

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 879
Tuesday, January 13, 2004, 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**

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, January 8, 2004, at 4:22 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.

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 19729

Action Requested:

Appeal from the decision of the Administrative Official, including without limitation, that property is used for un-permitted home occupation, located: 3533 South Trenton Avenue.

Presentation:

Mr. Beach informed the Board that the applicant, Jeffrey G. Levinson has withdrawn the application.

Board Action:

No action was necessary.

OTHER BUSINESS

Case No. 19729

Action Requested:

Request for refund.

Presentation:

Mr. Beach stated the applicant, Jeffrey G. Levinson, asked for a refund on this case. Mr. Beach informed the Board that staff had only built a file for the application before it was withdrawn. Staff recommended a refund of \$221.00.

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 refund, as recommended by the staff, of \$221.00.

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 December 9, 2003 (No. 878).

On **MOTION of Dunham**, the Board voted 4-0-1 (White, Dunham, Perkins, Stephens "aye"; no "nays"; Turnbo "abstained"; no "absences") to **APPROVE** the Minutes of December 22, 2003 (Special Meeting).

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UNFINISHED BUSINESS

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; a Variance to allow parking to be located on a lot other than the lot containing the principal use. SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS; 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: 2630 N. Rockford.

Presentation:

Alton Davis, 3504 N. Hartford, Ave., attended to present his case.

Comments and Questions:

Mr. Dunham asked Mr. Davis about the size of the sanctuary. He replied that it would be 39' x 50' x 50'. Mr. Beach interjected the parking requirement would be for 56 parking spaces. Mr. Davis replied that with the space where the old church would be torn down, they would meet the parking requirement. Mr. Beach responded to Mr. White that a tie-contract would be needed since part of the parking would be across the street from the church structure.

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 a church and church related uses (Use Unit 5); a **Variance** to allow parking to be located on a lot other than the lot containing the principal use, subject to a tie agreement; and a **Variance** of the required one acre lot size, finding the hardship to be this will help the church meet the parking requirements, 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 10, 11 and 12, Block 3, and Lots 9 and 10, Block 4, Martin Roll Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19717

Action Requested:

Variance of 100' required frontage in a CG district to 30' to permit a lot split. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, located: 3717 N. Columbia Ave.

Mr. White abstained from Case No. 19717.

Presentation:

Brian Summers, 3717 N. Columbia Ave., stated his request.

Comments and Questions:

Mr. Dunham determined both properties would have access.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Perkins**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; White "abstained"; no "absences") to **APPROVE** a **Variance** of 100' required frontage in a CG district to 30' to permit a lot split, finding the hardship to be that the 30' frontage would be on Mohawk Blvd., on the following described property:

N/2 of Lot 5, less E 1 acre thereof, Barrett and Evans Subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

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NEW APPLICATIONS

Case No. 19725

Action Requested:

Special Exception to allow a cellular tower in a RM-2 zoned district; and a Special Exception to reduce the required 110% of height of tower setback from an R zoned district, located: 7 North Harvard.

Presentation:

Dave Marvin, with Faulk and Foster, identified location of proposed tower and buildings on location map (Exhibit A-2). It would be located behind Ann's Bakery on Harvard. It would be a 150' monopole, which requires a setback of 165'. The lot is long and narrow so it does not meet this setback requirement. The exit ramp from I-244 is to the south. To the east is a dead end street. Harvard is to the west. He stated the purpose was to provide coverage for the University of Tulsa and the surrounding neighborhood. The church across Harvard was not interested in having the tower on their property. Mr. Marvin stated that Nextel does try to co-locate because it is economical. There is a tower .4 miles due west of this site, but Cricket was not required to provide for co-location on this 110' monopole. Therefore, because of the height and lack of provision for co-location, it would not meet their needs. A site plan was provided (Exhibit A-1).

Comments and Questions:

Mr. Boulden asked if the second floor of Ann's Bakery is used for residential. Mr. Marvin responded it was not used for residential to his knowledge. Ms. Turnbo asked about the cabinets and other items located at the site. Mr. Marvin replied they would have a prefabricated structure 11.5' x 20', 10' height. There is an air conditioning unit on the back and a door on the side. Ms. Turnbo raised a question about the landscaping. Mr. Marvin responded that Nextel is willing meet the requirements. He showed photographs (Exhibit A-3). Ms. Turnbo stated since there are no homes around the property so no landscaping is needed.

