

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 917
Tuesday, August 23, 2005, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Chair
Henke, Secretary
Paddock, Vice Chair
Stead
Stephens

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Butler
Cuthbertson

**OTHERS
PRESENT**

Ackermann, Legal
Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday August 18, 2005, at 2:38 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

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

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

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20094

Action Requested:

Appeal from the determination of the Neighborhood Inspector that the special exception as to parking granted in BOA-18626 on 02 - 22 - 00 was subject to a 5 year limitation, located: 3340 S. Peoria Av. E.

Presentation:

Mr. Cuthbertson informed the Board that the applicant made a timely request for a continuance to September 13, 2005.

Mr. Johnsen advised the Board that Phil Marshall objected to the continuance request.

Board Action:

Mr. Dunham suggested they wait for Mr. Marshall to arrive before the Board took action.

N49.5 LT 19 LESS E25 FOR ST BLK 1, BURGESS ACRES ADDN, PEEBLES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20100

Action Requested:

Special exception to allow a 100 ft monopole telecommunication tower in an RS-1 district (Section 401), located: 2800 East 41st Street South.

Presentation:

Mr. Cuthbertson informed the Board that the applicant made a timely request for a continuance to October 11, 2005.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20100 to the meeting on October 11, 2005, regarding the following described property:

NW NE SEC 29-19-13, ANNANDALE RESUB L6 B6 VILLA GROVE PARK, CLARK ESTATES B4-6, VILLA GROVE PARK, City of Tulsa, Tulsa County, State of Oklahoma

MINUTES

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stead, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of July 26, 2005 (No. 915).

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stead, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of August 9, 2005 (No. 916).

UNFINISHED BUSINESS

Case No. 20084

Action Requested:

Special Exception to allow a manufactured home in an RS-3 zoned district - Section 401; and a Special Exception to allow the manufactured home permanently - Section 404.E, located: 1553 East 54th Street North.

Presentation:

Melvin Davis, 1387 East 54th Street North, proposed to move a used manufactured home on the subject property because his house burned down. He submitted photographs of the manufactured home (Exhibit A-1).

Comments and Questions:

In response to questions, Mr. Davis informed the Board that the home would be on a permanent foundation.

Interested Parties:

Dwain Midget, stated concern that a permanent special exception in a single-family residential area would have a long-term negative impact. He noted that this case is somewhat different because it was not as visible from the main road. He asked the Board to be mindful that this request is of a permanent nature. Mr. Midget reminded the Board that the planning commission and city councilors have been working eliminating confusion between manufactured homes and modular homes. Ms. Stead asked if he knew of any development plans for the area. He was not aware of any specific plans for the area. He stated there has been spotty new development and indicated there will be more. Mr. Stephens asked if he would be opposed to a time limit. Mr. Midget was not opposed to a time limit.

Jack Henderson, 2014 North Rosedale, stated north Tulsa does not need manufactured homes that would impede growth and decrease the property value in this area.

Applicant's Rebuttal:

Mr. Davis indicated a manufactured home is more feasible financially. He was also willing to accept a time limit.

Board Action:

On **Motion of Paddock**, the Board voted 4-1-0 (Dunham, Paddock, Henke, Stead "aye"; Stephens "nay"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to allow a manufactured home in an RS-3 zoned district - Section 401; and a **Special Exception** to allow the manufactured home permanently - Section 404.E, on the following described property:

N/2 LT 7 BLK 4, GRIMES HGTS, GRIMES HGTS 2ND, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20094

Action Requested:

Appeal from the determination of the Neighborhood Inspector that the special exception as to parking granted in BOA-18626 on 02-22-00 was subject to a 5 year limitation, located: 3340 South Peoria Avenue East.

Presentation:

Mr. Dunham noted Mr. Marshall returned to the meeting and offered him an opportunity to speak regarding the request for continuance.

