

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 877  
Tuesday, November 25, 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  
Alberty

**OTHERS  
PRESENT**

Romig, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, November 20, 2003, at 3:49 p.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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**REQUEST TO CONTINUE AND CASES TO WITHDRAW**

**Case No. 19706**

**Action Requested:**

Approval of an amended site plan. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15, located: 10661 E. 31<sup>st</sup> St.

**Presentation:**

Mr. Beach informed the Board that staff recommended continuation for re-advertisement to the meeting on December 9, 2003.

**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. 19706 to the meeting on December 9, 2003.

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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 October 28, 2003 (No. 875).

On **MOTION** of **Perkins**, the Board voted 4-0-1 (White, Turnbo, Perkins, Stephens "aye"; no "nays"; Dunham "abstained"; no "absences") to **APPROVE** the Minutes of November 4, 2003 (No. 876).

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## NEW APPLICATIONS

### Case No. 19701

#### Action Requested:

Special Exception to allow a church and church related uses (Use Unit 5). SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance of the required one acre lot size. SECTION 1205.B.1.a. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses, located: 2607 N. Rockford.

#### Presentation:

**Alton Davis**, 2607 N. Rockford, stated that the address for the subject property is 2630 N. Rockford, not the existing church address listed on the agenda. Mr. Beach determined that the legal description was correct for the subject property and it was advertised properly. Mr. Davis added they plan to demolish the existing structure.

#### Comments and Questions:

Mr. Beach asked the applicant to clarify where the project will actually occur and the church to be torn down. Mr. Davis replied that on the corner of Rockford and 26<sup>th</sup> Street North the old house would be torn down. Mr. Dunham pointed out the need for relief for parking on a lot other than the primary use. Mr. White noted they need relief for the use of the existing church in a RS district, as it has not been approved previously. Mr. Davis asked if they could go ahead and demolish the existing structure, which they own. Mr. Romig replied all they need is a demolition permit.

#### 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 **CONTINUE** Case

No. 19701 to the meeting on January 13, 2004 for proper advertising and additional relief.

Lots 10, 11 and 12, Block 3, Martin Roll Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19702**

**Action Requested:**

Special Exception to allow Use Unit 12a in a CS district within 150' of an R zoned lot. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 12a; and a Special Exception of the required screening on the east and north. SECTION 1212a. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS; Use Conditions, located: 9801-9897 E. 11<sup>th</sup> St.

**Presentation:**

**Blas Gaytan**, 9012 E. 89<sup>th</sup> St., stated he owns a Spanish radio station. He proposed to purchase the subject property with an existing church building. He wants to convert it into an cultural event center. They would provide live music and serve beer for special events. They would also provide rooms for immigration informational meetings and language classes. A site plan was provided (Exhibit A-1).

**Comments and Questions:**

Mr. Gaytan responded to questions from the Board with the following information. The days/hours of operation would be Fridays and Saturdays from 9:00 a.m. to 2:00 a.m. The existing building would be enlarged from 12,000 sq. ft. to 22,000 sq. ft. They would have a commercial kitchen and serve up to forty people at a time for special events only. They planned to add the classrooms and hold classes from 5:00 p.m. to 9:00 p.m., probably Monday through Friday. The sale of alcohol (beer only) would be limited to only the weekends of special events. The events would be for general admission with music and dancing. There would be no adult entertainment.

**Interested Parties:**

**John Moody**, 1924 S. Utica, stated he is an attorney, representing the Riverview Corporation. Mr. Raymond Sponder, one of the principals of the corporation came from Florida to attend this hearing. Mr. Moody informed the Board that his client owns an apartment complex on the northeast of the subject property. An uncompleted church structure is on the property, but no parking lot has been built. He provided photographs (Exhibit A-2) of other investment properties owned and maintained by the corporation. Mr. Moody stated they understood the project is for a concert/dance hall. He indicated that there would be more appropriate locations. He identified a facility with over 500 parking spaces would be an intense use of the property. He compared it to the Caravan, at 41<sup>st</sup> and Memorial, for an example. It is open primarily Friday and Saturday nights. It is 18,110 sq. ft. according to the

County Assessor's office. The application project would be 44% larger than the Caravan. There is no screening and the application requests a special exception of the required screening. He pointed out there would be noise and lights from the parking lot; late hours of operation; it abuts church property, and residential properties. His client would not object to a Use Unit 5 for a community center. He submitted photographs of single-family residential property in the area (Exhibit A-2).