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 a cellular tower in a RM-2 zoned district; and a **Special Exception** to reduce the required 110% of height of tower setback from an R zoned district, 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 22 and N/2 Lot 21, Block 4, Walnut Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19727

Action Requested:

Special Exception to allow Use Unit 15 (portable buildings/storage sheds) in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15, located: 11212 E. Admiral Pl.

Presentation:

Mr. Beach informed the Board that he was just advised the applicant requests a continuance for two weeks.

Interested Parties:

Matt Martin, for Councilor Art Justis, sent a letter to the Board in favor of a continuance.

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. 19727 to the meeting on January 27, 2004, regarding the following described property:

N 427.00' E 368.40' Government Lot 8 less N 75.00' & E 50.00', S 352.00' N 427.00' for street, Section 6, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19726

Action Requested:

Special Exception to permit a manufactured home in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Special Exception of one year time limit to permanent. SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located: 4605 S. 31st W. Ave.

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 **Variance** of required distance for outdoor advertising sign from 1200' to 475' for a 7', 33 sq. ft. monument sign; a **Variance** of allowable sq. ft. for signs in a CH district from 296 sq. ft. to 305.65 sq. ft. for two signs; and a **Variance** of required setback from right-of-way from 10' to 0', all per plan, finding it is located on an expressway service road and it would improve the safety and access to the site, on the following described property:

A tract of land in the E/2 of the NW/4 NE/4, Section 27, T-19-N, R-13-E of the IBM, being more particularly described as follows, to-wit: commencing at a point on the W line of the E/2 NW/4 NE/4 of Section 27, said point being 692.40' S of the N line of Section 27 and on the Sly ROW line of I-44, said point also being the NE/c of Lot 2, Block 1, Fairfield Center; thence N 49°02'00" E along the Sly line of I-44 ROW a distance of 869.64' to a point on the E line of said E/2 of the NW/4 NE/4; said point also being on the W line of Lot 6 of the Amended Plat of Tulsa View Addition 97.36' Sly of the NW/c of said Lot 6; thence S 0°11'00" E along the common line of said E/2 of the NW/4 NE/4 and Lot 6 for a distance of 201.36' to the POB; thence continuing S 0°11'00" E along said common line for a distance of 66.55' to a point; thence N 40°58'00" W for a distance of 87.50' to a point; thence S 89°45'23" E for a distance of 57.50' to the POB; AND a tract of land in the E/2 NW/4 NE/4 of Section 27, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Commencing at a point on the W line of the E/2 NW/4 NE/4 of Section 27, said point being 692.40' S of the N line of Section 27 and on the Sly ROW line of I-44, said point also being the NE/c of Lot 2, Block 1, Fairfield Center; thence N 49°02'00" E along the Sly line of I-44 ROW a distance of 384.64' to the POB; thence continuing N 49°02'00" E along said ROW line a distance of 310.00' to a point; said point being 175.00' in a SWly direction from the intersection of the E line of the E/2 of the NW/4 NE/4 and the I-44 right of way line; thence S 40°58'00" E a distance of 202.86' to a point on the E line of said E/2; thence S 0°11'00" E along said E line a distance of 319.79' to a point; thence S 49°02'00" W a distance of 101.11' to a point; thence N 40°58'00" W a distance of 445.00' to the POB; AND a tract of land that is part of the Nly 614.70' of Lots 5 and 6 of the Amended Plat of Tulsa View Addition, being more particularly described as follows, to-wit: Starting at the NE/c of Lot 4 of the Amended Plat of Tulsa View Addition; thence due S along the Ely line of said Lot 4 for 25'; thence N 89°52'08" W and parallel with the Nly line of the Amended Plat of Tulsa View Addition for 255.24' to the POB of said tract of land; thence due S for 589.70'; thence N 89°52'08" W and parallel with the Nly line of the Amended Plat of Tulsa View Addition for 394.77' to a point on the Wly line of Lot 6 of the Amended Plat of Tulsa View Addition; thence due N along said Wly line for 517.34' to a point; said

point being 97.36' Sly of the NW/c of said Lot 6; thence N 49°11'56" E for 110.44' to a point that is 25.00' Sly of as measured perpendicular from the Nly line of Lot 6, thence S 89°52'08" E and parallel with the Nly line of the Amended Plat of Tulsa View Addition for 311.16' to the POB of said tract of land, all in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 19730

Action Requested:

Special Exception to permit a drive-in restaurant in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 18, located: SE/c N. Peoria Ave. & E. Reading St.

