

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 888  
Tuesday, May 25, 2004, 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**

Stephens

**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 Friday, May 21, 2004, at 2:43 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. 19823**

**Action Requested:**

Special Exception to permit a bar in a CH district within 150' of an R zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 12a, located: 4142 S. Peoria.

**Presentation:**

Mr. Beach informed the Board that the applicant asked for a continuance to June 8, 2004.

**Jeff Levinson**, 35 E. 18<sup>th</sup> St., requested a continuance for the applicant to have time to discuss and resolve issues with interested parties.

**Board Action:**

On **Motion** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 19823 to the meeting on June 8, 2004.

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**Case No. 19826**

**Action Requested:**

Special Exception to amend a previously approved site plan. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located: 2223 East Pine Street.

**Presentation:**

Mr. Beach recommended this case needs to be continued to June 8, 2004. The legal submitted with the application was incorrect.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 19826 to the meeting on June 8, 2004.

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**MINUTES**

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** the Minutes of May 11, 2004 (No. 887).

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**UNFINISHED BUSINESS**

**Case No. 19791**

**Action Requested:**

**To Reconsider** conditions of previous approval to allow greater than a 50' x 40' building and extension of time to remove existing building to allow 180 days, located: 3612 S. Sheridan.

**Presentation:**

**David Ellis**, 6901 S. Redbud Ave., Broken Arrow, Oklahoma, stated he is an agent for Best Choice Motors. He introduced the owner.

**Mike Neeley**, 3612 S. Sheridan, stated that the new building is to serve for two car lots, which was not mentioned at the previous hearing. The other car lot is located

at 4225 E. 11<sup>th</sup> St. The new building would allow them to work inside on cars for both car lots. There are about 100 cars altogether for the two lots. It would serve for storage also.

**Comments and Questions:**

Mr. Dunham noted that previous case for this property was approved with only light auto repair inside the building, no repair of vehicles from off the car lot. Mr. White thought 180 days for removal of the existing building was excessive, and suggested 30 to 60 days. Mr. Dunham suggested no outside work and no repair on cars except the owner's cars. 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 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a request to install a 50' x 75' building, on conditions: the existing 20' x 48' building be removed within 60 days of the occupancy of the new building; no auto repair on vehicles other than those belonging to the owner, per plan, on the following described property:

N 150.00' of Lot 1, Block 1, Wilmot Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19800**

**Action Requested:**

**Reconsideration** of a Variance to allow two dwelling units on one lot. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD; a Variance of allowable size of accessory building from 500 sq. ft. to 718 sq. ft. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS; a Variance of 30% coverage of required rear yard. SECTION 210.B.5.a. YARDS; PERMITTED OBSTRUCTIONS IN REQUIRED YARDS; a Variance of the required land area per dwelling unit from 8,400 square feet to 7,216 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance to expand a nonconforming structure. SECTION 1405. STRUCTURAL NONCONFORMITIES, located: 1147 S. Owasso.

Mr. White asked Mr. Beach to comment on the applicant's statement in the letter requesting reconsideration, stating some of the variances requested are unnecessary. Mr. Beach stated the land area will increase because the adjacent right-of-way has been vacated. The lot width will increase from 50' to 80'. He added that it is possible some of the requests would not be necessary. At this time the variances are necessary.

**Presentation:**

**Pam Harris**, 6442 S. 106<sup>th</sup> E. Pl., Apt. 317, stated they want to remodel an existing unit, which is ½ service quarters and ½ storage. Originally it was a carriage house. They proposed to add a 15' x 20' room on the back side. The church is sponsoring the project. She submitted a packet of exhibits with photographs (Exhibits B-1). There was a heating stove in the unit and plumbing for bathroom facilities. The vacation of 12<sup>th</sup> Street is imminent. The mail out to property owners in the 300' radius is being prepared. She was unsure if they needed the variance of 30% coverage of required rear yard. Ms. Harris stated they have plenty of open space in the rear yard, though they would not have 20' from the rear lot line. She did not believe they needed a variance of the land area per dwelling because of the square footage of the principal structure. She indicated the hardship is that 60% of the homes in the area already have second dwelling units. She added that on Owasso there are 19 out of 32 homes with second dwelling units.

