

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 872  
Tuesday, September 9, 2003, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

**MEMBERS  
PRESENT**

Dunham, Vice Chair  
Stephens  
Turnbo  
White, Chair  
Perkins

**MEMBERS  
ABSENT**

**STAFF  
PRESENT**

Beach  
Butler

**OTHERS  
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, September 4, 2003, at 10:00 a.m., as well as at the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

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

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

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**MINUTES**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of August 26, 2003 (No. 871).

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**NEW APPLICATIONS**

**Case No. 19662**

**Action Requested:**

Special Exception to permit church and accessory uses in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance of side yard requirements to permit building across lot lines. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: W. 23<sup>rd</sup> Pl., between Nogales & Maybelle.

**Presentation:**

**Bill Snyder**, 930 W. 23<sup>rd</sup> Pl., stated he represented the West Tulsa Freewill Baptist Church. They propose to build an activities building. The other two lots are vacant and may be used for parking in the future. A site plan was provided (Exhibit A-1).

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit church and accessory uses in an RS-3 district; and a **Variance** of side yard requirements to permit building across lot lines, per plan, on the conditions: the lots other than the southwest corner of 23<sup>rd</sup> and Maybelle be restricted to parking use only; and for a tie agreement, on the following described property:

Lots 15, 16, 17, 18, Block 41, West Tulsa Addition, Lot 5, Block 1, West Dale Addition, and Lot 2, 3, Block 2 West Dale Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19663**

**Action Requested:**

Special Exception to permit a home occupation (beauty salon) in an RS-3 district. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6, located: 3418 S. 96<sup>th</sup> E. Ave.

**Presentation:**

**Christine Marie Cothran**, 3418 S. 96<sup>th</sup> E. Ave., proposed to have a beauty salon in her home. The plans are for one wet chair and one dry. She stated there is extra parking space in her driveway. The hours of operation would be Monday and Tuesday 10:00 a.m. to 3:00 p.m.; Wednesday and Thursday 10:00 a.m. to 6:00 p.m.; Friday and Saturday 12:00 to 3:00 p.m. She informed the Board that the State Board requires her to have a sign out front. Mr. Beach read the zoning code ordinance addressing signs for home occupations. She stated they are going to enclose half of the garage and the entrance is on the side.

**Interested Parties:**

**Edgar Nichol**, 9521 E. 34<sup>th</sup> St., stated he and other neighbors did not want this to set a precedent in the neighborhood. They oppose customers coming to her house.

**Steven Miles**, 9528 E. 34<sup>th</sup> St., referred to a letter from his homeowner's association and submitted a petition (Exhibits B-1 and B-2). They feel the home occupation would be a detriment to the neighborhood. He stated they already have problems with traffic and they are opposed.

**Bill Osencopp**, 3406 S. 94<sup>th</sup> E. Ave., informed the Board there is a beauty salon in a commercial area nearby and one closed for lack of business.

**Beebe Spesard**, 9504 E. 36<sup>th</sup> St., stated she is the Vice-President of Fulton Neighborhood Association. She stated they are in opposition for the reasons already named.

**Don Black**, 3439 S. 95<sup>th</sup> E. Ave., stated he is the original owner of his home as are many of his neighbors. He expressed his opposition to the application with concern for property values.

**Applicant's Rebuttal:**

Ms. Cothran responded that she is newer to the neighborhood than many of her neighbors. She added that she has had her customers for years. They have taken into consideration the appearance from the street and provided for the parking needs.

**Comments and Questions:**

Ms. Turnbo asked about the services offered and length of appointments. Ms. Cothran stated some customers come to her for manicures and pedicures besides hair cuts and sets. There will be no tanning salons. Mr. Stevens asked about the parking situation. They have two cars in the family and extra width was added to the driveway. Ms. Perkins suggested deliveries should be limited.

**Board Action:**

On **Motion of Perkins**, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins, "aye"; Stephens "nay"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a home occupation (beauty salon) in an RS-3 district, with conditions: no business deliveries any time; no sign visible from street; one chair with sink and one for cuts; one customer car at a time; thirty minutes between customers; days/hours Monday and Tuesday 10:00 a.m. to 3:00 p.m.; Wednesday and Thursday 10:00 a.m. to 6:00 p.m.; Friday and Saturday 12:00 to 3:00 p.m.; and all home occupation rules apply, 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 16, Block II, Briarwood Second, City of Tulsa, Tulsa County, State of Oklahoma.

