

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 865
Tuesday, May 27, 2003, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS

PRESENT

White, Chair
Dunham, Vice Chair
Turnbo
Perkins

MEMBERS

ABSENT

Cooper

STAFF

PRESENT

Butler
Beach

OTHERS

PRESENT

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, May 22, 2003, at 10:45 a.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair, White called the meeting to order at 1:00 p.m.

Mr. Jim Beach read the rules and procedures for the Board of Adjustment Public Hearing.

CASES TO CONTINUE AND CASES TO WITHDRAW

Case No. 19593

Action Requested:

Special Exception for a "Tunnel" type, enclosed car wash in a CS district per plan. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located 1440 E. 71st St.

Presentation:

Mr. Beach informed the Board that he received a request for continuance to June 24, 2003 from John Moody on the morning of this meeting. His client has not submitted a site plan for this application.

Board Action:

On **MOTION** of Perkins, the Board voted 3-0-0 (White, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Dunham, Cooper "absent") to **CONTINUE** Case No. 19593 to the meeting on June 24, 2003.

The N 290.00' of the W 44.30' of Lot 1 and the N 290.00' of the E 35.70' of Lot 2, Valley Bend Subdivision, City of Tulsa, Tulsa County, State of Oklahoma, less and except a parcel of land lying in the W 44.30' of Lot 1, and the E 35.70' of Lot 2, of Valley Bend Subdivision, more particularly described as follows, to-wit: the N 35.00' thereof.

Case No. 19597

Action Requested:

Variance to permit two dwelling units per lot of record in an RS-3 district on a lot of 1.25 acres. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6; a Variance of required rear yard from 20' to 10' to permit the second dwelling. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 7907 S. Waco Ave.

Presentation:

Mr. Beach informed the Board the applicant withdrew his case per phone and will send a letter. The applicant was not present at the meeting.

Interested Parties:

There were six parties present in opposition to the application.

The N/2 SW/4 NE/4 SE/4 SE/4 of Section 10, T-18-N, R-12-E of the IBM, less the W 25.00' thereof for road, City of Tulsa, Tulsa County, State of Oklahoma.

MINUTES

On **MOTION** of Turnbo, the Board voted 3-0-0 (White, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Dunham, Cooper "absent") to **APPROVE** the Minutes of May 13, 2003 (No. 864).

NEW APPLICATIONS

Case No. 19576

Action Requested:

Special Exception to permit a 6' fence in the required front yard. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located 1210 S. Fulton.

Presentation:

Mr. Dunham arrived at 1:10 p.m.

Lela Melson, 1210 S. Fulton Ave., stated she hired a contractor to build a fence around her property. She has been advised that part of it is too tall and she would like a special exception to keep it. A packet of photographs was submitted (Exhibit A-1).

Comments and Questions:

Mr. White noted the neighbor to the north sent letter complaining part of his fence was removed without permission. He also claims the new fence is on his property. Mr. White asked if the property was surveyed before the fence was put in. Ms. Melson replied that it was not surveyed. She added that it was built six inches inside her property line. Ms. Perkins stated she could not know that without a survey. Ms. Melson stated she checked with her neighbors and no one had a complaint. She did not take responsibility for the measurements, stating she left that to the contractor to build a privacy fence.

Interested Parties:

Tom Devlin, 1204 S. Fulton, cited the City Zoning Code. He stated that his front and back yard fences were removed without a court order or his permission. He considered it stealing and harassment, and added the height of this fence would lower his property value and make his property difficult to sell. He submitted a petition of opposition (Exhibit A-2). He wants it lowered to the required front yard fence height of 4'.

Michael Toliver, P.O. Box 14271, of Toliver Properties, stated that he had built a rapport with Mr. Devlin. He added that Mr. Devlin was well aware they were removing the chain link fence. Mr. Devlin had indicated he was glad about the project and that it would not cost him anything.