**Comments and Questions:**

Ms. Perkins asked of the 60% of homes with second dwellings, what percent are over the allowed size. Ms. Harris was not able to answer. Ms. Turnbo asked how many of those second dwellings have been vacant for more than three years. Ms. Harris did not have that information. Ms. Turnbo also wanted to know if another disabled person would live there after the first occupant. Ms. Harris was not sure what they planned to do. Mr. Boulden remembered the property is in a trust and asked if the church is the trustee. Ms. Harris replied that the church is donating labor and materials but they have no control over the property.

**Interested Parties:**

**Elizabeth Hunt**, 1144 S. Newport, stated she is the President of the Tracy Park Neighborhood Association. She asked the Board to hear her statements as a homeowner in the neighborhood. She asked the Board to uphold their decision from the previous hearing and deny this case. The neighborhood is in transition with improvement of properties; purchase of properties of absentee landlords; protection of historic heritage; and work with City Councilman Baker and other City entities. She was concerned that the non-conforming structure would be doubled in size; a structure that has been vacant for forty years; and construction has already taken place without permits. She indicated this would impact issues such as crime, traffic congestion, historical precedence and property values. She submitted a letter of opposition (see Exhibit B-4).

Mr. Dunham stated he noted eight 2<sup>nd</sup> residences along the street. He asked for the number of those that are occupied. Ms. Hunt did not have that information. Mr. Boulden asked what she meant by saying construction has already begun. Ms. Hunt replied that construction has begun and she had photographs to show it. Mr. Dunham confirmed construction has begun.

Mr. White noted the Board received eight letters of opposition (see Exhibit B-4).

**Howard Hadley**, 1148 S. Owasso, expressed concern for a second dwelling on the property and the future of this structure. He indicated the property had been neglected for the last twelve years.

**Nicole Atchley**, 1227 S. Newport Ave., stated her reasons for opposition: according to the American National Standards Institute, 400-500 sq. ft. is adequate living space for a single-resident dwelling; and the project would be a detriment to the quality of the neighborhood. She submitted photographs (Exhibit B-2) of nearby homes and garage/2<sup>nd</sup> dwellings.

**Kelli Bloam**, 1239 S. Owasso, stated it would require extensive plumbing to make this into a larger unit. It has not been occupied. She stated the owners and church do not have a vested interest in the neighborhood.

**Applicant's Rebuttal:**

Pam Harris, submitted tables and petitions (Exhibit B-3) to show support of the application.

**Carla Lund**, 1220 S. Owasso, stated she has lived there over 40 years. She did not consider this project to be a detriment to the neighborhood. She pointed out the specific homes with a second unit occupied or vacant on the street. She added that homeowners and renters are all long-term residents in the area. Ms. Perkins asked again how many of these units are oversized. Ms. Lund could not answer.

**Dudley Linger**, 1230 S. Owasso, stated she knew of four oversized 2<sup>nd</sup> dwellings on the street. She considered the project to be an asset to the neighborhood.

Mr. Dunham asked if Jennifer Grant lives in the house, since there was a reference to a non-resident owner. He was informed that Ms. Grant does live in the home.

**Councilman Tom Baker**, 1323 E. 19<sup>th</sup> St., stated he previously spoke against this project as it is unusual for the area; and for the strategic and historic value of the area. The uniqueness of the project may not be accurate. Historically, these would have been domestic quarters and have only evolved into secondary dwellings and rental units. He spoke of the millions of dollars being invested to promote residential housing in the downtown area, by the citizens of Tulsa, Tulsa County and the 2025 Vision funds. The residential housing needs to be preserved and promoted. This is a neighborhood in transition and a historic resource for the city with a goal of constant improvement. The question is whether this project would be a positive, negative or neutral impact to the transition.