**Raymond Sponder**, 6548 NW 13<sup>th</sup> Ct., Plantation, Florida, stated he represented the owners of the subject property, which they have owned for twelve years. They have owned another property in Tulsa for six years. They do not sell their investment property projects.

Mr. White commented the Board received letters (Exhibit A-3) from Councilor Art Justis, City District 6, and Representative Mary Easley, State House District 78, in opposition to the application.

A sign-in sheet was distributed for signatures of those in opposition, but do not wish to speak, for the record.

**Councilor David Patrick**, stated he represented himself and Councilor Art Justis in opposition to this application. He considered the use is too intense for the close proximity to the church and residential neighborhood. He pointed out the lack of buffer or green space. He also stated it would be an inappropriate use of this property, being incompatible with the surrounding uses.

**Dr. Preston L. Nix**, 14005 E. 88<sup>th</sup> St., Owasso, Oklahoma, read a letter (Exhibit A-3) regarding the moral aspect of the proposed project. He stated this was on behalf of the 3,000 members of the Eastwood Baptist Church, as well as neighbors in the surrounding community to oppose the application. The letter mentioned items including: the close proximity to their church school; the activities on the property would not enhance but possibly erode the dignity and morals of those who participate; the existing liquor store and sports bar that contribute to the danger of drunk drivers in their vicinity on 11<sup>th</sup> Street; and a request for this application to be denied.

**Teresa Buchert**, 542 S. 127<sup>th</sup> E. Ave., stated she had several issues. She commented there is already a facility at 22<sup>nd</sup> and Garnett to hold English as a Second Language classes. They celebrate the Hispanic holidays and are actively taking part in the community. Ms. Buchert mentioned this is a flood prone area with a creek running through. She stated that she did not hear any mention of a water detention facility. Mr. Dunham informed her that the applicant would have to deal with those issues with the City of Tulsa, but the Board could not consider those matters. She replied there is not enough space in this area to meet those needs. Ms. Buchert stated she is a member of the Route 66 Consortium, and a founder of the design team. They are working on the Vision 2025 development of

the entire Route 66 project. She did not consider this application to be compatible with the Route 66 project.

**Norma Cates**, 9912 E. 7<sup>th</sup> St., stated she represented herself and some neighbors, who signed a petition (Exhibit A-4). She was not opposed to a cultural center but objected to an adult entertainment/night hall facility.

**Mark Neeler**, 701 S. Mingo Rd, pastor of the Wesleyan Church, stated they would welcome a cultural event center, but object an adult entertainment facility.

**Applicant's Rebuttal:**

Mr. Gaytan stated he understood the objections that were made. He added he just wanted to provide this project to the community.

**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 **DENY a *Special Exception*** to allow Use Unit 12a in a CS district within 150' of an R zoned lot; and a ***Special Exception*** of the required screening on the east and north, 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:

A part of the SW/4 SW/4 of Section 6, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, and more particularly described as follows, to-wit: Beg. at a point 26' N and 1,491.66' W of the SE/c of the SW/4 of said Section 6; thence in a Nly direction 1,294.00'; thence in a Wly direction 658.80'; thence in a Sly direction 1,294.00'; thence in an Ely direction parallel to and 26.00' N of the Section line a distance of 660.00' to the point and place of beginning; Subject to Easement dated April 29, 1955, granted to the County of Tulsa, State of Oklahoma, covering the following described property: Beg. at a point 26.00' N and 1,491.66' W of the SE/c of the SW/4 of Section 6, T-19-N, R-14-E, Tulsa County, Oklahoma, thence N a distance of 39' to a point; thence W and parallel to the S line of said Section 6 a distance of 182.00'; thence N 10.00' to a point W and parallel to the S line of said Section 6, a distance of 353.92' to a point; thence N a distance of 16.00' to a point; thence W and parallel to the S line of said Section 6, a distance of 82.00' to a point; thence S a distance of 16.00' to a point; thence W and parallel to the S line of said Section 6, a distance of 44.08' to a point; thence S a distance of 49.00' to a point; thence E and parallel to the S line of said Section 6, a distance of 660.00' to the POB, and being located in a CS zoned district.

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**Case No. 19703**

**Action Requested:**

Variance of the allowable size for an accessory building from 500 square feet to 1,685.2 square feet. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions, located: 14567 E. 13<sup>th</sup> St.