Nancy Graham, 1203 S. Eric, stated she was approached by both the applicant and Mr. Devlin. She viewed the fence for herself and found it to be a nice fence.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **DENY** a **Special Exception** to permit a 6' fence in the required front yard, finding it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 2, Block 2, Smithville II, Sub L 4 – 9B Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19583

Action Requested:

Special Exception to allow rebuilding a structure containing a non-conforming use. SECTION 1402.G. NONCONFORMING USE OF BUILDINGS, OR BUILDINGS AND LAND IN COMBINATION – Use Unit 28, located 3901 N. Lewis

Presentation:

Corey K. Nichols, 1517 E. Admiral Boulevard, stated they propose to rebuild a structure for a salvage yard. A fire had destroyed part of the building. They would construct a screening fence all the way around the property. Mr. Beach mentioned that Mr. Nichols has been working with Dwain Midget to rebuild the area and put up a screening fence. A site plan and photographs were submitted (Exhibit B-1 and B-2).

Comments and Questions:

Mr. White considered the project commendable.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to allow rebuilding a structure containing a non-conforming use, per plan, with conditions for a screening fence on all four sides, minimum 8' height, consistent construction, with a pleasing appearance to the surrounding properties, finding it 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:

Beg. at the SW/c SW NW SW; thence N 244.00'; thence E 660.00'; thence S 242.60'; thence W 660.00', to the POB, less the W 33.00' and the E 25.00' thereof for roadway purposes, all in Section 17, T-20-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19585

Action Requested:

Variance to permit a sign within 50' of a signalized intersection driving surface. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 5; and a Variance requiring changeable copy signs to be 20' from the driving surface of a street to 17'. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs, located 400 S. Denver Ave.

Presentation:

Jon Walker, 400 Civic Center, stated he represented the Tulsa City-County Library. They propose to add a changeable message sign to the existing sign at the corner of 4th and Denver. He submitted photographs, including one digitally altered to show the appearance of the proposed sign (Exhibit C-3). The sign would be used to announce programs and services of interest to the community. He submitted handouts (Exhibits C-1 and C-2) of summer activities and an event guide. A site plan was also provided (Exhibit C-5). Mr. Walker submitted a letter of support from the Tulsa Downtown Unlimited (Exhibit C-4). He stated the sign would be located 17' from the traffic signal and driving surface. He compared it with the sign at the PAC which is 14' from the traffic signal and driving surface.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** to permit a sign within 50' of a signalized intersection driving surface; and a **Variance** requiring changeable copy signs to be 20' from the driving surface of a street to 17', per plan, finding is will be useful to the library and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

All of Block 132 plus 20' of vacant alley, Tulsa Original Town, City of Tulsa, Tulsa County, State of Oklahoma.

Case No.19586

Action Requested:

Variance of requirement that a changeable copy sign be located 200' from a designated residential district. SECTION 1221.C.2.c. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 5, located 8136 E. 93rd St.

Presentation:

Jon Walker, 400 Civic Center, stated this is the new Hardesty Library at 93rd and Memorial. A site plan was provided (Exhibit D-1), and photographs of existing and proposed signs (D-2). The sign would be two to three feet above ground level.

Comments and Questions:

Mr. White asked if it would be the same as in the previous case. Mr. Beach interjected that it would be 3' x 8'. Mr. White noted the tract is also larger than in the previous case.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of requirement that a changeable copy sign be located 200' from a designated residential district, per plan, finding it will enhance the use of the library, and it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 2, Block 1, Sunchase II, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19587

Action Requested:

Variance of requirement for illumination to be by constant light. SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 5; and a Variance of requirement that changeable copy sign not be located within 200' of an R district. SECTION 1221.C.2.c. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs, located 2601 S. Garnett Rd.

Presentation:

Jon Walker, 400 Civic Center, submitted photographs of the existing illuminated sign at the Martin Regional Library at 2601 S. Garnett (Exhibit E-2). He indicated it would be about 2' to 3' above ground but below the height of the privacy fence on the south. A site plan, and support letters were submitted to the Board (Exhibits E-1 and E-3). He pointed out there are privacy fences to all abutting residential property.