Board discussed the fact that this second dwelling has been vacant for three years. Ms. Perkins expressed concern for the time when the occupant would have to have live-in help to stay there.

**Board Action:**

On **Motion** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **DENY** a **Variance** to allow two dwelling units on one lot; a **Variance** of allowable size of accessory building from 500 sq. ft. to 718 sq. ft.; a **Variance** of 30% coverage of required rear yard; a **Variance** of the required land area per dwelling unit from 8,400 square feet to 7,216 square feet; and a **Variance** to expand a nonconforming structure, on the following described property:

Lot 10, Block 4, Ridgewood Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19804**

**Action Requested:**

Variance of parking requirement for fine arts center and new field house. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; OFF-STREET PARKING AND LOADING REQUIREMENTS; a Variance of building setback. SECTION 1201.C.2.c. USE UNIT 1. AREA-WIDE USES BY RIGHT; USE CONDITIONS; a Variance of height of building. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of access road setback. SECTION 1201.C.2.d. USE UNIT 1. AREA-WIDE USES BY RIGHT; USE CONDITIONS; and a Special Exception to allow new bleachers at the football field. SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS, located: 2520 S. Yorktown.

**Presentation:**

**John W. Moody**, asked if the case could be passed to the end of the agenda. Mr. White replied affirmatively.

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**NEW APPLICATIONS**

**Case No.19822**

**Action Requested:**

Variance of business sign height from permitted 50' to 60'; and a Variance of business sign from permitted 500 sq. ft. display surface area to 762 sq. ft. in an IM District, located: 3031 North Garnett Road.

**Presentation:**

**Mike Moydell**, 1221 Charles Page Blvd., stated he is with Oil Capital Neon. The project is for the Tulsa International Speedway. He submitted photographs (Exhibit C-1). They proposed changes in the height of their sign because of the low elevation in topography at the site of the sign. They have also considered a 3' x 30' electronic message center that may or may not be placed on the bottom of the



**Case No. 19824**

**Action Requested:**

Variance to permit a business sign from the maximum 50' to 100' in height in a CH zoned district, located: 2245 Southwest Boulevard.

**Presentation:**

**Benjamin Aguirre**, 1204 SW 129<sup>th</sup> St., stated he is with the McDonald's Corporation. He submitted photographs depicting the sign in the proposal. They are responding to customer surveys that indicate the sign is not visible to traffic on the highway. He indicated trees obstruct the view of the sign even at 90' high and the trees are not on their property.

**Mr. White out at 2:34 p.m. and returned at 2:37 p.m.**

**Comments and Questions:**

There was discussion of the proposed height and the necessary setback. Mr. Beach asked how long the restaurant has been located there. Mr. Aguirre replied it has been there 30 years. He added that it has been renovated recently. Mr. White noted it is quite a distance from the highway.

**Chris Fullerton**, 3009 Viewmont Rd., Edmond, Oklahoma, stated she is the site acquisition manager from McDonald's Corporation. They recently decided to remodel this store, though it is a challenging area. They did sign tests and found that anything less than 100' will not help them.

**Comments and Questions:**

Mr. Boulden asked if they did the sign tests using the 75' setback. Ms. Fullerton replied they did the sign tests from the current location, which is 110' from the centerline of road. Mr. Beach stated the requirement is to set back one foot from the property line for each foot of height over 25' from the property line. Mr. Beach explained that the maximum height allowable on this sign, with the appropriate setback, is 40' not 50'. The 50' is allowed when the lot abuts a freeway right-of-way, and this one does not, it is two parcels away from the freeway. Mr. Aguirre showed the dimension of the sign to the property line was 67'. Mr. Beach stated the measurement is to the leading edge of the sign and not from the pole. Mr. Beach figured the parking requirement and though they might give up a parking space for the setback, they still exceed the requirement. Mr. Dunham commented that when he looked at the property he could not see the existing sign from Southwest Boulevard.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 3-1-0 (Dunham, Turnbo, Perkins, "aye"; White "nay"; no "abstentions"; Stephens "absent") to **APPROVE** a **Variance** to