Phil Marshall, President of the Brook Towne Neighborhood Association, P.O. Box 52011, Tulsa, Oklahoma, asked if it was automatic to approve a request for continuance. Mr. Dunham explained that the Board customarily approves one timely request for continuance from the applicant.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20094 to the meeting on September 13, 2005.

Case No. 20089

Action Requested:

Special Exception to permit a manufactured home in an RS-4 district, SECTION 401 -- Use Unit 9; Special Exception of 1-year time limit to permanent SECTION 404. E.1 -- Use Unit 9, located: 763 East Pine Place North.

Presentation:

Lillie and Carl Caldwell, 763 East Pine Place North, were present. Mr. Caldwell indicated the manufactured home would be for a residence. He was not aware of other manufactured homes in the area. He stated they have five children and need a larger home.

Scott Myer, 9445 East Admiral Place, submitted photographs (Exhibit B-2) to show the improvement for the family and neighborhood. He stated he was helping the Caldwell's and talked with an appraiser who evaluated their existing house and property at about \$25,000. He stated after they place the manufactured home on a permanent foundation and put in a brick skirting it would appraise around the \$80,000 to \$90,000 range. This would allow them to stay on their property where they have lived for many years. The home was built to HUD standards and is protected under the federal building code. He added that a local code could not supersede the federal code.

A site plan was provided (Exhibits B-1).

Interested Parties:

Jack Henderson, City Councilor, 2014 North Rosedale, stated this property is in the middle of properties with homes valued over \$100,000. The Jordan Plaza is across the street. He believes it would set a precedent. He asked that the Board deny this application.

Roscoe Turner, 3415 East Haskell Street, City Councilor, District 3, stated that they have accomplished much improvement in this area of the city and it continues to improve. He reminded the Board the City Council has been working diligently on the code for modular homes to avoid putting mobile homes in these areas. He requested the Board deny the application.

Dwain Midget, Assistant to the Mayor, submitted photographs (Exhibit B-4) to show more of the area where the applicant planned to set up the manufactured home.

Dean Bullock, 784 East Queen Street, stated she is the President of the Dunbar Neighborhood Association. The applicants came to one of the neighborhood association meetings and explained what they planned to do. She has heard from several of the neighbors that object to this application. She submitted a petition of opposition to the application (Exhibit B-5).

Anthony Crawford, 1915 North Lansing, stated he opposed the application because he was proposing a development in the area. It contains twenty lots for new homes.

Applicant's Rebuttal:

Mr. Myer reviewed the information he stated before.

Comments and Questions:

Ms. Stead reminded the applicant that the Board of Adjustment is a zoning board not a construction board. She was not questioning the construction of the home.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Stephens, Paddock, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to permit a manufactured home in an RS-4 district, SECTION 401 -- Use Unit 9; and a **Special Exception** of 1-year time limit to permanent SECTION 404. E.1 -- Use Unit 9, 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

LTS 24 & 25 BLK 7, BERRY-HART'S RESUB B7-10 ROOSEVELT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 20090

Action Requested:

Special exception to allow duplexes in an RS-3 district (Section 401); and a Variance to exceed the allowed 34% driveway coverage of the required front yard (Section 1303.D), located: 2519 South 91st East Avenue.

Presentation:

Mike Fadeyeu, 12916 East 181st Street South, Bixby, Oklahoma, stated he represented his brother for the case. He informed the Board they proposed to build wider driveways for the two-car garages. Most of the existing homes in the neighborhood have two-car garages. He stated the street was not constructed but they proposed to finish it since the city did not have the funds.

Comments and Questions:

Mr. Dunham asked if it would be a public or private street, to which Mr. Fadeyeu replied it would be public. Ms. Stead asked about the history of the property, if it was approved for construction of four duplexes in 1976. Mr. Cuthbertson verified that the application was approved but the plan was never executed so the time limit expired.

Interested Parties:

Bill Cox, 2506 South 91st East Place, stated he was opposed to the application. He pointed out there are single-family residences on three sides of this property. He considered it inappropriate.