**Presentation:**

**Fred Pearce**, 14567 E. 13<sup>th</sup> St., stated he proposed to construct an addition to the existing accessory building. It would be strictly for a hobby shop and personal use and no commercial use. He indicated the neighbors would not be able to see the addition.

**Comments and Questions:**

Ms. Turnbo asked what kind of shop. Mr. Pearce replied he wanted to work on hobbies, cars and motorcycles he owns mainly on weekends. Ms. Perkins asked for a hardship. Mr. Pearce could not provide a hardship.

**Interested Parties:**

**James Mautino**, 14628 E. 12<sup>th</sup>, stated he is on the Board of the Tower Heights Association. He stated that Mrs. Neeley was present, and she lives just north abutting the subject property. She has expressed concern that he wants to add on in closer proximity to her property line. He submitted photographs (Exhibit B-1) of the existing building and home. He suggested other options, such as adding onto the one-car garage attached to his home.

**Applicant's Rebuttal:**

Mr. Pearce stated he has lived there for ten years and has proven to be a quiet neighbor. He assured the Board there will be no commercial use. Mr. White asked if the access would be through the front of the existing building, to which he replied in the affirmative. He considered placing one door on the side to use for his lawn equipment. Mr. Pearce told the Board that a large portable building and bushes on the neighbors properties that block the view so they would not be able to see his building.

**Comments and Questions:**

Ms. Turnbo stated she could not find a hardship. She also pointed out that the staff could not find a building permit had been issued for the existing large accessory building. Mr. White asked Mr. Romig if they could approve the existing accessory building. Mr. Romig stated it is less square footage than was requested and the Board could approve the existing building.

**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 **DENY** a ***Variance*** of the allowable size for an accessory building from 500 square feet to 1,685.2



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**Case No. 19705**

**Action Requested:**

Special Exception to allow an accessory building on a lot other than where principle structure is. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions; and a Variance of allowable 500 square feet to 746 square feet in the aggregate on Tract 2. SECTION 210. YARDS, located: 7919 S. Yukon.

**Presentation:**

**Orville Marion Sanders, Jr.**, 7919 S. Yukon, stated he has a two and one-half acre tract and would like to obtain a lot split. He lives on Tract 3 and he wants to build a house for his daughter on Tract 2. He has insulated storage buildings on the property. A site plan was provided (Exhibit E-1).

**Comments and Questions:**

Ms. Perkins asked when he planned to begin construction of the house. He replied they would begin construction by January. He will maintain ownership of all the property.

**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 allow an accessory building on a lot other than where principle structure is; and a **Variance** of allowable 500 square feet to 746 square feet in the aggregate on Tract 2, per plan, on condition, a single-family residence construction begin within the next six months from this date on Tract 2, on the following described property:

The NW/4 SW/4 SE/4 SE/4 of Section 10, T-18-N, R-12-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, being also described as a tract of land commencing at the NW/c NW/4 SW/4 SE/4 SE/4 of said Section 10, thence E 330.89', thence S 331.33', thence W 330.91', thence N 331.29' to the POB, subject to the W 25.00' for roadway purposes.

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**Case No. 19707**

**Action Requested:**

Variance of the required 60' lot width to 50' for Lot-split (#19616). SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: 1531 & 1527 N. Xanthus Ave.





reminded the Board that Use Unit 17 tends to expand into other unappealing uses. He submitted photographs (Exhibit D-1).

**Teresa Buchert**, 542 S. 127<sup>th</sup> E. Ave., stated the neighborhood has worked hard to improve and she felt this project would be detrimental.

**Applicant's Rebuttal:**

Ms. Pinc responded they are aware of the Route 66 project. They intend to keep a well maintained property in this location. They have no intentions to allow unsightly outside storage.

**Comments and Questions:**

Ms. Turnbo stated she could not vote for a variance for an auto shop down to 5' of residential property, or for a variance of the screening to the residential district. She could not find a hardship.

**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 **DENY** a **Special Exception** to permit Use Unit 17 uses in a CS zoned district; a **Variance** of setback from an R district from 12' to 0' to permit a building at the property line. (This is as shown on the site plan, an alternate request could be to reduce the setback from 12' to 5'); and a **Variance** of required screening from an R district, Section 1217.C, finding it is an inappropriate use for cart blanc Use Unit 17 in this area, and finding lack of a hardship, on the following described property:

Lot 2, Block 1, Heidler Park One, Resubdivision of Lot 12, Block 2, East Eleventh Park Subdivision, City of Tulsa, Tulsa County, State of Oklahoma, less and except the N 3.7' thereof.

