

**COUNTY BOARD OF ADJUSTMENT**  
 MINUTES of Meeting No. 229  
 Tuesday, June 15, 1999, 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 (1:50) Tyndall, Chair Walker		Arnold Bruce Stump	West, Zoning Officer Glenn, County Inspector

The notice and agenda of said meeting were posted in the Office of the County Clerk on, Friday, June 11, 1999, at 9:25 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Tyndall called the meeting to order at 1:32 p.m.

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**MINUTES:**

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Dillard, Looney "absent") to **APPROVE** the Minutes of May 18, 1999 (No. 228).

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**NEW APPLICATIONS**

**Case No. 1647**

**Action Requested:**

Variance to the uses allowed in the RS District. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, located 5398 West 1<sup>st</sup> Street.

**Comments and Questions:**

Mr. Bruce reviewed Staff Comments from the Case Report. Mr. Bruce mentioned that the Board is in receipt of an objection letter (Exhibit A-3) from a neighbor and a letter (Exhibit A-2) from the Zoning Officer.



Case No. 1647 (continued)

**Presentation:**

The applicant, **James M. Smith**, 5398 West 1<sup>st</sup> Street, submitted a site plan (Exhibit A-1) and stated that the property has been in his family for many years. Poultry has been raised on the property since 1950. Most of the poultry is raised for fighting purposes. Mr. Smith explained to the Board that he has recently moved onto the property and is in the process of cleaning it up and getting rid of the poultry.

**Comments and Questions:**

Mr. Alberty asked Mr. Smith if he will continue to raise "fighting cocks". Mr. Smith replied that he currently owns about 75 fighting cocks and does not plan to add any new ones but keep the ones he currently has.

Mr. Alberty inquired as to what kind of requirements must be met for permitting of the poultry. Mr. Smith replied that he is a Pollum (poultry disease) Inspector and he inspects all of his own poultry. There is no licensing to keep poultry.

**Interested Parties:**

**Ed Smith**, 5722 West 1<sup>st</sup> Street, stated that the property and surrounding area is zoned residential. Most of the people in the area have gardens that the poultry is getting into because they are running loose. Mr. Smith has no problem with the "fighting cocks" staying on the property (because they have been there for so long) but he would like for them to stay in the pens and not let loose to roam the neighborhood. Mr. Smith submitted a petition of opposition (Exhibit A-4).

**Don Ward**, 5393 West 2<sup>nd</sup> Street, stated that he lives behind the subject property. Mr. Ward explained to the Board that the chickens run around loose through the neighborhood and roost everywhere. He stated that he is opposed to the application.

**Bill Lasater**, mentioned that his mother lives across the street from Mr. Smith's property and is opposed to the chickens being allowed in the residential area. The property is not zoned Agriculture but residential. He also mentioned that the property is dirty and junky and needs to be taken care of.

**Applicant's Rebuttal:**

Mr. Smith reminded the Board that he has just moved in and it will take him a few months to clean up the property. He has repaired the pens and hopefully no more chickens will be running around loose. Mr. Smith also stated that he has no intentions of buying or raising any more fighting cocks but just keep the ones he has.

**Comments and Questions:**

Mr. Alberty mentioned that the neighbors have had to put up with the animals in their neighborhood for a very long period of time and they are a nuisance. Mr. Alberty does not support the continuance of the fighting cocks in the RS District. Mr. Walker agreed with him.



Case No. 1648 (continued)

Mr. Walker asked Mr. Rodriguez exactly how many busses will be located on the site and how large each bus is. Mr. Rodriguez replied that TPS will house a maximum of 40 busses with each bus ranging from 30' to 32' in length. Mr. Rodriguez stated that over 200 busses are housed at the Pine and Memorial station.

Mr. Alberty stated that he can see where this would help TPS. He believes this is a good use for the property considering what it is now and what could possibly be put on the property.

Mr. Walker stated that these busses already run in the area so TPS is not adding any congestion from the busses to the area. He is in support of the application.