Tye Stites, P.O. Box 700243, Tulsa, Oklahoma, stated he owns the property across the street to the west. He added he still had more questions than answers regarding this case.

Mr. Dunham offered to give the applicant a continuance to meet with the neighbors and discuss his plans. Mr. Fadeyeu indicated he already had approval for the duplexes and only needed the variance for the driveways.

Brad Anselme, 2419 South 91st East Avenue, stated there are several duplexes in the neighborhood and some are vacant. Some of the duplexes are not maintained well. The duplex near him has two inoperable vehicles, which have not been moved for several months. He was opposed to the application and could not see any benefit to a discussion with the applicant.

Waldo Barren, 2518 South 91st East Place, stated he lives right behind the subject property. His experience has been that people lose interest in purchasing the surrounding properties in the cul-de-sac when they discover the plans for

construction of duplexes. He stated they did not mow the lots until the city forced them to mow. There is a buffer between the single-family residences and the existing duplexes.

Allison Dickey, 2613 South 91st East Avenue, expressed the same concerns as mentioned above.

Applicant's Rebuttal:

Mr. Fadeyeu stated he was not there for the duplexes but for the variance for the driveways.

The staff and city attorney discussed the application and Mr. Dunham asked for their input. Mr. Alberty explained that he believed the applicant had some misunderstanding. When the applicant was awarded a permit, it was in error. The special exception was approved in 1976 and the time expired on that approval. The case is properly advertised for the Board to consider duplex use and the variance. Mr. Stephens asked Mr. Fadeyeu to declare a hardship. He described the small size of the front yard and the need for a larger driveway to meet the quality of the duplex for a two-car garage.

Mr. Paddock noted the neighbors have shown that the duplexes in this neighborhood have not been well-maintained. He felt that allowing additional duplexes would be detrimental to the neighborhood. Mr. Stephens considered the duplexes to promote a transient situation among the mostly single-family residences.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Stephens, Paddock, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to allow duplexes in an RS-3 district (Section 401), 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; and a **Variance** to exceed the allowed 34% driveway coverage of the required front yard (Section 1303.D), finding lack of a hardship, on the following described property:

LT 7 BLK 4, MEMORIAL ACRES ADDN, MEMORIAL ACRES RESUB L1-6 B4,
MEMORIAL ACRES RESUB L8-10 B4, City of Tulsa, Tulsa County, State of
Oklahoma

Case No. 20091

Action Requested:

Appeal the decision of the Tulsa Preservation Commission on June 23, 2005 regarding 1518 S. Victor Ave.

Presentation:

Michelle Cantrell, 226 East 20th Street, stated she represented the Yorktown Neighborhood Association against the Tulsa Preservation Commission decision. She stated that the Commission's approval of a COA for the parking structure on South Victor was incorrect because it fails to meet the guidelines and requirements under Title 42, Chapter 10A. She added that the TPC has failed to follow their procedures as well as the procedures under Chapter 10A of the Zoning Code. See (Exhibit C-1) a Power Point presentation. She indicated they had ignored valid votes and allowed a member with a conflict of interest to vote. She covered a lengthy time-line, specifying numerous violations and errors. They opposed the parking structure extending into the front yard setback. Ms. Cantrell listed three points for grounds for appeal (Exhibit C-0). The first point stated the request for the Certificate of Appropriateness should not have been heard by the TPC. She stated that on January 13, 2005, Arvest Bank/15th and Utica LLC were denied a COA for the reuse of the lot located at 1518 South Victor Avenue. The decision was appealed to the Board of Adjustment and until June, the appeal had not been heard or withdrawn. She added that this active appeal should have stayed all further action on this property. Secondly, approval of the off-street parking lot violates the Yorktown Design Guidelines and the Historic Preservation Ordinance Chapter 10 A, Historic Preservation of the Tulsa City Zoning Code. The third point was, though the COA subcommittee voted to recommend against granting a COA, that vote was improperly discounted, and the vote to recommend granting a COA should not have been referred to the committee.