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**Case No. 19710**

**Action Requested:**

Special Exception to add six new lines and antennae to an existing guyed communications tower; addition of radio base station equipment to an existing concrete pad. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 4, located: 16901 E. 41<sup>st</sup> St.

**Presentation:**

**Greg Farris**, 6655 S. Lewis, Ste. 200, stated he represents Cricket Communications. This application is to add six new antennas to an existing guyed tower. There would not be any addition to the height of the tower. The property is zoned AG and is surrounded by AG. The topography and tree coverage or foliage has not changed from the original tower application. There will not be any major changes in the appearance of the tower design. There will not be any utility buildings, just radio equipment 6' x 4' on the existing pad. No new ingress or

egress will be added to the pad. This project is needed to meet the needs of their customers. A site plan was provided (Exhibit F-1).

**Interested Parties:**

**Trent Latshaw**, P. O. Box 691017, Tulsa, stated he owns an 80 acre tract that adjoins the subject property to the north. He expressed concern that he has had plans to build a home on the west end of his property, which will be about 600' away. He commented that the Broken Arrow City Limits are moving closer with new residential development.

**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 add six new lines and antennae to an existing guyed communications tower; addition of radio base station equipment to an existing concrete pad, per plan, finding it meets all of the factors required, on the following described property:

The E/2 SW/4 SE/4 of Section 23, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19711**

**Action Requested:**

Variance of required front building setback from 35' to 18' on South Columbia Place. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: East 26<sup>th</sup> Place and South Columbia Place.

**Presentation:**

**Jerry Ledford, Sr.**, 8118 E. 63<sup>rd</sup> St., stated a request for a variance of the building setback lines in the front yard. In the RS-1 district the zoning code requires a 35' building line but the subdivision was platted several years ago with a 25' building line. He stated that most of the houses were built with a 25' building line. There is a very unusual right-of-way that is considerably larger off of Columbia Ave. A site plan was provided (Exhibit G-1).

**Interested Parties:**

**Jim Whitehead**, 2716 E. 26<sup>th</sup> Pl., stated this project would not improve the configuration of the neighborhood and asked that it be left as is.

**Applicant's Rebuttal:**

Mr. Ledford responded that the variance does not change the streetscape at all, but enhances it.

**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 **Variance** of required front building setback from 35' to 18' on South Columbia, per plan, finding the hardship to be the excessive right-of-way on South Columbia Place; 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:

A part of Lot 3 of the Resubdivision of Part of Lot 1, Block 5, Woody Crest, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as: Beg at the NE/c of Lot 3, thence Sly along the E line thereof a distance of 140.00' to a point; thence SWly along a line connecting to a point on the W line of Lot 4, that is 140.00' N of the SW/c thereof, a distance of 89.00' to a point; thence at a right angle, NWly 120.00' more or less, to a point on the N line of said lot 3; thence along the N line of said Lot 3, NEly a distance of 40.00' to a point; thence along a curve to the right with a radius of 91.40' and a central angle of 36deg-20'-14" a distance of 57.98' to a point; thence Ely a distance of 27.53' to the POB.

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**Mr. White recused himself from Case No. 19712.**

**Case No. 19712**

**Action Requested:**

Special Exception to allow Use Unit 17 Automotive Repair and Painting in a CS zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 17; and a Variance of the required 300' distance from an R district for outside storage of cars. SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions, located: 10625 E. 31<sup>st</sup> St.

**Presentation:**

**Tim Wolf**, 16110 S. 203<sup>rd</sup> E. Ave., Broken Arrow, Oklahoma, stated his request to the Board. He proposed to have an auto repair and a specialized paint booth (Viking Downdraft). They plan to construct a screening fence all the way around the building except the front office area.

**Comments and Questions:**

Mr. Dunham asked about the east side. Mr. Wolf replied not on the east because there won't be any traffic on that side of the building. Mr. Stephens asked if he plans for outside storage. Mr. Wolf replied that any outside storage would be for less than thirty days. Mr. Dunham asked if they plan to store anything at the rear of the east end of the building. Mr. Wolf stated his realtor indicated the neighboring property owner might be interested in purchasing that part of the property so they have made no plans for it. Mr. Dunham replied that he thought screening would be appropriate on the east also. Mr. Wolf stated that the west end



square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: S. Lewis; NW/c E. 4<sup>th</sup> St. – NW/c E. 5<sup>th</sup> St.

