

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 356  
Tuesday, January 19, 2010, 1:30 p.m.  
Aaronson Auditorium  
Tulsa Central Library  
400 Civic Center

**MEMBERS PRESENT   MEMBERS ABSENT   STAFF PRESENT   OTHERS PRESENT**

Dillard	Charney, Chair	Alberty	West, Co. Inspector
Osborne, Secretary	Walker, Vice Chair	Butler	
Tyndall		Cuthbertson	

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Monday, January 11, 2010 at 3:44 p.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Mr. Tyndall, alternate Chair, called the meeting to order at 1:35 p.m.

Mr. Cuthbertson read the rules and procedures for the County Board of Adjustment Public Hearing.

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**MINUTES**

On **MOTION** of Osborne, the Board voted 3-0-0 (Tyndall, Dillard, Osborne "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **APPROVE** the Minutes of December 15, 2009 (No. 355).

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**NEW APPLICATIONS**

**Case No. 2358**

**Action Requested:**

Variance to permit a detached accessory building to be located in the side yard (Section 402.2.A.2), located: 12808 East 132<sup>nd</sup> Street South.

**Presentation:**

**Randy Prevatt**, 12808 East 132<sup>nd</sup> Street South, proposed to build a garage. He informed the Board he had obtained an easement vacation for the placement of a garage. They want to save two mature trees in back yard. He pointed out the

lateral lines are in the rear yard. They proposed to build a garage. He stated the street view of the property would remain the same. They had not planned to construct a driveway to the new building. The main reason for building this structure is to store his son's cars while he is overseas in the military. They would also store personal lawn equipment and other personal items there. The garage will be built on a cement slab.

**Comments and Questions:**

Mr. Osborne asked about any other hardship regarding the land on the east side of the lot. They have a sprinkler system and the lateral lines in the rear and around the property, which they don't want to damage. Mr. Prevatt mentioned again they do not want to cut down the two mature trees. The proposed site was the only feasible location he could find. Mr. Osborne asked about access to the garage. Mr. Prevatt replied they have a double gate to the back yard. He added the garage doors will face the house. They like a nice appearance from the street.

Mr. Dillard noted the plans show it will be bricked to match the house, and lateral lines in the back yard, and the two mature trees, which he stated contributed to the hardship. Mr. Dillard also mentioned the applicant has vacated the utility easement. He indicated it would be an improvement to the neighborhood.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **Motion of Dillard**, the Board voted 3-0-0 (Tyndall, Dillard, Osborne "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **APPROVE** a Variance to permit a detached accessory building to be located in the side yard (Section 402.2.A.2), as presented, subject to construction according to the plans and specifics shown in the proposal, finding it will be contiguous to the house and the property, with the solid side facing the street, finding the lateral lines in the back yard, on the following described property:

W162.25 E374.50 N350 S700 N/2 NE SEC 8 17 14, Tulsa County, State of Oklahoma

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**Case No. 2359**

**Action Requested:**

Special Exception to permit outdoor recreation (Use Unit 20) in an AG district, to allow riding of four-wheelers and motor bikes, located: 200 East 171<sup>st</sup> Street South.

**Presentation:**

**Chase Bales**, 200 East 171<sup>st</sup> Street South, Glenpool, Oklahoma, proposed to ride off-road trails on his property. They have improved the property, filled in a swamp;

and removed some oil field equipment, refrigerators and trash from the property. There are seven miles of trails on the 69 acres and they may ride three to four times per month on average. There is no commercial venture involved.

**Comments and Questions:**

Mr. West commented that he received a complaint about dirt track activity and dirt movement. He considered the seven to ten miles of trails, and four or five bikes at a time to be an intense recreation, Use Unit 20. He felt the Board would need to make any decisions that need to be applied.

**Interested Parties:**

**Beverly Fielding**, 17503 South Elwood, stated she circulated a petition (Exhibit A-2). She stated the neighbors were opposed. She added that the noise of these motorbikes and four-wheelers bothered her horses and dog. She considered the noise to be very loud and disruptive to the neighborhood.

**Mike Brown**, 17295 South Elwood, Glenpool, Oklahoma, complained that the noise bothers his horses. He informed the Board he could hear the motors in his house with the television on. He submitted a document regarding Use Unit 20 in the zoning code (Exhibit A-1). He stated that his neighborhood is residential and not AG. He informed the Board that they don't use regular four-wheelers or motorcycles. He expressed concern that it could turn into a race track.

**Darren Samuels**, 408 East 171<sup>st</sup> Street, stated he owns the property to the east and south of the subject property. He mentioned the disturbance to his cattle and that he has a hay pen next to the subject property, which could catch fire from any sparks when it gets dry.

**Lea Johnson**, 617 East 171<sup>st</sup> Street South, stated her family owns and operates stables north of the subject property. They also operate a summer camp, and have a pond for visitors to fish. She complained of numerous parties at night. Ms. Johnson was concerned about decreased property values.

**John and Joann Epperstein**, 1023 East 171<sup>st</sup> Street South, expressed concern that this could become something more intensive. He stated these are specifically designed dirt bikes that have been subject to very little regulations for emissions or noise. He indicated the motors turn faster than commercial jet engines. He suggested there would be a safety hazard for humans and animals. He submitted a packet of information from the internet (Exhibit A-3) regarding motocross bikes.