Interested Parties:

Charles Norman, 2900 Mid-Continent Tower, responded to the appellant's three points of appeal. He then introduced Mary Lee Townsend from the Tulsa Preservation Commission.

Mary Lee Townsend, 1909 East 33rd Place, stated she is the Chair of the Tulsa Preservation Commission. She acknowledged that the Board had a copy of the TPC minutes regarding this case. She was open to answering any questions they might have for her.

Comments and Questions:

Ms. Stead asked Mr. Norman if the intention was to extend the parking lot and or the entrance to the sidewalk. He responded by showing the Board the site plan (Exhibit C-2) that was approved by the City Council. He pointed out the mitered corner that took out two parking places, the five and one-half foot landscaped space and the screening fence with a landscaped open area on the Victor Avenue side. This was an application to amend a previously approved Certificate of Appropriateness by adding the 40'-wide lot. He submitted photographs (Exhibit C-3) of the old H.L. Moss building, an old boarded-up house, and an old second house in very poor condition, all of which were removed. A Planned Unit Development is very appropriate in this case to provide for existing and unusual conditions. He provided a detailed response to the appeal (Exhibit C-4).

Mr. Henke had some questions regarding the original appeal by the 15th & Utica LLC and whether that appeal should have stayed any further action on this property. Mr. Norman replied that the stay of proceedings only applied to that particular application and the use of the forty feet. Mr. Ackerman explained that the 'stay of all proceedings', according to Section 1605.D does not apply to the procedures and or specific actions outside of the one being appealed, that further that project. Mr. Boulden concurred with Mr. Ackermann's explanation and stated that nothing has been violated.

Greg Jennings, 2260 South Troost Avenue, stated his support of the parking lot on the subject property and the current HP zoning.

Paul Atkins, IV, stated the parking lot should be held to the Yorktown guidelines and not violate the HP ordinances to extend into the front yard setback. He objected to Mr. Norman's appeal lasting five months.

Board discussion ensued.

Board Action:

On **Motion of Stead**, the Board voted 4-1-0 (Dunham, Stephens, Henke, Stead "aye"; Paddock "nay"; no "abstentions"; no "absences") to **DENY** the Appeal and **Uphold the Tulsa Preservation Commission decision**, on the following described property:

S 10' LT 4 N 30' LT 5 BLK 1, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20110

Action Requested:

Minor variance of the required rear setback from 25 ft to 20 ft 6 in for a proposed addition to the existing house, located: 5807 South New Haven East.

Presentation:

David Raley, 5807 South New Haven East, was present to present.

Paddock out at 3:36 p.m. and returned at 3:38 p.m.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 4-0-1 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; Paddock "abstained"; no "absences") to **APPROVE** a **Minor variance** of the required rear setback from 25 ft to 20 ft 6 in for a proposed

addition to the existing house, finding the extraordinary exceptional construction of the lot, the literal enforcement of the terms of the code would result in an unnecessary hardship; that such extraordinary, exceptional conditions or circumstances so not apply to other properties in the same use district; and finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

LT 5 BLK 4, RUSTIC HILLS 2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Stead out at 3:40 p.m.

Case No. 20092

Action Requested:

Special Exception to allow an automobile/car wash - Use Unit 17 in a CS zoned district, located: 9637 East 71st Street South.

Presentation:

Reed Robinson, 703 East 130th North, Skiatook, Oklahoma, submitted a revised site plan (Exhibit D-1). He stated they reduced the plan to one tunnel for better vehicular circulation and to three pumps since it is primarily a fueling station.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Paddock**, the Board voted 4-0-0 (Dunham, Stephens, Paddock, Henke "aye"; no "nays"; no "abstentions"; Stead "absent") to **APPROVE** a **Special Exception** to allow an automobile/car wash - Use Unit 17 in a CS 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, per plan submitted this day, on the following described property:

LT 1 BLK 1, PHILLIPS 66 CENTRE NO 27636, SAM'S CENTER, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20093

Action Requested:

Variance of required parking from 389 spaces to 360 spaces to permit a nightclub in a CS district, located: 6902 South Lewis Avenue East.