Mr. Tyndall pointed out that this is a sparsely populated area and that traffic is not that much of an issue.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 3-1-0 (Alberty, Tyndall, Walker "aye"; Looney "nays", no "abstentions"; Dillard "absent") to **APPROVE Special Exception** to the uses allowed in the AG District. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5**; subject to there being a maximum of 20 busses on the property; subject to an 8' solid wood screening fence being erected around the entire property, noise suppression included with the compressor and the surface being paved, finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

N/2, S/2, NE/4, SE/4, Less E 50' for street right-of-way, County of Tulsa, State of Oklahoma.

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**Case No. 1649**

**Action Requested:**

Variance of the minimum lot width requirement of 200' down to 169'. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6** and a Variance of the required 2.2 acres of land area to 1.07 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, located 4732 S. 81<sup>st</sup> W. Ave.

**Comments and Questions:**

Mr. Bruce reviewed Staff Comments from the Case Report.



Case No. 1647 (continued)

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Alberty, Tyndall, Walker "aye"; no "nays", no "abstentions"; Dillard, Looney "absent") to **DENY** a **Variance** to the uses allowed in the RS District, finding that it meets the requirements of Section 1670.3, **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, on the following described property:

Lot 17, Block 2, Mayfair Second Addition, County of Tulsa, State of Oklahoma.

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Looney in at 1:50 p.m.

**Case No. 1648**

**Action Requested:**

Special Exception to the uses allowed in the AG District. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5**, located 5720 North Cincinnati

**Comments and Questions:**

Mr. Bruce reviewed Staff Comments from the Case Report.

**Presentation:**

The applicant, **Larry Rodriguez**, stated that he is employed by Tulsa Public Schools Transportation Department. Mr. Rodriguez submitted a site plan (Exhibit B-1), building plans (Exhibit B-3), a map of school bus routes (Exhibit B-2) and explained that the subject property has been used by Southwestern Bell as a storage and fueling station for its vehicles. Several years ago Southwestern Bell reduced its fleet and the property has not been in use for about five years. Tulsa Public Schools (TPS) would like to utilize the property for parking busses that serve the immediate area. TPS would erect an 8' high wooden fence to keep people out of the area and to block the view of the busses. The school busses currently are kept at Pine and Memorial and must drive over eight miles to begin their routes in this area. It would save the district money and time to have the busses housed in the area that they serve. Mr. Rodriguez explained to the Board that the facility is equipped with a Compressed Natural Gas fueling station and sometime in the near future (3-5 years) all of their fleet will be fueled with Compressed Natural Gas. The facility is also equipped with an office building that will continued to be used as an office. Nothing on the facility will change and there will be no new construction. TPS plans to pave the site.

**Comments and Questions:**

Mr. Alberty asked Mr. Rodriguez how many busses will be stored on this site? Mr. Rodriguez replied that there will be about 30.





Case No. 1648 (continued)

Mr. Walker asked the applicant what the height of the building on the property is? Mr. Rodriguez thinks the building is about 13' tall.

**Interested Parties:**

**Ms. Clifton**, 218 East 5<sup>th</sup> Street, stated that she is opposed to the application. Ms. Clifton pointed out that North Cincinnati is a narrow two lane road that is heavily traveled and everyone who travels on it speeds and it is very dangerous for busses to be pulling out. She is also opposed to the location of the facility because it is directly across the street from a residential neighborhood. Ms. Clifton does not believe that Tulsa Public Schools needs a bus station in this area/location.

**Vivian Harper**, stated that she lives in the Suburban Hills Addition. Ms. Harper reminded the Board that this is a residentially zoned area and not a commercial zoned area. She explained that the lot is too small for busses, especially 30 busses. It had previously been used to store trucks and cars.

**Johnnie Ruth Hall**, stated that she lives in the cul-de-sac that is directly across the street from the facility. She is opposed to the busses being parked there because of the noise and air pollution they would create.

**Glen Elle Allen**, is opposed to the busses being parked on the proposed site because there is not enough room and Cincinnati is not wide enough for them.