**Keith Reagan**, 751 East 171<sup>st</sup> Street South, was opposed to the application for the reasons already mentioned.

**Walt Fielding**, 17503 South Elwood, checked on the dirt movement by a bulldozer at the Permit Office. He discovered there was no permit filed. He thought they were cutting trails on the subject property. He understood that a Stop Work

Order was issued until a permit for dirt moving was obtained. Mr. Fielding stated he observed multiple riders on bikes, wearing uniforms with numbers, and full gear on the track.

**Holly Borden**, 7621 West 131<sup>st</sup> Street, Sapulpa, Oklahoma, 74066, stated she has boarded horses in the area for years. She was concerned about safety for her children that are used to the freedom to play on the property with the stables. She is familiar with trail riding and cross country riding and considers this application to open up issues that will decrease the neighbors' safety.

**Mike Brown** wanted the Board to know his neighborhood is residential. He wanted to emphasize the need for screening between the AG-zoned subject property and his residential property.

**Applicant's Rebuttal:**

Mr. Bodeen stated he rented a bulldozer for just one week and a brush hog for one day. They have existing trails on the subject property. They are not seeking any commercial opportunity nor do they plan on selling concessions. They have not had any law enforcement officers contact them. None of the neighbors have come to discuss any issues. He described the types of new motorcycles and four-wheelers they own, stating they are equipped to comply with DOT required decibel ratings and spark arresters. They wear protective gear for safety. He stated they rode all summer without a fire or any incident. He is a minister and he does not drink or have wild parties. He stated the guests they had for parties left at 9:30 p.m. or 10:00 p.m. They do not ride early in the morning or late at night. He was willing to coordinate with Mr. Brown when he is showing property. He was willing to meet with the neighbors. Mr. Bodeen stated he would comply with the zoning code.

Mr. West reminded the Board that the reason he went to inspect the property was because of the complaint of dirt movement without a permit. He considered the dirt track on an AG-zoned property to be a Use Unit 20, intense recreation.

Mr. Chase responded that in this area it is common to hear chainsaws, post-hole diggers, and shot gun shots. He noted there are more than 100 cars parked in the field to the west of the subject property.

Mr. Alberty suggested it may be a stretch to call this level of use personal or appropriate in the area. He stated the Board could limit the use and he supported the County Inspector's conclusion that this is a Use Unit 20.

The Board discussed the application.

**Board Action:**

On **Motion of Dillard**, the Board voted 3-0-0 (Tyndall, Dillard, Osborne "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **DENY** a Special Exception to permit outdoor recreation (Use Unit 20) in an AG district, to allow riding of four-wheelers and motor bikes, finding an intensive commercial use under Use Unit 20 is not appropriate in this location, on the following described property:

E/2 NW LESS BEG NEC TH S1065 W935 S148 SW153.34 W280 N1321.25 E  
TO POB SEC 36 17 12, BEG NEC E/2 NW TH S1065 W882.31 N1065 E882.31  
TO POB LESS N24.75 FOR RD SEC 36 17 12, Tulsa County, State of Oklahoma

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**Case No. 2360**

**Action Requested:**

Special Exception to permit a home occupation (Beauty shop) in an RE district (Section 420.1), located: 3829 South 177<sup>th</sup> West Avenue.

**Presentation:**

**Christina Lawson**, 3829 South 177<sup>th</sup> West Avenue, Sand Springs, Oklahoma, 74063, stated she has a 360 sq. ft. building used as a beauty shop. She asked for the special exception to permit this home occupation. She does not advertise and does not want employees. She works between 8:30 a.m. and 2:00 p.m., as she has appointments; and from 4:00 p.m. to 6:00 p.m. occasionally. She has a sign as mandated by her State Board. She stated it has to be visible from her driveway.

**Jeffrey Lawson**, 3829 South 177<sup>th</sup> West Avenue, Sand Springs, Oklahoma, 74063, interjected a question regarding the sign's location, which was answered in Board discussion that it could not be visible from the public street.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **Motion of Osborne**, the Board voted 3-0-0 (Tyndall, Dillard, Osborne "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **APPROVE** a Special Exception to permit a home occupation (Beauty shop) in an RE district (Section 420.1), subject to compliance with the home occupation requirements in the zoning code to the satisfaction of the County Inspector, and finding 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:

LT 29, WESTERN HILLS RANCHETTES, Tulsa County, State of Oklahoma

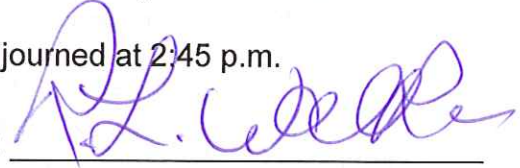
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**BOARD COMMENTS**

Mr. Osborne commented for the record that they wanted to give a thank you for all of the work that Phyllis Butler has accomplished for the Board members. He added that they appreciate her work for the Board and they will miss her.

There being no further business, the meeting adjourned at 2:45 p.m.

Date approved: \_\_\_\_\_



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2/16/10  
Chair