn stated that if the hotel/motel requires signage too large, then some of the signs at Expo Square might have to be removed.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Eller "absent") to **APPROVE** a **Variance** of Section 310 to permit a motel in an AG district fronting 21<sup>st</sup> Street as part of the activities of Expo Square. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use unit 19; subject to the applicant being approved for a three (3) story hotel per his request, subject to the applicant returning to the Board with a final site plan with special consideration given to the building setback, sign height and display surfaces area subject to constant light, security and convenience lighting on subject property should be directed away from the south or adjacent residential neighborhoods and should illuminate the subject property only, treatment of landscaping consistent with the City of Tulsa's landscaping ordinance be required on the frontage of the subject property; finding that this is a unique site, which is a fairground use with multiple uses permitted by special exception which are much more intense than the hotel; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

The S 290', W 422', E 1382', Sec. 9, T-19-N, R-13-E, Less the S 40' thereof, Tulsa County, Oklahoma.

**Case No. 1497**

**Action Requested:**

Special Exception to permit a 100' PCS monopole antenna in an AG district. **SECTION 220.C. HEIGHT EXCEPTIONS** - Use Unit 4, located 3404 East 66<sup>th</sup> Street North.

**Presentation:**

The applicant, **Kris Doyle/Western Wireless**, 7043 East 15<sup>th</sup> Street, submitted a site plan (Exhibit D-1) and stated the site meets all of the criteria suggested by Staff. He indicated that there are no towers within ¼ mile of the subject site and the closest tower is approximately one mile south near the 56<sup>th</sup> Street exit. He stated the nearest residential structure is 150' away from the tower site.

**Comments and Questions:**

Mr. Alberty asked the applicant if the tower is designed for co-location? He answered affirmatively.

In response to Mr. Looney, Mr. Doyle stated that approximately 45% of the Western Wireless sites are collocations with existing structures. He commented financially it is better to collocate.

Mr. Looney asked Mr. Beach if the 110% setback is only with regard to residential? Mr. Beach stated the 110% setback is designed to protect abutting residential structures. He explained that if the tower is located in a district other than a residential, than the requirement would be 110% setback from the abutting property boundary line. He stated with the site being in the middle of AG or RS area we would interpret that to mean away from residential structures.



Case No. 1497 (continued)

Mr. Doyle explained that the monopole is a Belmont Monopole and it would not fall, but would kink or buckle.

***Board Action:***

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, “aye”; no “nays”, no “abstentions”; Eller “absent”) to **APPROVE** a **Special Exception** to permit a 100’ PCS monopole antenna in an AG district. **SECTION 220.C. HEIGHT EXCEPTIONS** - Use Unit 4; per plan submitted; subject to there being a 110% setback from any abutting properties and removal if the PCS monopole antenna is abandoned for 180 days; subject to the PCS monopole antenna being equipped for collocation capabilities; finding that there are no towers within ¼ mile of the subject site; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Lot 4, NW/4, NW/4, Sec. 4, T-20-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the government survey thereof, less and except the following described tract of land, being more particularly described as follows, to-wit: Beg. SW/c, said Lot 4; thence E along the S line of Lot 4 for 660’; thence N 144’; thence NW on a straight line to a point on the W line of Lot 4, said point being 456’ N, SW/c, Lot 4; thence S along the W line of Lot 4, for 456’ to POB, Tulsa County, Oklahoma.

**Case No. 1498**

**Action Requested:**

Special Exception to allow a mobile home in an RS district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 6502 South 65<sup>th</sup> West Avenue.

***Presentation:***

The applicant, **Bobby G. Taft**, 5514 East 191<sup>st</sup> Street South, Bixby, submitted a site plan (Exhibit E-1) and an application for a building permit (Exhibit E-2). Mr. Taft stated he would like to move his mobile home onto his family’s acreage. He indicated he would be purchasing the subject site from his family.

***Comments and Questions:***

Mr. Walker stated that the subject tract is 16 acres, which is zoned residential.

Mr. Walker asked the applicant what size his mobile home will be? Mr. Taft stated that the mobile home is an 18 x 80, single wide with a composition roof.

In response to Mr. Walker, Mr. Taft stated the mobile home will be on a foundation and he plans to make this a permanent fixture.

Mr. Walker asked the applicant if he will be removing the wheels and axles? He answered affirmatively.

In response to Mr. Walker, Mr. Taft confirmed that there are several mobile homes in the immediate area.

Mr. Walker stated that the zoning states residential but by nature the area still appears to be agricultural.

Mr. Looney asked the applicant if the existing buildings on the premise will remain? He stated his aunt is living in the existing house on the subject property and the property will be split. Mr. Taft explained that he will have eight (8) acres and his aunt will have eight (8) acres. He concluded that the out buildings will be on his aunt’s property.