**Applicant's Rebuttal:**

Mr. Rodriguez mentioned that the reason TPS selected this site was because it was already set up to handle the busses. The school district would not have to spend extra money to set it up. The supervisor's office will be on site and if anyone has any problems with the busses or the way they are driving, they can contact the supervisor. Mr. Rodriguez explained to the Board that there is a great need for a school bus station in this area. The lot is currently vacant and has been trashed with beer bottles, vandalism has occurred to the building. Mr. Rodriguez believes it will be beneficial to the neighborhood to have some utilizing the property so it won't become a nuisance to them with unwanted people hanging out on it. Mr. Rodriguez asked the Board to approve the application.

**Comments and Questions:**

Mr. Walker asked the applicant if there will only be compressed natural gas busses on the property or will diesel busses also be on the lot? Mr. Rodriguez explained that until the all of the TPS busses are converted to compressed natural gas, some diesel busses will be stored there but they will not be fueled there. The fueling station for the diesel busses will be located in a different area.



Case No. 1649 (continued)

**Presentation:**

The applicant, **Carlos G. Streeval**, 8201½ West Skyline Drive, submitted a site plan (Exhibit C-1) and stated that he bought the property two years ago from his sister-in-law. He owns land adjacent and to the south of the subject tract. He would like to split the property and sell it. Mr. Streeval mentioned that he has been before the Sand Springs Board of Adjustment and they approved the application.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Dillard, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Walker "absent") to **APPROVE** Variance of the minimum lot width requirement of 200' down to 169'. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6** and a Variance of the required 2.2 acres of land area to 1.07 acres. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, finding that the variances meet the requirements of Section 1670.3, on the following described property:

**Existing Undivided Tract:** Beginning at a point 686.1' S 00°26'48" W of the NE/c of the SE/4 of Section 25, T-19-N, R-11-E of the IBM, Tulsa County, State of Oklahoma, thence S 00°26'48" W 309.0'; thence N 89°32'14" W 831.89'; thence N 00°27'47" E 309.00' thence S 89°10'03" E 831.86' to the POB. **Cut-Out-Tract:** Beginning at a point 758.55' S 00°26'48" W of the NE/c of the SE/4 of Section 25, T-19-N, R-11-E of the IBM, Tulsa County, State of Oklahoma, thence S 0°26'48" W 177.83'; thence N 87°07'34" W 274.49'; thence N 01°53'51" E 163.35'; thence N 89°49'57" E 270.60' to the POB.

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**Case No. 1650**

**Action Requested:**

Special Exception to permit a church (Use Unit 5) in the AG District. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 2 & 5** and a Special Exception to permit the use of a tent on a temporary basis until construction is completed (to cover construction materials). **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT**, located 5310 W. 41<sup>st</sup> St. S.

**Comments and Questions:**

Mr. Bruce reviewed Staff Comments from the Case Report.



Case No. 1650 (continued)

**Presentation:**

The applicant, **David M. Dryer**, 5540 South Lewis, Suite 720, stated that he bought the property for a multi-use building. Mr. Dryer explained that they would like to use the house for a church ministry and on-site housing for ministry training. The tent is temporary and is being used to store construction materials.

**Interested Parties:**

**Bryan Herman**, stated that he lives across the street from this property and he has been told several different stories about what is being done on the property. He also stated that the area has sewer problems. He does not know if he is opposed to the application or not because he does not know what is being done on the property.

**Comments and Questions:**

Mr. Larry Glenn, County Inspector, stated that there are two houses on the property already. The area is used for church groups and youth activities. There are two volleyball courts and a basketball court on the property. The lights are abundant and are not directed away from the residential areas. The tents have pop machines in them with chairs set up. Mr. Glenn suggested that the Board put some restrictions on the land. Mr. Glenn also stated that he would like to see some drainage plans since the property borders the flood zone.

Mr. Looney stated that he would like to see a detail site plan and look at the overall picture of the site. He would also like to see a list of the proposed uses for the property.

**Board Action:**

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker "aye"; no "nays", no "abstentions"; Dillard "absent") to **CONTINUE** Case No. 1650 to the meeting of July 20, 1999.