Presentation:

Mike Huntington, 300 Johnny Bench Dr., Oklahoma City, OK 73104, stated they meet all of the city requirements for landscaping and setbacks. They have obtained approval from the Tulsa Development Authority. They will be matching the Albertson's store that is already built and they are adding extra landscaping. They are using the same lighting as Albertson's. A site plan was provided (Exhibit D-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 a drive-in restaurant in a CS zoned district, 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 4, Gateway Plaza, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19731

Action Requested:

Appeal of the decision of the Tulsa Preservation Commission to deny a Certificate of Appropriateness, located: 1340 E. 19th St.

Presentation:

Randy Pierce, 1340 E. 19th St., stated he built a retaining wall in front of their property without the knowledge that a certificate of appropriateness was required. The wall took three weeks to complete and three weeks after completion they received a notification letter from the Tulsa Preservation Commission. He filed

immediately for the certificate of appropriateness. The guidelines require the materials should be consistent with the general characteristics in the neighborhood or on the immediate street. He stated that he could point out twenty different styles of retaining walls in this area of the neighborhood. He added that thirty to forty per cent of the homes have retaining walls, partially to keep the soil from eroding onto the sidewalks. The erosion creates a hazard for those using the sidewalks. Mr. Pierce stated they went to the sub-committee and they provided no recommendation to the commission. The TPC denied the request by a 1-6-5 vote. He felt the five abstentions were unwarranted. He did mention that a couple of members came in late and abstained. He submitted photographs of his home and retaining wall and other walls in the neighborhood (Exhibits E-1 and E-3). He tried to match the foundation of his home. He submitted that another neighbor used the same material. He stated that he was not aware of the HP zoning when he purchased his home in 1999. Mr. Pierce informed the Board that his immediate neighbors were in support of his application and signed a letter to the preservation commission.

Interested Parties:

Ann Watson, 1344 E. 19th St., stated this wall was a great improvement; and added that previously no one had been able to contain the soil erosion. She expressed her support and considered the materials to be consistent with the house. She spoke with the immediate neighbors the night before and they were all in favor of the wall.

Andrew Kinslow, Chair of the TPC, and Chair of the sub-committee, 2651 S. St. Louis, stated the application for a certificate of appropriateness was made after the wall was built. The applicant stated they were unaware of the guidelines. The members considered whether they would have approved it before the wall was built. He pointed out the three different kinds of brick used. The sub-committee and the commission discussed the option of building a heavier cap on the wall, and the applicant was not interested in pursuing that option. Exhibits were submitted by the Tulsa Preservation Commission (Exhibit E-2).

Comments and Questions:

Ms. Turnbo asked why there were so many abstentions. Mr. Kinslow replied that one member was attending for the first time and felt he should abstain. The other three abstentions were for various reasons and there were four total abstentions. Mr. Kinslow stated that some people were not comfortable voting without actually seeing what it really looks like. Ms. Turnbo asked if the members do not go by and look at the property. He replied they are supposed to but some did not. She asked why they did not recuse themselves. He responded they would have lost the quorum and would have to adjourn the meeting. Ms. Perkins asked if they could have voted for a continuance since there were so many members that had to abstain, since it is detrimental to the applicant. He replied they cannot or the application would automatically be approved. Ms. Turnbo commented that she noted a number of retaining walls with the same character. Mr. Pierce indicated

John Johnson, 2909 E. 56th Ct., stated he bought his condo in August. This dwelling was a considerable decrease in square footage from his former home. He sought the association for instruction as to constructing an addition to the home. They were delayed in obtaining a building permit to obtain this variance.