Mr. Walker asked the applicant when he planned to split the land? Mr. Taft stated that the family has to have a meeting before the land can be split.

Case No. 1498 (continued)

Mr. Gardner asked the applicant if the mobile home will have a pitched roof? He answered affirmatively.

Mr. Looney asked the applicant if he will have a 30' neck out to 51<sup>st</sup> Street? Mr. Taft stated that there are 5.7 acres in the middle and he has permission for the 30' road frontage in order to get back to the 5.7 acres.

***Interested Parties:***

Shelby Oakley, 3502 East 107<sup>th</sup> Place, stated that he is in favor of his nephew (Bobby Taft) moving onto the 16 acres. He explained that his nephew will be able to do the upkeep on the subject land and will be an asset to the property.

***Board Action:***

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Eller "absent") to **APPROVE** a **Special Exception** to allow a mobile home in an RS district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted; subject to the Health Departments approval and a building permit; subject to tie downs and skirting; finding that the applicant will be setting the mobile home on a permanent foundation and finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Beg. 25' S & 25' W, NE/c, E/2, NE, thence S 830', W 1275', to a point, 25' E, WL, E/2, NE, thence N 410', E 640', N to a point 25' S, NL, E/2, NE, thence E 640', POB less W 220', S 410', Sec. 31, T-19-N, R-12-E, Tulsa County, Oklahoma.

**Case No. 1499**

**Action Requested:**

Special Exception to permit a mobile home sales in a CS district. **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 20612 South Highway 75.

***Presentation:***

The applicant, **Johnny H. Rutledge**, 206 South Highway 75, Mounds, submitted a site plan (Exhibit F-1) and an application for a building permit (Exhibit F-2). Mr. Rutledge stated he has lived on the subject property for 16 years and he has had a business on the subject property for 16 years. He explained that he has had the building for sale or lease for two (2) years, but he has run into some problems with the residence being on the subject property. Mr. Rutledge indicated he has an opportunity to lease the commercial building to a reputable company to sell mobile homes. He explained the mobile homes range in price from \$25,000 to \$95,000 and with the Board's approval the mobile home company would like to lease the building.

***Comments and Questions:***

Mr. Walker asked the applicant if he owns additional property? He stated he owns 2 ½ acres behind the commercial building. He explained that there is a total of 120 acres owned by his mother, except for the 3 ½ acres owned by his sister.

Mr. Looney asked the applicant if the parking for the commercial building is concrete? He stated it is all concrete where the parking will be, but some of the area, where the mobile homes will be located, will be gravel. He explained half of the subject site is concrete and half is gravel.

In response to Mr. Walker, Mr. Rutledge stated that the mobile homes for sale will be new mobile homes and there will not be any repossessed or used mobile homes for sale.

Case No. 1499 (continued)

Mr. Alberty asked the applicant if he is currently approved for auto sales and boat sales? He answered affirmatively.

Mr. Tyndall asked the applicant if he had direct access to Highway 75? He answered affirmatively.

In response to Mr. Looney, Mr. Rutledge stated the display pads are concrete and there is gravel in back of the building with grass growing through the gravel because it has not been used for some time.

Mr. Looney commented that it appears the subject site has approximately 50% to 60% of the outside area is concrete and the remainder is gravel.

Mr. Beach stated that the Code states that unenclosed off-street parking areas shall be surfaced with an all-weather material. Mr. Beach commented it would be a matter of interpretation whether the mobile homes on display would be on a storage yard or off-street parking.

Mr. Glenn stated the applicant will need an all-weather surface for the mobile home sales.

In response to Mr. Glenn, Mr. Rutledge stated he did not know that he needed an all-weather surface. He explained that the subject site frontage has been gravel until two (2) years ago when he received a variance to sale cars and boats.

Mr. Glenn stated that if the mobile homes are going to be displayed and there is no vehicular traffic across the gravel, then the County can approve the gravel surface. He explained that the all-weather surface is to keep the dust down.

#### ***Interested Parties:***

**Rex Bowers**, Route 1, Box 402, Mounds, stated he is the applicant's brother-in-law and they live on the same subject property. He explained that all of the families share the same common entrance to the subject property. Mr. Bowers stated that he has a car business on the south side of the subject property. He indicated that Mr. Rutledge discussed the proposal with the family and the family does not approve of this application. The family has asked Mr. Rutledge to move the entrance to the mobile home sales to the center of the property. He explained that the entrance is currently at the top of a hill on the north end and it is difficult to get in and out of the subject property. The family has contacted the State about moving the entrance to the middle and if the State will approve the change, than the family will be agreeable with the application. He indicated the family does not want mobile home sales at the north end where the main entrance to the family's homes is located. He stated the visibility of his property and car business will be blocked with the mobile home sales. Mr. Bowers commented that this application will be a detriment to his car sales business. Mr. Bowers indicated that there are three (3) families living on the subject 120 acres and there are no mobile homes in the immediate area. Mr. Bowers commented that the proposal will be a detriment to the values of the properties located on the 120 acres. He indicated that he was not notified about the hearing and felt he should have been notified.