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**Case No. 1651**

**Action Requested:**

Special Exception to permit a mobile home in an RS District. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance to permit two dwelling units per lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, located 2204 S. 57<sup>th</sup> W. Ave.



Case No. 1651 (continued)

**Comments and Questions:**

Mr. Bruce reviewed Staff Comments from the Case Report. Mr. Bruce mentioned that the Board is in receipt of an anonymous letter requesting denial of the application (Exhibit D-1).

**Presentation:**

The applicant, **Alta Rudluff**, 2204 South 57<sup>th</sup> West Avenue, stated that she would like to put a mobile home on the property and live in it.

**Comments and Questions:**

Mr. Walker asked the applicant if there are any other structures on the property? Ms. Rudluff replied that there are several sheds a mobile home and another house on the property.

The Board felt that there were too many structures on the lot and asked the applicant if she would be willing to tear some down. Ms. Rudluff replied negatively.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker "aye"; no "nays", no "abstentions"; Dillard "absent") to **DENY** a **Special Exception** to permit a mobile home in an RS District, finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance to permit two dwelling units per lot of record, finding that it meets the requirements of Section 1670.3, **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, on the following described property:

Lots 1 and 2, Block 2, Second West Tulsa View Acres Subdivision, Tulsa County, State of Oklahoma.

**Case No. 1652**

**Action Requested:**

Use Variance to allow a mobile home in a CG zoned district. **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6 & 9** and/or Special Exception to allow a single family home in a CG zoned district. **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, located SE/c W. 41<sup>st</sup> St. S. & 225<sup>th</sup> W. Ave.





Case No. 1652 (continued)

**Comments and Questions:**

Mr. Bruce reviewed Staff Comments from the Case Report.

**Presentation:**

The applicant, **Opal Rivers**, submitted a site plan (Exhibit E-1) and stated that she would like to put a mobile home on the property which consists of 5.64 acres. There are other mobile homes in the area. The property was zoned commercial when she bought it several years ago. Nobody can buy the land from her without being able to put a mobile home on it.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker "aye"; no "nays", no "abstentions"; Dillard "absent") to **APPROVE EITHER** a Use Variance to allow a mobile home in a CG zoned district, finding that it meets the requirements of Section 1670.3, **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6 & 9 OR** Special Exception to allow a single family home in a CG zoned district, finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, on the following described property:

Beginning at the NW/c of Section 27, T-19-N, R-10-E, thence N 89°30'43" E 545.12'; thence S 0°15'02" W 451.28'; thence S 89°14'50" W 540.76'; thence N 0°18'02" W 453.77' to point of beginning, lying all in the NW/4, NW/4, Section 27, T-19-N, R-10-E, Tulsa County, State of Oklahoma.

**Case No. 1653**

**Action Requested:**

Variance of the maximum floor area of detached accessory building (750 SF) to permit a garage of 1,050 SF in an RS District. **SECTION 240.2.E. YARDS, Permitted Yard Obstructions**, located 13137 South 125<sup>th</sup> East Avenue.

**Comments and Questions:**

Mr. Bruce reviewed Staff Comments from the Case Report.



**Presentation:**

The applicant, **Larry Walden**, 13137 S. 125<sup>th</sup> East Avenue, submitted a site plan (Exhibit F-1) and stated that he and his wife have lived at this location for one month. They purchased the house, which is on one acre, while it was being constructed. At the time, he asked to build a separate accessory building and he was told that there was no problem. He and the builder could not compromise on a price so Mr. Walden contracted Sutherlands in Broken Arrow and they agreed to build the accessory building. He was never informed that he had to have a building permit or a Variance. Mr. Walden explained that the accessory building is already constructed and has brick and windows that match the design of the house. Mr. Walden submitted photos (Exhibit F-2) of accessory buildings in the immediate area. The building will not be used for commercial purposes. Mr. Walden stated that the building is one of the nicer ones in the area and he believes that it is very compatible with the neighborhood.