Interested Parties:

Ralph Cowan, Jr., 1152 E. 27th, stated he lives just east of the library. He expressed concern regarding a landscaping issue. He stated that the sign would be ok.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of requirement for illumination to be by constant light; and a **Variance** of requirement that changeable copy sign not be located within 200' of an R district, per plan, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

All that part of the W/2 NW/4 of Section 17, T-19-N, R-14-E, of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, particularly described as follows, to-wit: Beg. at a point on the W line of said NW/4 said point being 2284.00' S of the NW/c NW/4; thence E to a point in the E line of said W/2 NW/4 , said point being 2281.90' S of the N line of said NW/4; thence S on said E line of the W/2 NW/4, a distance of 363.00' to the S line of said W/2 of the NW/4; thence W along the S line of said W/2 NW/4 and on a line parallel with the N line of this tract to the W Section line; thence N on said Section line a distance of 363.00' to the POB; less and except the E 720.00'.

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Case No. 19588

Action Requested:

Variance requiring sign to be illuminated by constant light. SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 5; and a Variance of requirement for changeable copy sign not be located within 20' of the driving surface of a street. SECTION 1221.C.2.b. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs, located 2224 W. 51st St. S.

Presentation:

Jon Walker, 400 Civic Center, stated this case is regarding a changeable message sign for the West Regional Library. The site plan and photographs (Exhibits F-1 and F-2) were provided. The sign would be four to five feet from ground level.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** requiring sign to be illuminated by constant light; and a **Variance** of requirement for changeable copy sign not be located within 20' of the driving surface of a street, per plan, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, and will enhance the operation of the library, on the following described property:

The W 500.00' of the following described tract of land, to-wit: Beg. at a point 600.00' E NW/c NE/4 of Section 34, T-19-N, R-12-E of the IBM, thence E 1070.45', thence S 50', thence E 265.00', thence S 90.00', thence in a SWly direction 92.41', thence W 404.85', thence SWly 601.00', thence W 260.18', thence N 250.00' to the POB, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19589

Action Requested:

Variance to permit sign location within 200' of an R district. SECTION 1221.C.2.c. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 5, located 1520 N. Hartford Ave.

Presentation:

Jon Walker, 400 Civic Center, was prepared to present the case for the Rudesill Library at Pine and Hartford.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** to permit sign location within 200' of an R district, per plan, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, and that it will enhance the operation of the library, on the following described property:

All of Lot 3, and the Nly 220.00' of Lots 4 and 5, Block 6, Dunbar Addition, and Part of Lot 1, Block 9, Roosevelt Addition, more particularly described as beg. at the NW/c of said Lot 1; thence S along the W line a distance of 130.00' to the SW/c of said Lot 1; thence E along the S line for a distance of 10.00'; thence NEly on a straight line to a point on the N line of said Lot 1 located 14.48' E of the NW/c; thence W on the N line to the NW/c of said Lot 1 and the POB, and all of Lots 2,3, and 4 and the Nly 110.00' of Lot 5, Block 9, Roosevelt Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19590

Action Requested:

Special Exception for an indoor recreation facility in an IL zoned district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19, located 5845 S. Garnett Rd.

Presentation:

Jeremy Babbitt, 12619 E. 170th St. N., Collinsville, Oklahoma, stated his proposal for an indoor recreation facility. The operations through the summer would be Tuesday through Friday, 2:30 to 10:00 p.m., and Saturday through Sunday from 10:00 a.m. to 10:00 p.m. It would be for skateboarding, bike stunt riding, and in-line skating. Other conditions the applicant listed for the Board are: Participants under the age of 18 must have their parent(s) or legal guardian(s) sign the waiver, in the presence of a Vans employee or a notary public (no exceptions to the rule); skate at your own risk; helmets and protective gear are required; the colored band

Presentation:

John Fonder, 1444 S. Norfolk, stated he owns the subject property. He has his dental practice at this location. He added there are eleven parking spaces behind the office, and a little space in the front for overflow. He wants to obtain a few more parking spaces. He was interested in purchasing the adjacent property on the west, from the Oklahoma Department of Transportation, if he can use it for parking. A site plan was provided (Exhibit G-2).