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 **Variance** of the required 25' setback from rear property line to 16.75' for addition to existing house, 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:

W/2 Lot 20, Block 1, Guier Woods Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19734

Action Requested:

Special Exception to allow a church and accessory uses in an IL zoned district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS-Use Unit 5, located: 404 S. Trenton.

Presentation:

Mandy Hamilton, 8109 E. 93rd St., stated her request. The sanctuary space is about 4,000 sq. ft., but they do not intend to use it all.

Comments and Questions:

Mr. White referred to the staff comments regarding parking being adequate. He asked if there were any 24-hour businesses nearby. She replied there are not any businesses open 24 hours a day.

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 a church and accessory uses in an IL zoned 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:

Lots 2 - 5, Block 8, Midway Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19735

Action Requested:

Special Exception to allow a manufactured home in an RS-3 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Special Exception to allow the dwelling permanently. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located: N of NE/c E. Woodrow Pl. & N. Evanston.

Presentation:

Ali A. Daemi, 8611 S. Louisville, proposed to place a manufactured home on a permanent foundation on his property to lease or sell.

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 a manufactured home in an RS-3 zoned district; and a **Special Exception** to allow the dwelling for 30 years, with a permanent foundation, building permit, skirting, tie-downs, 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:

W/2 Lot 4, Block 2, City View Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19736

Action Requested:

Variance of the required parking spaces for restaurant from 30 to 15 spaces. SECTION 1212. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS – Use Unit 12, located: 3312 S. Peoria.

Presentation:

Molly MacVilay, 3312 S. Peoria, stated her request for a variance from 30 to 15 parking spaces. She stated Mecca Coffee Co. offered to share their parking lot.

Presentation:

Gentra Sorem, 15 E. 5th, for the YWCA, stated they have been located at this location since the mid 1950's. They house a community center, daycare, fitness, and intra-cultural service center at this location. They are adding on with funds from a CDBG grant and their endowment. The addition would be for office locations for ISC.

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 Revision of a previously approved site plan, per plan, of the following described property:

Lot 3, Block 1, John Calvin Addition and the S/2 of Lot 1 and Lot 2, Block 4, O'Connor Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19738

Action Requested:

Special Exception to erect a 150.00' monopole in a CS district. SECTION 1204.C.4. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions – Use Unit 4; and a Special Exception to modify the required setback from adjoining residential property from 110% to 44% (165.00' to 67.00'). SECTION 1204.C. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions, located: 2201 E. 3rd St.

Presentation:

Peggy Owen, P.O. Box 72145 Norman, Oklahoma, 73070, with Richard Brown, a Sprint Engineer, stated they propose to place a 150' monopole telecommunication tower on the subject property. The property is zoned CS and occupied by Southwestern Motors. The abutting parcels to the south, east and west are zoned CS and the nature of use is commercial. The parcel to the north is zoned RM-2, a vacant lot, also owned by Southwestern Motors. The distance to the residential property line is 67'. The nearest residential use is a small apartment building located 107' from the proposed tower, and the next closest residential use is approximately 170' to the northwest of the proposed tower. The tower will be contained in a 60' x 40' lease area and fenced in to prevent public access. It will not prohibit development or use of the neighboring property. It will require a very minimum amount of traffic. The utilities necessary are electric and telephone, which currently exist on the site. The site would be maintained and kept in good repair at all times. The tower would be capable of supporting co-location.

Mr. Stevens out at 2:56 p.m. and returned at 2:59 p.m.

Sprint determined the need for a tower in this location, and found there were no other towers adequate for co-location. A site plan was provided (Exhibit L-1).

Comments and Questions:

Mr. Dunham asked for clarification of the proposed tower location. Ms. Owen responded that the tower would be at the southeast corner of the building, approximately 100' west of Gillette and 52' south of the alley.

Interested Parties:

Kevin Alvord, 445 S. Lewis, stated he represented People's State Bank. He stated they were concerned about the location of the tower on the site. He expressed concern that it would detract from the neighborhood. Mr. Beach pointed out the location to him.

Mr. White noted receipt of a letter from the Kendall-Whittier Neighborhood Association in opposition to the application (Exhibit L-3).