Presentation:

Enrique Escoto, 7125 East 81st Place, proposed to open a club on the subject property.

Comments and Questions:

Mr. Dunham asked for the days/hours of operation. Mr. Escoto stated Thursday through Sunday, 9:00 p.m. to 2:00 a.m. He would be leasing 8,300 square feet.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Paddock**, the Board voted 4-0-0 (Dunham, Paddock, Stephens, Henke "aye"; no "nays"; no "abstentions"; Stead "absent") to **APPROVE** a **Variance** of required parking from 389 spaces to 360 spaces to permit a nightclub in a CS district, subject to the use occupying only 8,300 square feet, days and hours of operation Thursday through Sunday 9:00 p.m. to 2:00 a.m., finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to this building; and finding that hours of operation are late in the evening and will not pose a parking issue for the remaining tenants in the area; finding the exceptional and extraordinary conditions do not necessarily apply to other property in the same use district; and finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

LT 1 LESS N150 E150 LT 1 BLK 2, N150 E150 LT 1 BLK 2, LEWIS VILLAGE,
City of Tulsa, Tulsa County, State of Oklahoma

Stead returned at 3:45 p.m.

Case No. 20095

Action Requested:

Special Exception to permit (Use Unit 4) a building to house a fiber optic cable hub in an RS-4 district (Section 401), located: 137 East Marshall Street North.

Henke out at 3:47 p.m.

Presentation:

Bret Peters, 6804 East 44th Street, stated he was with Cox Communications. They proposed to place a hub building for fiber optic termination similar to other terminals. The generator will be contained in sound attenuated housing and will be enclosed in block wall around it. The size is 32 x 32 will have permeable gravel on the interior of the security chain-link fence. They would landscape the front with trees and grass. This would be an unattended site.

Comments and Questions:

In response to questions from the Board, Mr. Peters stated they chose this location because it was very difficult to locate an affordable property close enough to the downtown area to meet the needs for the area.

Henke returned 3:49 p.m.

They approached TDA in regards to purchasing some of their property and were informed their property was reserved for the OSU corridor plans.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to permit (Use Unit 4) a building to house a fiber optic cable hub in an RS-4 district (Section 401), 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:

E40 W109 S15 LT 4 & E40 W109 OF LT 5, E51 W160 S15 OF LT 4 E51 W160 OF LT 5, CLARENCE LLOYD SUB, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20096

Action Requested:

Variance of maximum allowed floor area for an accessory building in an RS-3 district to permit a 4,000 sq ft building and a 800 sq ft building (Section 402.B.1.d); Variance of maximum height of an accessory building from 18 ft to 20 ft(Section 210.B.5.a), located: 15362 East 13th Street South.

Presentation:

The applicant, David Cook, was not present at the time. Mr. Dunham stated they would continue forward on the agenda.

Case No. 20097

Action Requested:

Variances of Lot Width, Lot Area, Land Area per dwelling unit (Section 303); frontage for residential uses from 30 ft to 0 ft (Section 206); Rear Yard Setback for existing dwelling (Section 303); Side Yard from 3 ft to 0 ft for an accessory

building (Section 210.B.5.b) to permit a Lot Split in an AG district, located: 10901 South Louisville Avenue East.

**Stephens out at approximately 3:50 p.m. and returned at 3:52 p.m.
Paddock out at approximately 3:50 p.m. and returned at 4:00 p.m.**

Presentation:

Eric Pfanstiel, proposed to obtain a lot-split and have marketable title to the property.