Interested Parties:

Mike Redman, 1435 S. Norfolk Ave., submitted handouts (Exhibit G-1) to the Board. He pointed out that the office faces residential homes on Norfolk and on the north. Norfolk is a dead end so that anyone wanting to park in front of the office has to turn around in someone's driveway. He noticed that the existing parking spaces are not used at full capacity. He would be supportive of the second parking lot but not if people are going to continue parking in front of the office.

Richard Tibbs, 1440 S. Norfolk, stated he did not mind cars parked on the street. He agreed the parking is not totally used. He would be opposed to an eight foot fence that would block his view. He also stated he did not want to be surrounded by parking lots. He added that he would be opposed to any type of fence or hedge.

Comments and Questions:

Mr. Beach stated that a fence is required for any abutting RS-3 property; though the expressway would be exempt.

Board Action:

On **MOTION** of **Dunham**, to **APPROVE** a **Special Exception** in an RM-2 district to permit off-street parking, with conditions that parking be limited to the south 62.6' of the subject lot, and to clarify it will be on the common north property line as the existing practice on Lot 4, and the screening fence be limited to the south 62.6' used for parking, no vote was taken and after more discussion:

On **Amended Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** in an RM-2 district to permit off-street parking, with conditions that parking be limited to the south 62.6' of the subject lot, which would be common with the north property line of the existing practice on Lot 4; and to **CONTINUE** the balance of the application for additional relief for the screening requirement, to the meeting on July 8, 2003, regarding the following described property:

Lot 5 and that portion of Lot 8 lying S of the existing ODOT fence and the W/2 (10') of the vacated alley abutting on the E of Lots 5 and 8, all of Block 13, Broadmoor Addition in the City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 19592

Action Requested:

Special Exception to permit a duplex on a lot zoned RS-3. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 7, located SE/c E. 36th St. & S. Indianapolis.

Presentation:

Chad Stites, 3400 E. 33rd St., stated the subject property is a vacant lot and has been for 25 or 30 years. There is a natural gas meter and driveway on the property. He pointed out the surrounding lots, have an apartment house, Texaco station, shopping center, and a church parking lot. He indicated that traffic on 36th would make it offensive for a single-family use. They propose to build a duplex. He noted there is a duplex at the other end of the block. Photographs were submitted (Exhibit H-1).

Comments and Questions:

Mr. Dunham noted staff comments asking for demonstration of livability space requirement of 2500 square feet per dwelling unit, and land area requirement.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to permit a duplex on a lot zoned RS-3, finding it 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:

Lot 1 and N/2 Lot 2, Block 3, 36th Street Suburb Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19594

Action Requested:

Special Exception to allow single-family dwelling in an OL district. SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS – Use Unit 6, located 1111 S. Florence Pl.

Presentation:

Robert Baumgarten, 3926 E. 41st Pl., proposed to build a single-family dwelling. There was a dwelling there before. He has not purchased the property yet but the owner is in agreement.

Interested Parties:

Marcel Frebie, 6505 E. 99th St., stated she is the property owner and is in support. She added there was a house on the property that burned in January 2000. She reminded the Board that she protested a proposed cell tower on nearby property about a year ago and they assured her there would be no problem building a home on her property.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to allow single-family dwelling in an OL district, finding it 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:

Lot 22, Block 1, Pilcher Summit Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19595

Action Requested:

Variance of the area for display and height of new pole sign. SECTION 302.B.2.b. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT, Accessory Use Conditions and SECTION 602.B.4.e. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions – Use Unit 12, located 6827 S. Memorial Dr. Lot 1, Block 2, Woodland Hills Mall, City of Tulsa, Tulsa County, State of Oklahoma.

Presentation:

Paul Miller, 1801 N. Willow, Broken Arrow, Oklahoma, stated he represented Acura Neon and Coach's Restaurant. He submitted photographs and elevations (Exhibits I-1 and I-2). He pointed out it is a unique area, with an agricultural strip, an office district and a commercial shopping district on the same piece of property. He indicated the restaurant ties the two blocks together because it sits across the property line. He reminded the Board of a previous action approving an 80 square foot sign on the property. He pointed out to get the 25' from the mean curb level it would need to be 34' in height. He cited previous Board Action to issue variances to Taco Bueno, BOA Case No. 19403 and to A & W Root Beer, BOA Case No. 19198. These are in the same square footage range and height as the proposed sign.

