

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 876
Tuesday, November 4, 2003, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

White, Chair
Stephens
Turnbo
Perkins

**MEMBERS
ABSENT**

Dunham

**STAFF
PRESENT**

Beach
Butler
Alberty

**OTHERS
PRESENT**

Romig, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, October 30, 2003, at 3:09 p.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.

UNFINISHED BUSINESS

Case No. 19689

Action Requested:

Special Exception to allow a manufactured home in an RM-2 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Special Exception to allow it permanently. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located: S side of E. Newton & E of N. Wheeling.

Presentation:

The applicant, **Mariano Cano**, 2103 E. Newton, returned to this Board to present photographs of the mobile home he proposed to place on the subject property, and a neighbor's mobile home (Exhibit A-1). His interpreter, **Arthur R. Llamas**, 924 N. Victor Ave., was present also. Mr. Llamas stated this is a four-bedroom mobile home, and he would now like to place two mobile homes on the property.

Comments and Questions:

Ms. Turnbo informed him that he is not advertised for more than one mobile home. Mr. White asked if it was new and if he planned to make a permanent foundation. Mr. Llamas replied it is a 1998 model and they will put it on a permanent foundation if necessary. He added that the neighbor's mobile is not on a permanent foundation. Ms. Turnbo noted that the neighbor's mobile came before the Board on 11-21-85 and was denied a variance of the one-year time limit. Mr. Cano wanted to know if brick was allowed instead of skirting.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Turnbo**, the Board voted 4-0-0 (White, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Dunham "absent") to **APPROVE** a **Special Exception** to allow a manufactured home in an RM-2 zoned district; and a **Special Exception** to allow it for 30 years on a permanent foundation and with brick or skirting, on the following described property:

A part of the NW/4 SE/4 NE/4 of Section 31, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, more fully described as: Beg. 197' E of the NW/c NW/4 SE/4 NE/4 thereof; thence S 320'; thence E 67'; thence N 320'; thence W 67' to the POB.

NEW APPLICATIONS

Case No. 19686

Action Requested:

Appeal from a decision of the Tulsa Preservation Commission on May 8, 2003 to issue a Certificate of Appropriateness for the subject property, located: 1730 S. Quincy.

Mike Romig, Assistant City Attorney, advised that the Board did not have jurisdiction in this matter, and any appeal would need to be made to District Court.

Board Action:

On **Motion of Perkins**, the Board voted 4-0-0 (White, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Dunham "absent") to strike Case No. 19686 from the agenda, as they do not have jurisdiction regarding this matter for the following described property:

Lot 8, Block 23, Orcutt Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19696

Action Requested:

Special Exception under Section 701, Table 1 to permit Use Unit 16, Mini-storage, in a CS district subject to a site plan approved by the Board. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16; and a Variance of the requirement of Section 1216.C.3 that a mini-storage site shall have frontage on an arterial street. SECTION 1214.C. USE UNIT 14. SHOPPING GOODS AND SERVICES, Use Conditions, located: N side of E. 87th St., 175' E of S. Lewis Ave.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, submitted a site plan (Exhibit B-1) to the Board. His client proposed to build a mini-storage on the subject property. He listed the surrounding facilities: a Taco Bueno, shopping center, a large apartment complex, a large mobile home park and the University Village. He submitted photographs of the area (Exhibit B-2). He pointed out a 120' distance from Lewis Avenue, and an existing security fence that separates the property from University Village. The storage units would be air controlled. Mr. Norman indicated such a facility would not greatly impact the traffic in the area, and not as much impact as the past history of the existing shopping center. The only ingress and egress would be to East 87th Street South. The plans include an 8' screening fence.

Interested Parties:

Jim Fletcher, 2421 E. 87th St., Apt. 268, stated he represented the apartment complex neighborhood association. He requested that lighting be directed down and away from the apartment complex. He expressed concern that a drive around the storage units in Section C would be in close proximity (on the other side of the fence) to the apartment complex swimming pool. He questioned the proximity of the mini-storage screening fence to the apartment property line and if they would be required to maintain it. He also expressed concern that parking spaces inside the fence might be used for storage of inoperable vehicles.

Applicant's Rebuttal:

Mr. Norman responded they would have twelve parking spaces available. All storage is limited to inside the storage units. The facility would only be accessible to customers with a code at the gate. He saw no potential for high-speed driving within the facility. The plans did not include any free standing lighting. Mr. Norman concluded that this business is an anomaly in comparison to others that generate more traffic than this low intensity use and should not require arterial frontage. A copy of a preliminary site plan with some of the Interested Parties' questions was submitted (Exhibit B-3).