permit a business sign from the maximum 50' to 100' in height in a CH zoned district, with a condition to meet the required setback, finding the need for visibility from Southwest Boulevard and the immediate neighborhood, on the following described property:

All of Block VII, Riverview Park Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; Plat number 3128, And Lots 19 and 20, and the E 10.00' of the vacated and condemned alley abutting said lots on the W Block 36, Amended Plat of Blocks 31 to 50 Inclusive West Tulsa Addition, And Lots 21, 22, 23, and 24, and the E 10.00' of the vacated and condemned alley abutting said lots on the W, Block 36 Amended Plat of Blocks 31 to 50 Inclusive West Tulsa Addition, The proceeding being further described as follows, to-wit: Beg. at a point, said point being the SE/c of said Block VII, Riverview Park Addition, thence S 89°24'57" a distance of 110.00' to a point, thence N 56°55'03" W a distance of 18.04' to a point, thence N 00°40'03" W a distance of 140.00' to a point, thence N 89°24'57" E a distance of 275.00' to a point, thence S 00°40'03" E a distance of 150.00' to a point, thence S 89°24'57" W a distance of 150.00' to the POB.

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**Case No. 19825**

**Action Requested:**

Special Exception to allow a church and accessory uses; a Special Exception to allow a temporary manufactured home for offices; a Special Exception to waive the screening on north and south side; and a Variance of landscape requirements, located: 2545 South Yale.

**Presentation:**

**Rev. Leslie Penrose**, 457 S. Indianapolis, Pastor of Community of Hope, submitted a transparency and site plan (Exhibit E-1). They planned for a structure that would be appropriate in the neighborhood. They moved into the existing building in 1998. They have made extensive improvements inside and landscaped the property since then. They do not plan to expand the uses, just increase the space.

**Interested Parties:**

**Christy Frisbee**, 4629 E. 13<sup>th</sup> Pl., stated there is an 8" sewer line that prevents them from building over it. The lot size is approximately 104' x 610' deep. The new building would be about 40' x 110'. The plans take into consideration the drainage issues, by placing a swell to prevent drainage down into the neighborhood. The parking will not have an entrance from the rear or east side of the lot to prevent increased traffic through the neighborhood. Ms. Frisbee explained that the request to waive the screening fence is to allow the neighbors to use their back gates. They would be willing to build a screening fence for any neighbors that want it. She commented that most of those neighbors already have

wood fences. They did not want to put in an irrigation system but water the land with a hose.

**Comments and Questions:**

Mr. Boulden asked if it was just the irrigation system and not any other landscaping requirements.

**Melinda Foster**, 611 W. 15<sup>th</sup>, Unit B, stated they plan to build a circular drive in the front on Yale for better access and keeping traffic out of the neighborhood. On the east side of the property, they plan to have a park, jogging trail or labyrinth for the benefit of the neighborhood.

**Greg Gatewood**, 4936 E. 27<sup>th</sup>, stated he is a new resident to the neighborhood. He added that after the notices went out he and a number of the residents understood the requests and had no problem with them.

**Patty Richardson**, 4918 E. 25<sup>th</sup> Pl., stated she purchased a home on Lot 3 about 20 days ago. She has a chain-link fence and was concerned that headlights from cars would shine in her house. She wanted to be sure this would be a permanent building and match the architecture of the existing building. They appreciate the open green space and hope it won't be filled up with a building. Mr. White asked how long the temporary building would be there. The applicant responded it would be there until the new construction is built. Mr. White also asked about lighting in the parking lot. The current parking would be reconfigured to go between the existing and new building with additional parking on the south. He understood lighting needs to be directed down and away from the neighborhood.