Comments and Questions:

Ms. Stead noted that this peculiar circumstance was decreed by the court. Mr. Alberty stated the court decision made this area non-conforming and they desire to obtain a clear title. Mr. Dunham added this is an existing house and existing condition.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 4-1-0 (Dunham, Stephens, Paddock, Stead "aye"; Henke "nay"; no "abstentions"; no "absences") to **APPROVE Variances** of Lot Width, Lot Area, Land Area per dwelling unit (Section 303); frontage for residential uses from 30 ft to 0 ft (Section 206); Rear Yard Setback for existing dwelling (Section 303); Side Yard from 3 ft to 0 ft for an accessory building (Section 210.B.5.b) to permit a Lot Split in an AG district, finding the hardship to be that created by the District Court and the extraordinary exceptional conditions or circumstances which are peculiar to the land as restructured, structure building involved, the literal enforcement of the terms of the code would result in unnecessary hardship and such conditions do not apply generally to the property in the general use district; and finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

BEG 991.81E NWC N/2 SE SW TH E325.52 S398.71 W329.99 N398.75 POB &
BEG 20N SWC N/2 N/2 SE SW TH E987.87 S40 W987.38 N40 POB SEC 28 18
13 3.91ACS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20096

Action Requested:

Variance of maximum allowed floor area for an accessory building in an RS-3 district to permit a 4,000 sq ft building and a 800 sq ft building (Section 402.B.1.d); Variance of maximum height of an accessory building from 18 ft to 20 ft(Section 210.B.5.a), located: 15362 East 13th Street South.

Presentation:

David Cook, 15362 East 13th Street, stated he restores antique cars as a hobby.

Comments and Questions:

Ms. Stead expressed concern for the large size of the building. She asked about the exterior appearance. Mr. Cook replied that it would be a metal building with a steep pitched roof, but no exterior façade. He had plans to put in plumbing for a restroom and partial heating. They did not plan to have living quarters. He stated he did not have a hardship and was not aware he needed one.

Mr. Cuthbertson informed the Board that Mr. Cook signed a form at the time of application and listed a hardship for the height of the building. The hardship was for better frontal appearance in the neighborhood and to provide adequate working height in the building, but no hardship for the size of the building.

Interested Parties:

City Councilor, **Jim Mautino**, 14628 East 12th Street, stated he heard from several residents of the area that expressed concern for the height of the building, having two buildings and the size of the proposed building. He added that it appeared to him the way it was proposed it was being set up to possibly do a lot-split of the rear of the property.

Bob Johnson, 15324 East 13th, President of the Tower Heights Neighborhood Association, stated the neighbors are concerned for the height and size that would set a precedent. He added that Mr. Cook indicated he did not want to cause a problem for the neighbors and was willing to compromise.

Mr. Dunham suggested a continuance to allow time for the applicant and neighbors to discuss the application and resolve the issues.

Board Action:

On **Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Stephens, Paddock, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20096 to the meeting on September 13, 2005, regarding the following described property:

LT 3 BLK 5, RADIO HGTS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20098

Action Requested:

Variance to permit an off-premises neighborhood identification sign in an AG district (Section 402.B.4.b)

Presentation:

Jeff Beason, 415 East Independence, with Tulsa Housing Authority, proposed to place an entrance sign for a neighborhood. There would be no illumination.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Stephens, Paddock, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to permit an off-premises neighborhood identification sign in an AG district (Section 402.B.4.b), finding the extraordinary or exceptional conditions or circumstances which are peculiar to the land the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted 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:

S/2 SE NE NE & N/2 NE SE NE LESS E40 THEREOF FOR RD SEC 2 20 12
9.587ACS, NORTHGATE ADDN, NORTHGATE SECOND ADDN, City of Tulsa,
Tulsa County, State of Oklahoma

Case No. 20099

Action Requested:

Variance of the required 35 ft. yard abutting an arterial street (Section 403), located: 5017 South 163rd East Avenue.

Presentation:

Darin Blake, 8310 North 98th East Avenue, Owasso, Oklahoma, with Alexander Homes, Inc., proposed to place a home on the property.