Board Action:

On **Motion** of **Turnbo**, the Board voted 4-0-0 (White, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Dunham "absent") to **APPROVE** a **Special Exception** under Section 701, Table 1 to permit Use Unit 16, Mini-storage, in a CS

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Turnbo**, the Board voted 4-0-0 (White, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Dunham "absent") to **APPROVE** a **Variance** of Section 1221.C.11 for a roof sign, per plan, finding there is no ground space for a sign and the proposed sign is supported by the Route 66 Commission, on the following described property:

Lots 1 and 2, and E 4' of Lot 3, Block 1, McBride Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19699

Action Requested:

Variance of required parking from 32 to 16 spaces. SECTION 1211.D. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES, Off-Street Parking and Loading Requirements – Use Unit 12, located: 1148 S. Harvard.

Presentation:

Theron Williams, 1927 S. Boston, Ste. 201, stated he represented the applicant. They proposed to put in a restaurant and coffee shop. There are 14 existing parking spaces and the structure has 3,000 sq. ft. It was built in 1965 before the current requirements of the zoning code. They have a lease agreement with the laundry across the street between 11th and 12th on Harvard for ten additional parking spaces. The lot is adjacent to residential property and is land locked. They would not seek a beer or liquor license. The days and hours of operation would be Monday through Saturday, 7:00 a.m. to 10: 00 p.m. They planned to re-stripe the parking spaces on the lot.

Interested Parties:

Earnest Moody, owner of the subject property, spoke in support of the application.

Chris Haston, 1147 S. Gary Pl., asked how customers would know there is additional parking. He also asked what would happen if the business changed to something else. Ms. Turnbo informed him the relief goes with the land. He submitted photographs (Exhibit D-1). He questioned the screening and Mr. Beach replied the screening is required.

Applicant's Rebuttal:

Mr. Williams responded they would put up a directional sign for parking. He stated they would put up a screening fence as required.

Board Action:

On **Motion of Perkins**, the Board voted 4-0-0- (White, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Dunham "absent") to **APPROVE** a **Variance** of required parking from 32 to 24 spaces, with conditions: for a small directional ground sign to parking; and must maintain parking spaces (including the ten parking spaces across the street, for the following described property:

Lot 11 and all Lot 12, less E 15' for street thereof, Block 1, East Lawn Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19700

Action Requested:

Special Exception to standards for antennas that towers shall be set back 110% from a residential or agriculture zoned lot to permit a 155' tower in a CS zoned district. SECTION 1204.C. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions – Use Unit 4, located: 5601 E. 36th St. N.

Presentation:

Chris Villines, 210 Linwood, Benton, Arkansas, presented this case for a maximum height, 155' galvanized monopole for off-load capacity. He stated they are still waiting to hear from the FAA regarding the height. It would be located more than 155' away from the nearest residential property. The property is zoned CS and surrounded by RS-3, AG and RMH. The topography is flat with some tree coverage. They would have six antennas and could accommodate two to three users. The utility cabinets would be standard size 10' x 18', and prefabricated. The proposed ingress and egress would be from 36th St. N. This tower is needed to cover an overloaded area. The landscaping would be at least four feet wide as on the site plan. There are no other towers in the area available for this need.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Stephens**, the Board voted 4-0-0 (White, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Dunham "absent") to **APPROVE** a **Special Exception** to standards for antennas that towers shall be set back 110% from a residential or agriculture zoned lot to permit a 155' tower in a CS zoned district, per plan, with condition for: FAA approval, on the following described property:

All that portion of the SW/4 SE/4 of Section 15, T-20-N, R-13-E, of the IBM lying S of the Sly line of the right-of-way of the Atchison, Topeka and Santa Fe Railway, containing 7.20 acres, more or less; less a tract described as follows, to-wit: Beg. at a point 1910.00' W of the SE/c of said Section 15, thence N 239.58' to a point in the S right-of-way line of said railroad; thence NEly along said right-of-way a distance of 597.48' to a point in the W line of the SE/4 SE/4 of

said Section 15; thence S 326.69' to a point in the S line of said Section; thence W 590.82' to the POB, City of Tulsa, Tulsa County, State of Oklahoma.

2004 Board of Adjustment Meeting Calendar

Board Action:

On **Motion** of **Stephens**, the Board voted 4-0-0 (White, Perkins, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Dunham "absent") to **APPROVE** the 2004 Board of Adjustment Meeting Calendar.

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

Date approved: NOVEMBER 25, 2003



Chair