#### ***Comments and Questions:***

Mr. Looney asked Mr. Bowers where his car sales is located on the subject property? He stated the car lot is on the south end of the subject property. Mr. Bowers explained that he will not be in favor of this application if the entrance cannot be moved to the middle of the property.

In response to Mr. Looney, Mr. Bowers stated the CS zoning is 660' x 660' and it does not include the property with Mr. Rutledge's home.

#### ***Interested Parties:***

**Tray Stone**, 10600 South Union, Jenks, requested information regarding the zoning of the subject property. Mr. Stone explained that he had recently purchased the property north of the subject property. He expressed concerns regarding the type of businesses that could be allowed if the zoning is changed.

***Comments and Questions:***

Mr. Walker explained to Mr. Stone that the zoning is not being changed.

Mr. Stone asked if the exemption applies to the mobile homes only? Mr. Walker stated the exemption will only apply to the mobile home sales.

Mr. Stone asked if the mobile home sales did not work out, could another business move onto the subject property? Mr. Looney explained that the subject property is zoned CS, which means anything commercial retail can go onto the subject property.

Mr. Beach informed the Board and interested parties that Mr. Bowers owns property that is outside the 300' radius that the law requires to be notified.

***Applicant's Rebuttal:***

**Johnny Rutledge** stated the CS property measures 660' x 660' and the lease will be for 350' x 300', which will still be in the CS zoned property. He commented that when the mobile homes are displayed it will not block his brother-in-law's view, but it will be more difficult to see his business. He explained that his brother-in-law's car lot is ¼ mile from the subject property and it will not affect his view. Mr. Rutledge reiterated he is trying to get the approval to move the entrance, but that may take a while to work out with the State. He explained that the mobile home company is ready to move in and he cannot wait for the decision with regard to moving the entrance.

***Comments and Questions:***

Mr. Tyndall asked the applicant how many mobile homes he intended to move onto the subject property? Mr. Rutledge stated approximately 20 to 25 mobile homes. He explained that there will be six (6) or eight (8) mobile homes in the front of the building and they will be skirted with electrical hookups. The six (6) or eight (8) mobile homes displayed in front will be in place for six (6) months at a time for show homes. He stated the show homes will have furniture inside and landscaped outside. Mr. Rutledge referred to the mobile homes as pre-manufactured homes, which will cost approximately \$95,000.

Mr. Alberty stated that the property is zoned commercial and sales were permitted before. He further stated that what ever disagreement that might be going on between the families is family business and the Board cannot be a party to the disagreement. He commented he could support the application as it was presented and the issue of the access to the subject property is an issue for the U.S. Highway Department.

Mr. Walker stated he has some concerns with the number of units allowed on the subject property for sale. He commented the proposal indicates the subject property will look more like a mobile home park versus mobile home sales. The site plan indicates 27 pads and that seems to be excessive.

Mr. Tyndall stated that a car sales lot is appropriate, but the mobile home sales does not seem appropriate. He expressed concerns of the traffic hazard with the existing access road to the subject property. Mr. Tyndall stated he could not support this application.

Mr. Looney stated he could support this application if the number of mobile homes was limited.

Mr. Alberty stated that parking the mobile homes all around the subject property is excessive. He suggested the mobile home sales be limited to eight (8) mobile homes on display at any one time.

Mr. Tyndall and Mr. Walker agreed that the mobile home sales will dramatically change the esthetics of the area.

Case No. 1499 (continued)

**Board Action:**

On **MOTION** of **LOONEY**, the Board voted 3-1-0 (Alberty, Looney, Walker, "aye"; Tyndall "nays", no "abstentions"; Eller "absent") to **APPROVE** a **Special Exception** to permit a mobile home sales in a CS district. **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to no more than eight (8) mobile homes on the premises at any one time and the mobile homes are to be located on the existing concrete surface; finding that the approval of this application as conditioned will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Tract #1 Beg. at a point 90.0', N 89°54'39" W, NE/c, SE/4, Sec. 15, T-16-N, R-12-E, thence N 89°54'39" W, 403.53', thence S 00°37'19" E for 272.03', thence S 89°54'39" E for 402.46', thence N 00°23'49" W for 272.02' to POB, tract is subject to a 30' road and utility easement on the N side, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:26 p.m.

Date approved: 5/20/97

R.L. Walker  
Chair