Comments and Questions:

Mr. Dunham noted the lot was platted as 85' deep with a 35' setback. Ms. Stead asked if the brick wall would extend beyond the house to the west. Mr. Blake replied it would extend as a privacy fence with brick columns.

Mr. Blake stated later they discovered there was an extra easement, of which they were not aware.

Interested Parties:

There were no interested parties who wished to speak.

Mr. Stephens recused himself from Case No. 20102.

Case No. 20102

Action Requested:

Special exception to remove the required screening - Section 212.C.4, located: 1725, 1731 & 1737 South Sheridan Road.

Presentation:

Wilfred Sanditen attended for presentation of his application.

Comments and Questions:

Ms. Stead noted that the vegetation looked adequate for screening. Mr. Sanditen informed the Board that he received a citation for no screening fence. Mr. Cuthbertson stated that screening was required before 1970 so it would not have been grandfathered in.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Paddock**, the Board voted 4-0-0 (Dunham, Paddock, Henke, Stead "aye"; no "nays"; Stephens "abstained"; no "absences") to **APPROVE** a **Special exception** to remove the required screening - Section 212.C.4, and approve the modification of the requirement to accept the vegetation in lieu of a six foot fence, 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:

W150 N85 LT 1 BLK 1, PRT OF LTS 1 & 2 BG NEC LT 1 S219.89 W110 N149.89W30 N70 E140 TO BG BLK 1, PRT OF LTS 1 & 2 BEG 14.89N OF NWC LT 2 E150 N15E30 S219.89 W35 N90 W145 N114.89 POB BLK 1, E110 S70 LT 2 BLK 1, S 90' OF W 145' LOT 2 BLK 1, TWENTY-FIRST AND SHERIDAN CENTER, TWENTY-FIRST AND SHERIDAN CENTER 4TH ADDN RESUB, TWENTY-FIRST AND SHERIDAN CENTER 7TH ADDN RESUB L4 B1, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Stephens returned at 4:38 p.m.

Case No. 20103

Action Requested:

Variance of maximum accessory building from 500 sq ft to 640 sq ft (Section 402.B.1.d); Variance of rear yard coverage from 30% to 55% (Section 210.B.5.a)

to replace a dilapidated garage in an RS-3 district, located: 1604 South Newport Avenue East.

Presentation:

Jared Brown, 9119 East 91st Place, stated he represented the Blackburns. They applied for a permit to remove the garage and rebuild. The City helped them locate the sewer line and they modified the plans. They adjusted for the 45' setback from the centerline. He added that they are 600 square feet instead of 640 square feet. He submitted a site plan and photographs (Exhibit H-1) to show the existing structure and others of about 600 square feet.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Stephens, Paddock, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of maximum accessory building from 500 sq ft to 600 sq ft (Section 402.B.1.d), per plan; **Variance** of rear yard coverage from 30% to 55% (Section 210.B.5.a) to replace a dilapidated garage in an RS-3 district, finding this property was built and platted before current zoning codes; by reason of extraordinary or exceptional conditions and circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted 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:

LT 1 BLK 17, MORNINGSIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20105

Action Requested:

Special exception to permit a printing and publishing business - Use Unit 25 in a CG district (Section 701), located: 2743 South Memorial Avenue East.

Presentation:

Roy Johnsen, 201 West 5th Street, Suite 501, gave a brief history of the subject property. It is a print shop where it was originally a grocery store.

Mr. Dunham out at 4:43 p.m.

They filed to change the zoning from CS to CG and it was approved. They desired for the use to be considered Use Unit 25, for printing use only, so there is no doubt of the zoning and approved for expansion. They proposed a re-construction of the

loading docks; printing use within the existing buildings; an addition of 500 square feet.

Interested Parties:

There were no interested parties who wished to speak.