**Interested Parties:**

**George Roberts**, 13134 South 125<sup>th</sup> East Avenue, stated that he is house # 11 on the submitted photos. Mr. Roberts is opposed to the application because it was done after the fact. He believes that the accessory building is a detriment to the area.

**Applicant's Rebuttal:**

Mr. Walden stated that his accessory is very compatible with the neighborhood and should increase the value of properties in the neighborhood.

**Comments and Questions:**

Mr. Alberty stated that there are a number of properties that have accessory buildings that exceed 750 square feet. He mentioned that he does not have a problem with the application.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker "aye"; no "nays", no "abstentions"; Dillard "absent") to **APPROVE** Variance of the maximum floor area of detached accessory building (750 SF) to permit a garage of 1,050 SF in an RS District, finding that it meets the requirements of Section 1670.3, **SECTION 240.2.E. YARDS, Permitted Yard Obstructions** on the following described property:

Part N/2, NE, NE, Beg. 25' E & 200' S NW/c, NE, NE thence E 200' S 175' W 200' N 175' to POB, Tulsa County, State of Oklahoma.



**Case No. 1654**

**Action Requested:**

Variance to permit two dwelling units per lot of record in an AG district.  
**SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9** and a Variance to allow a mobile home on a lot in the AG District.  
**SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT**, located 7417 East 181<sup>st</sup> Street South.

**Comments and Questions:**

Mr. Bruce reviewed Staff Comments from the Case Report.

**Presentation:**

The applicant, **Robert M. Donnelly**, 7417 East 181<sup>st</sup> Street South, submitted a site plan (Exhibit G-1) and stated that his father would like to split the property and deed part of it to him. The problem is the property is very narrow, 165' wide and 1,325' deep. The property was purchased in January by his parents with the understanding from the realtor that a mobile home would not be a problem on the property. He has spoken to several of his neighbors and none of them have a problem with the mobile home.

**Interested Parties:**

None.

**Comments and Questions:**

Mr. Stump stated that the applicant does not need the relief for a mobile home in an AG District.

Mr. Walker asked Mr. Donnelly about his septic system. Mr. Donnelly replied that they have been working with the Department of Environmental Quality and they have suggested constructing a wetlands system.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Walker "absent") to **APPROVE**, a **Variance** to permit two dwelling units per lot of record in an AG district, finding that the Variances meet the requirements of Section 1670.3. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9** and **WITHDRAW** a **Variance** to allow a mobile home on a lot in the AG District, finding that the relief is not needed. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT**, on the following described property:

W/2, NW/4 and W/2, SW/4, Section 13, T-19-N, R-10-E, Tulsa County,  
State of Oklahoma.



**Case No. 1655**

**Action Requested:**

Special Exception to allow outdoor recreation and indoor rodeo activities in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 20**, located 19310 W. Hwy 51.

**Comments and Questions:**

Mr. Bruce reviewed Staff Comments from the Case Report.

**Presentation:**

The applicant, **Lotsee E. L. Spradling**, 19402 West Highway 52, submitted a site plan (Exhibit H-1) and stated that she would like to continue the operation that her parents started over 75 years ago. There are horse and cattle activities on the property as well as shows, and activities for youth organizations. Ms. Spradling submitted letters of support from people who use the facility (Exhibit H-2). Ms. Spradling mentioned that they had a small incorporated township and for years there was a three mile planning radius, they were not aware that it disappeared a few years ago. Ms. Spradling stated that they have constructed a new barn on the building and that is what precipitated the application.

**Interested Parties:**

None.

**Comments and Questions:**

Mr. Walker mentioned that he is familiar with the operation and the family that operates it. They have done many things for the community and for youth programs in the area.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Walker "absent") to **APPROVE *Special Exception*** to allow outdoor recreation and indoor rodeo activities in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 20**, finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. on the following described property:

W/2, NW/4 and W/2, SW/4, Section 13, T-19-N, R-10-E, Tulsa County, State of Oklahoma.





There being no further business, the meeting was adjourned at 4:00 p.m.

Date approved:

  
  
Chair