Interested Parties:

Fred Emmer, 2 W. 2nd St., stated he represented Tulsa Metro Chamber. He added they are in support, and asked the Board to find it a reasonable variance of the code.

Dave Parcell, 12350 E. 131st St., Broken Arrow, Oklahoma, stated they have no concern for pole sign being placed. They asked that it not block their sign. He informed the Board that he talked the people from Coach's and he was told they would work with him regarding the placement.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of the area for display and height of new pole sign, finding the elevation between Memorial and this property makes it necessary, per the elevation but not necessarily the plan, on the following described property:

Lot 1, Block 2, Woodland Hills Mall, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19596

Action Requested:

Special Exception to allow Use Unit 25 (machine shop) in a CH zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 25, located SW/c E. Young St. & N. Sheridan.

Presentation:

The applicant was not present. Mr. Beach stated this is an expansion of a previously approved use. The applicant is operating an existing machine shop on the adjacent property. There would be a screening requirement on the west property line.

Interested Parties:

David Patrick, City Counselor, District 3, stated complete support: as the business is a good neighbor; has long-term presence; and employs a lot of people.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to allow Use Unit 25 (machine shop) in a CH zoned district, finding it is an extension of the existing use, finding it 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:

A tract of land in the SE/4 NE/4 of Section 27, T-20-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, and more particularly described as follows, to-wit: Beg. at the NE/c of the SE/4 of the NE/4 of said Section 27, thence W 45.00' to the POB, thence W 169.00'; thence S 330.00'; thence E 214.00'; thence N 164.00'; thence W 45.00'; thence N 166.00' to the POB, less the E 35.00' of the S 164.00' of said tract for road purposes; AND the N 132.00'

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** for approval of amended site plan, previously approved under BOA 19462, per plan submitted today, finding it 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:

Lot 1, Block 1, Trinity Park East, Lots 1 & 2, Block 1, Trinity Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19600

Action Requested:

Variance of required setback from centerline of S. Lewis Ave. from 75' to 70'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 5,6, located W side of S. Lewis, N side of E. 4th St. to N side of E. 5th St.

Presentation:

Monte McElroy, Tulsa Development Authority, stated they have a contract with Sam Rader, for redevelopment of this property. He added they are in favor of the development. A site plan was provided (Exhibit L-1).

Sam Rader, 7103 S. Yale, stated he proposed to build nine single-family dwellings with a green belt buffer along Lewis.

Interested Parties:

Walt Casey, 2306 E. 4th Pl., stated a park along Lewis would be dangerous, and there are other parks nearby. He suggested the area needed to be re-zoned so houses could not be built there. Mr. White informed Mr. Casey that the Board could not do anything about that.

Gary Beach, 2315 E. 4th Pl., asked if the park is just a buffer between the residences and the street. Mr. Jim Beach responded that the park is buffer area. It would be a 30' green space not a playground park. Mr. Gary Beach wanted to know how many new dwellings would be on 4th Place. Mr. Jim Beach replied there would be three new dwellings fronting 4th Place.

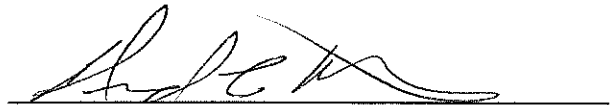
Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of required setback from centerline of S. Lewis Ave. from 75' to 70', per plan, finding right-of-way on most of Lewis is 35' and would be in keeping with the neighborhood, on the following described property:

Lot 1, Block 1; Lots 1 and 2, Block 2; and Lots 1 and 4, Block 3, all in Hillcrest Amended, a re-subdivision of a part of Blocks 1, 2 and 3, Hillcrest Addition and a part of Blocks 1 and 2, Hillcrest Ridge Addition, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 3:12 p.m.

Date approved: JUNE 10, 2003



Chair