Applicant's Rebuttal:

Ms. Owen submitted photographs (Exhibit L-2) showing the junk on the site before they cleared it.

Richard Brown, 10830 E. 45th St., Ste. 400, stated that Sprint is seeking to provide in-home coverage for voice and data in this area. Traffic on their network has doubled. They have 13 sites in this area, 11 were placed on rooftops and co-locatable towers to provide coverage and this is one of only two new towers.

In the Board discussion, Ms. Perkins was opposed to the tower being 107' from a residential structure.

Board Action:

On **Motion of Dunham**, the Board voted 2-3-0 (White, Dunham "aye"; Turnbo, Perkins, Stephens "nay"; no "abstentions"; no "absences") to **approve a Special Exception** to erect a 150' monopole in a CS district; and a **Special Exception** to modify the required setback from adjoining residential property from 110% to 44% (165.00' to 67.00'), on condition the tower will permit co-location. The **Motion was DENIED**, for lack of three affirmative votes, on the following described property:

Lots 10 and 11, Block 7, Wakefield Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19739

Action Requested:

Variance to permit an existing accessory storage building in order to split the lot for a new residence. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL

DISTRICTS, Accessory Use Conditions – Use Unit 6, located: 11450 S. Winston Ave.

Presentation:

Darin Akerman, 6111 E. 32nd Pl., with Sizemore, Weisz, and Associates, Inc. stated there is a home and accessory building on the subject property. They have a pending lot split application to divide the home from the lot, leaving the accessory building on approximately four acres. They plan to build a new home on the four acre lot with the building. The primary access for the new home would be from Sandusky and Winston would be the secondary access.

Bart Jones, 8908 S. Yale, Ste. 200, stated construction would begin within six months.

Interested Parties:

Chris Abernathy, 601 S. Boulder, Ste. 500, stated he represented George Gibbs, an interested party, home owner, at 4825 E. 114th St. He stated that Country Squire Estates is made up of large lots and single-family homes. This application would split up a lot, leaving one lot of less than one acre. This is out of character for the neighborhood. They have had difficulty obtaining information regarding this case.

Earnest Moody, 11455 S. Winston, stated he lives on the lot just east of the subject property. He submitted photographs (Exhibit M-1). He objected to the new road as it would cut across his property. He also objected to the decreased lot size.

Wayne Campbell, 4740 E. 114th St., complained that he was not informed regarding the plans. He informed the Board the application does not comply with the covenants. He submitted a petition signed by neighbors in opposition (Exhibit M-2).

Betty Shawl, 11430 S. Winston, pointed out that the existing home on the subject property is old and poorly maintained. She expressed concern for a smaller lot and loss of privacy. She indicated it would be detrimental to the neighborhood.

Applicant's Rebuttal:

Mr. Akerman responded that 16,000 sq. ft. per lot is allowed in the RS-1 zoned district. There is no PUD overlay on this subdivision. The smallest tract from this lot split would be four times greater than the minimum lot size allowed in this neighborhood. He informed the Board they did a very thorough survey, and the gravel road would be fully contained on the subject property with the exception of two feet from the property pin that overlaps onto the adjacent property. He added that overlap can be rectified.

Bart Jones responded that it had not occurred to him that there would be objection to splitting an acre of a lot to increase the total lot size to six acres from five acres to build an 8,000 to 10,000 sq. ft. house.

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. 19739 to the meeting on January 27, 2004, to allow time for the applicant to discuss the application with neighbors, regarding the following described property:

Lot 4, Block 3, Country Squire Estates and Lot 2, Block 1, Oak hill, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19742

Action Requested:

Review and approval of amended site plan previously approved by BOA 19501, located: 2161 South 91st East Avenue.

Presentation:

Lupe Diaz, 1106 E. 37th Pl., stated they needed to amend their site plan. They propose to use the existing house for office and classrooms.

Interested Parties:


James Wallace, Manager of Maintenance Operations, United States Postal Service, 2132 S. 91st E. Ave., stated he came to find out the plans in this case. He had no objections.

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 site plan previously approved by BOA 19501, as amended per plan submitted at this meeting, on the following described property:

Lot 7, Block 2, Memorial Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 3:44 p.m.

Date approved: JANUARY 27, 2004

Chair