Mr. Dunham returned at 4:48 p.m.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Stephens, Paddock, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special exception** to permit a printing and publishing business - Use Unit 25 in a CG district (Section 701), subject to printing use only in existing buildings; provided that re-work may be done on the loading docks that would increase the square footage of the building by 500 square feet in the southernmost largest building, find that the Special Exception 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:

PRT LT 9 BEG 5E NWC TH E477.10 S573.50 SW114.84 NW50 SW147.47
NW208 SW133.07 N572.64 POB LESS BEG 5.05NE SWC THEREOF TH
N49.04 E5 S48.17 SL SW5.05 POB BLK 2, TRI CENTER, City of Tulsa, Tulsa
County, State of Oklahoma

Case No. 20106

Action Requested:

Special Exception to permit a school and accessory uses in an RM-2 district (Section 401); Variance of required setback from an abutting R district on the western and northern sides of the proposed Childhood Dev. Ctr. from 25 ft to 10 ft (Section 404.F.4); Variance of the required yard to 39' - 2.5" from the centerline of 16th St. for the Childhood Dev. Ctr. (Section 404); and a Variance of the front yard requirement to 30 ft. from the centerline of 16th St. for the Memorial Hall (Section 404)

Presentation:

The Christ the King Church was represented by Jason Mills of Cyntergy.

Mr. Dunham suggested that since the Board was familiar with the application, that the interested party could speak first and then the Board would ask any questions they had of the applicant.

Interested Parties:

Chip Atkins, Vice-President of the Swan Lake Association, 1638 East 17th Place, stated the applicant has been a very good neighbor. They are in support and appreciated that the church wanted to be under the historic preservation and have

maintained the historic preservation of the church and existing architectural elements.

Comments and Questions:

Ms. Stead noted the hardships would be the zoning prior to the construction of the church. The representative, stated that the Early Childhood Development Center is very outdated and undersized and will be completely demolished.

Board Action:

On **Motion of Paddock**, the Board voted 5-0-0 (Dunham, Stephens, Paddock, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a school and accessory uses in an RM-2 district (Section 401), 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 **Motion of Paddock**, the Board voted 5-0-0 (Dunham, Stephens, Paddock, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required setback from an abutting R district on the western and northern sides of the proposed Childhood Dev. Ctr. from 25 ft to 10 ft (Section 404.F.4); **Variance** of the required yard to 39' - 2.5" from the centerline of 16th St. for the Childhood Dev. Ctr. (Section 404); and a **Variance** of the front yard requirement to 30 ft. from the centerline of 16th St. for the Memorial Hall (Section 404), per plan, finding circumstances which are peculiar to the building involved, in that the building was built prior to the current zoning code and these are existing structures, the literal enforcement of the terms of the Code would result in unnecessary hardship; and that such exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted 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:

LTS 1 THRU 16 BLK 6, LT 4 BLK 7 & 10 VAC ALLEY, LT 5 & 10 VAC ALLEY ADJ ON W BLK 7, LTS 9 10 11 LESS W15 THEREOF & LTS 6 7 8 & 20 VACALLEY BTW BLK 7, LT 12 & W10 VAC ALLEY ADJ ON E & E30 VAC QUAKER ST ADJ ON W BLK 7, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20119

Action Requested:

To rescind BOA-15792, a minor special exception to permit a residential accessory use on an abutting residentially zoned lot, under common ownership, property located: 3726 South Troost.

Presentation:

William Easley, 2258 East 32nd Street, was present to rescind the tie agreement on this property.

Comments and Questions:

The Board members did not have any questions.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Stephens, Paddock, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to To rescind BOA-15792, a minor special exception to permit a residential accessory use on an abutting residentially zoned lot, under common ownership, on the following described property:

LOT 5 & 6 BLK 5, WOODLAND HGTS, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

The Board reviewed documents related to Case No. 20074 – Community of Hope Church, showing the proper disposal of biohazard material over the last several months. This was a condition to the approval of the application. There was no need for Board action.

There being no further business, the meeting was adjourned at 5:02 p.m.

Date approved: 9/13/2005


Chair