**Carol Holmes**, 4921 E. 26<sup>th</sup> St., stated she has lived there for 38 years. She commented that she raised her children there and numerous grandchildren visit her there. There is traffic 24 hours per day. She complained that there is a lot of activity at the church until late some nights, and deals with headlights facing her house, which is all glass on that side. She added complaints of noise from doors opening and closing day and night, lights on at the church 24 hrs./day. She was concerned there were people living in the building and concern for flooding problems. She has used the rear access to park a boat.

**Applicant's Rebuttal:**

Rev. Penrose responded they are not planning any new uses. She added they have a 11:00 p.m. group for Narcotics Anonymous, but no one lives there.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a **Special Exception** to allow a church and accessory uses; a ~~Special Exception~~ to allow a temporary manufactured home for offices; a **Special Exception** to waive the screening on north and south side, with condition the church will put up screening





neighborhood; and there would be no commercial activity, finding the easements and building area prevent them from locating it elsewhere, on the following described property:

Lot 4, Block 2, Lexington, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19830**

**Action Requested:**

Minor Special Exception to permit a 3.8' reduction on 30' required front yard to expand a garage in an RS-2 district, located: 2509 East 26<sup>th</sup> Street South.

**Presentation:**

**Mark Nelson**, 1603 S. College Ave., stated they have a two-car garage, which they propose to expand to the front of the house, to allow more room for laundry facilities. The front of the house is flat, and the shape of the house is an L-shape. There will still be 26 ½ ' from the garage to the property line, leaving parking room in the driveway.

**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"; Stephens "absent") to **APPROVE** a **Minor Special Exception** to permit a 3.8' reduction on 30' required front yard to expand a garage in an RS-2 district, per plan, finding it is consistent with other exceptions in the neighborhood, and the 30' setback in the front is more than the norm, on the following described property:

Lot 8, Block 2, Eastwood Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19807**

**Action Requested:**

Request for refund.

**Presentation:**

Mr. Beach informed the Board that Larry D. Cheatham, Jr. requested a refund after the case was fully processed except for hearing the case before the Board. The staff recommended a \$25.00 refund.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a \$25.00 refund as recommended by the staff.

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**Case No. 19804**

**Action Requested:**

Variance of parking requirement for fine arts center and new field house. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; OFF-STREET PARKING AND LOADING REQUIREMENTS; a Variance of building setback. SECTION 1201.C.2.c. USE UNIT 1. AREA-WIDE USES BY RIGHT; USE CONDITIONS; a Variance of height of building. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of access road setback. SECTION 1201.C.2.d. USE UNIT 1. AREA-WIDE USES BY RIGHT; USE CONDITIONS; and a Special Exception to allow new bleachers at the football field. SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS, located: 2520 S. Yorktown.

**Presentation:**

**John W. Moody**, 1800 S. Baltimore, Ste. 900, informed the Board that he has been in strenuous negotiations with the abutting property owner on the north. They were very close to reaching an agreement. He asked for a five minute recess to complete negotiations.

**Mr. White called a recess at 3:37 p.m.**

**The Hearing reconvened at 3:49 p.m.**

**Ms. Turnbo recused herself at 3:51 p.m.**

Mr. Moody informed the Board that there are a couple of pieces of information that were not available today.

**Board Action:**

On **Motion** of **Perkins**, the Board voted 3-0-1 (White, Dunham, Perkins "aye"; no "nays"; Turnbo "abstained"; Stephens "absent") to **CONTINUE** Case No. 19804 to the meeting on June 8, 2004.

SW/4 of the NE/4 of Section 18, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

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There being no further business, the meeting was adjourned at 3:58 p.m.

Date approved: June 14, 2005.

  
Chair