**Presentation:**

**Monte McElroy**, 111 S. Greenwood, stated the Tulsa Development Authority has a contract with Washington group for new residential structures. They propose to split two lots and add a greenbelt along Lewis Avenue.

**Sam Rader**, 3310 E. 99<sup>th</sup> St., stated the greenbelt would be 25', which is the smallest lot. They propose to construct nine single-family homes. They want to split Lot 1, Block 1, and Lot 1, Block 2 into two lots each.

**Interested Parties:**

**Juanita Melton**, 2317 and 2321 E. 4<sup>th</sup> St., asked if the cul de sacs will remain the same. Mr. White replied that they will. She expressed concern for numerous people who use riding carts for mobility to the grocery store and around the neighborhood. She also expressed concern for parking for the new residences in the neighborhood. She was assured the homes would have garages and driveways.

**Mr. Dunham out at 3:21 and returned at 3:24.**

**Applicant's Rebuttal:**

Mr. Rader stated the homes will have driveways and two-car garages; and there will be sidewalks to Lewis. Mr. Stephens asked the approximate square footage of the residences. Mr. Rader replied they would be around 1,100 to 1,400 sq. ft.

**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 **Variance** of the required average lot width from 50' to 22.63'; a **Variance** of the lot area from 5,500 square feet to 3,010.7 square feet; and a **Variance** of the land area from 6,750 square feet to 3,675.7 square feet, per plan, finding the hardship is the greenbelt dedicated along Lewis Ave., finding the size of the remaining land makes the variances necessary; the integrity of the neighborhood will be maintained and improved and not detrimental to the area, on the following described property:

Lot 1, Block 1; Lots 1 and 2, Block 2; and Lots 1 and 4, Block 3, Hillcrest Amended, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19714**

**Action Requested:**

Special Exception of the height limitation for a 4' fence in the front yard to 6'. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located: 1036 E. 38<sup>th</sup> Pl.

**Presentation:**

**David Hollingsworth**, 1036 E. 38<sup>th</sup> Pl., proposed to build a six-foot fence to reflect the construction of the existing house. He requested six feet, brick and open to keep his dogs from getting out. A site plan was provided (Exhibit J-1).

**Comments and Questions:**

Mr. White asked if he intended to build according to the drawing he submitted.

**Interested Parties:**

Mr. White stated the Board received an e-mail from Nancy Apgar (Exhibit J-2) for the Brookside Neighborhood Association in support of the application as submitted.

**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** of the height limitation for a 4' fence in the front yard to 6', per plan, 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 3 and 4, Niles, Re-subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19715**

**Action Requested:**

Special Exception to allow an indoor law enforcement training facility and paintball facility in an IL district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19; and a Variance of required parking from 90 to 22 spaces. SECTION 1219.D. USE UNIT 19. HOTEL, MOTEL, AND RECREATION FACILITIES, located: 5563 S. 104<sup>th</sup> E. Ave.

**Presentation:**

**Gary Branz**, 1704 E. Tacoma Ct., Broken Arrow, Oklahoma, proposed to put in a law enforcement training facility and for paint ball games. The landlord has offered extra parking. He indicated that the two parking areas would be sufficient. He named several law enforcement departments in the area that want to use this indoor facility. They plan to subsidize the cost by opening the facility up to the public for paint ball. He submitted photographs (Exhibit K-2).

### **Comments and Questions:**

Ms. Perkins asked if they have a contract for the free use of the landlord's parking area. Mr. Branz replied that he does not have that in writing but he could get it for the Board. Ms. Turnbo asked if they have contracts with all of the law enforcement departments. He responded that he does not have contracts, but it is going to be for individuals and separate divisions of several departments. Ms. Perkins asked if there would be any live ammunition used at the facility. He assured her there would not be any live ammunition. The proposed hours of operation would be Tuesday through Thursday, 11:00 a.m. to 9:00 p.m.; Friday and Saturday, 11:00 a.m. to 10:00 p.m.; and Sunday, noon to 8:00 p.m. He indicated that during the weekdays it would be primarily law enforcement training and weekends for the public.