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responded that they would lose the sidewalk if there was a five-foot landscaping strip there. Mr. Rommel decided to keep the sidewalk. He stated the redevelopment would be in line with the Vision 2025. The hardship is that the platting was done many years ago and it does not match the current spacing requirements. The addition to the hotel would increase it to thirteen rooms on two floors with a small restaurant. The restaurant would be open from lunch until 10:30 p.m. A site plan and letter were provided (Exhibit D-1 and D-2).

**Interested Parties:**

**Jamie Jamison**, Rt. 3, Box 150, Cleveland, Oklahoma, expressed enthusiastic support on behalf of the 6<sup>th</sup> Street Neighborhood Association. He stated it would help to repopulate the downtown area. He suggested that the key to compatibility would be the time of day that parking is needed in this area.

**Comments and Questions:**

Ms. Turnbo considered the plans for parking to be a benefit for the area.

**Board Action:**

On **Motion** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required parking from 56 spaces to 37 spaces; a **Variance** of landscape requirements to provide a 5' landscape strip along east side, per plan, finding the hardship to be the shallowness of the lots, on the following described property:

Lots 12-15, Block 1, East Lynn Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19666**

**Action Requested:**

Amend a previously approved site plan (BOA 11843) to permit temporary classrooms. Use Unit 5, located: 5150 E. 101<sup>st</sup> St.

**Presentation:**

**Gayle Pottle**, 5150 E. 101<sup>st</sup> St., stated she represented the Town and Country School. They have K-12<sup>th</sup> grades, and are accredited by the State of Oklahoma, for children diagnosed with a learning disability or an attention disorder. It is a private school. They propose a temporary unit on the southwest corner of the property on the east side of the existing building. They are raising money to build a new facility but they have outgrown the current one and need extra classroom space. She indicated the temporary time period would be five years.

**Interested Parties:**

**Lee Ann Maxwell**, 5109 E. 102<sup>nd</sup> Pl., stated she represented some of the homeowners in Wexford whose property abuts the school property at the back. They are in support of the school. Their objection is to the presence of a modular building abutting their property line. They asked that the building be placed in a different location on the property.

**Russell Huth**, 5117 E. 102<sup>nd</sup> Pl., objected to a five-year temporary time limit. He also wished to see the modular building placed in a different location.

**Tricia Clemmons**, 5122 E. 102<sup>nd</sup> Pl., stated the doublewide modular is 24' x 64'. Their main concern is the proposed location.

**Applicant's Rebuttal:**

Ms. Pottle responded with an explanation of the need to keep the modular close to the upper grades. She added that it would cut into the playground in the area suggested by the interested parties. She indicated the screening fence should serve to obscure some of the building. She informed the Board that the school could not achieve their plans in less than five years.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19666 to the meeting on September 23, 2003, regarding the following described property:

Lot 1, Block 1, Life Christian Center, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19667**

**Action Requested:**

Special Exception to allow a church (Use Unit 5) in an RS-4 District. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5; a Variance of the required one acre lot size. SECTION 1205.B.1. USE UNIT 5, COMMUNITY SERVICES AND SIMILAR USES; a Variance of required parking from 42 spaces to 14. SECTION 1205.C. USE UNIT 5, COMMUNITY SERVICES AND SIMILAR USES, located: 810 & 802 S. Troost.

**Presentation:**

**David Meriable**, stated he is with ArcTech, Inc. He explained the church would like to use an existing vacant building for classes and services. They have a small membership of about fifteen. There is enough space for the parking they need and an adjacent lot they may be able to obtain later for more space.

**Interested Parties:**

There were no interested parties present who wished to speak, but they indicated they were in support. A letter was provided from the Central Park Neighborhood Association in support of the application (Exhibit E-1).

**Board Action:**


On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a church (Use Unit 5) in an RS-4 District; a **Variance** of the required one acre lot size; and a **Variance** of required parking from 42 spaces to 14, finding it is an existing building, with ample parking space, 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:

Lots 1-6, Block 7, Park Dale Subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 2:30 p.m.

Date approved: September 23, 2003

  
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Chair