### **Interested Parties:**

**Paul Wilson**, 2121 S. Columbia, Ste. 650, President of 21<sup>st</sup> Properties, Inc., stated he owns properties to the south of the industrial district. He expressed concern about the way the facility is already being advertised on the website, telephone information and the sign on the building with more emphasis on the paint ball use than the law enforcement training. He questioned the hours of operation for holidays, spring break and when the Modern Bindery business is using the space. He pointed out there is minimal room in the rear for parking or accessibility. He considered the parking to be inadequate, especially when large trucks are going in and out of the area. He indicated it is not up to code for approval by the fire marshal.

**Terry Hunter**, 10325 E. 58<sup>th</sup> St., stated the same complaints regarding parking and limited access. He submitted a letter (Exhibit K-1). He considered the situation would be dangerous to customers and others using the industrial park.

**Bob Luken**, 3405 S. Florence, stated he owns other property in the area. He leased to a soccer league and cited many problems from parking and plumbing to vandalism in his facility.

**Don Casey**, 443 N. Choctaw, Skiatook, Oklahoma, provided a letter from the building owner directly to the west of the paint ball facility (Exhibit K-1) in support of the viewpoint expressed by Twenty-first Properties, Inc., in their letter dated November 21, 2003. They are concerned about truck deliveries and pick-up to their facility; and they asked for a denial of this application.

### **Applicant's Rebuttal:**

Mr. Branz stated they would have off-duty law enforcement officers dedicated to security on the parking lots. He added that no street parking will be allowed.

**Thomas Murray**, 5546 E. 4<sup>th</sup> Terrace, indicated this would be very beneficial for the Tulsa area. He stated they would be able to apply out of state funds to the improvement of these industrial areas. He noted there are many vacancies in the industrial parks. He stated he has commitments from some officers over special law enforcement units to use the proposed facility.

**Comments and Questions:**

Ms. Turnbo questioned them about the number of people can use the facility at one time. Mr. Branz stated not more than 50 people at a time could be in there. She asked about the length of the games, to which he replied 10 to 20 minutes per game and teams may play three to four games in a row. He added they are limiting the age of players to 12 years and up. Ms. Turnbo asked about the division of age groups and Mr. Branz assured her they could divide the younger teams from the adults. She asked about public use during holidays, spring break, and summer time. It will be open to the public unless reserved for a law enforcement training.

**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 **DENY** a ***Special Exception*** to allow an indoor law enforcement training facility and paintball facility in an IL district; and a **Variance** of required parking from 90 to 22 spaces, finding lack of a hardship and that a paint ball facility is an inappropriate use in an industrial park, on the following described property:

Lot 2, Block 18, Tulsa Southeast Industrial District, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19716**

**Action Requested:**

Variance to reduce setback from 8'6" to 5.00' per site plan submitted (BOA 14398). SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located: 2108 E. 25<sup>th</sup> Pl.

**Presentation:**

**John G. Arnold, Jr.**, 2108 E. 25<sup>th</sup> Pl., submitted photographs to the Board (Exhibit L-1). He stated they are the third owners of this property and have owned it for twelve years. He discovered that it did not meet the zoning requirements for RS-2. He is not asking for anything new but to correct the existing condition.

**Comments and Questions:**

The Board members discussed the controversy over the difference in the new surveys with a discrepancy in setbacks.

**Interested Parties:**

**George Schnetser**, 2111 E. 26<sup>th</sup>, stated he has lived there for 31 years and he wanted to be sure there are no changes in the setbacks.

**Board Action:**

On **Motion** of **Turnbo**, to **CONTINUE** Case No. 19716 to the meeting on January 13, 2003, it failed for lack of a second.

Mr. Beach reminded the Board that a Minor Special Exception does not require publication in the newspaper. Therefore, the case advertised and heard December 9, 2003.

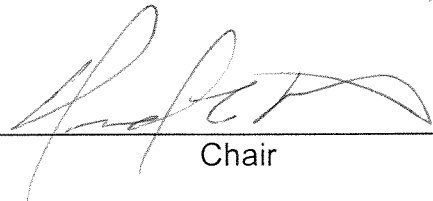
On **Motion** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19716 to December 9, 2003.

Lot 9, Block 7, Wildwood, City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 4:18 p.m.

Date approved: December 9, 2003

  
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Chair

