

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 923
Tuesday, November 22, 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
Stead
Stephens
Tidwell

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Butler
Cuthbertson

**OTHERS
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, November 17, 2005, at 1:44 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. 20131

Action Requested:

Variance to permit two dwellings on one lot of record on a temporary basis (Section 207), located: 6336 South Harvard Avenue.

Presentation:

Mr. Cuthbertson informed the Board that the applicant, Roy D. Johnsen asked for a continuance to the December 13, 2005 meeting.

Board Action:

On **Motion** of **Stephens**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20131 to the meeting on December 13, 2005.

N255 SE NE SE NE SEC 5 18 13 1.94ACS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20150

Action Requested:

Variance to permit more than one dwelling per lot of record, (Section 207), located: 6810 East 106th Street South.

Presentation:

Mr. Cuthbertson informed the Board that the applicant, Frederick T. Milroy, Jr., withdrew the application and asked for a refund. Staff recommended a full refund.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a full refund of \$417.00, as recommended.

LT 11 BLK 4, FOREST TRAILS, SHERIDAN PARK, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20155

Action Requested:

Variance of building setback along South Utica Ave to 39 ft from 85 ft for a new building between adjacent buildings that also encroach on building setback; (Section 603), located: 1625 South Utica Avenue.

Presentation:

Mr. Cuthbertson informed the Board that the applicant, Lou Reynolds, withdrew Case No. 20155. No notices were sent out and staff recommended a full refund.

Board Action:

On **Motion** of **Tidwell**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a full refund \$632.00, as recommended.

LT 10 BLK 16 & 10' VAC. ALLEY, LT 11 BLK 16 & 10' VAC. ALLEY, LT 12 BLK 16 & 10 FT VAC ALLEY, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

MINUTES

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Stead, Stephens, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of October 25, 2005 (No. 921).

UNFINISHED BUSINESS

Case No. 20140

Action Requested:

A Variance of parking requirements to permit a restaurant (Section 1212.D) and a Special Exception to allow required parking on a lot other than the one containing the principal use (Section 1301.D), located: 3346 South Peoria Avenue.

Presentation:

The applicant, **Tom Dittus**, was not present.

Mr. Dunham asked staff to call the applicant and give him time to arrive.

S20.5 LT 19 N30 LT 20 LESS E25 THEREOF FOR ST BLK1, E 66 LT 21 BLK 1, W66 LT 21 BLK 1, BURGESS ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20141

Action Requested:

Special Exception for the Tulsa Airport Authority to extend a time limitation of 5 years for the use of a residence as a model home and office during sound attenuation project - Section 401 -- Use Unit 2, located: 7887 Independence Street.

Presentation:

Randle Baker, 7777 East Apache, stated they were approved for five years for this property as a model of the sound attenuation program. The time limit expires this month and they are not through with the program. He requested another five years to finish the program. He added that no changes are to be made.

Interested Parties:

There were no interested parties who wished to speak.

Comments and Questions:

Ms. Stead stated that upon observation of the property, no changes have been made since it was built.

Board Action:

On **Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** for the Tulsa Airport Authority to extend a time limitation of 5 years for the use of a residence as a model home and office during sound attenuation project - Section 401 -- Use Unit 2, for another five years from November 22, 2005, on the following described property:

LT 38 BLK 6, MAPLEWOOD THIRD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20142

Action Requested:

Special exception to allow a church and accessory uses (Use Unit 5) in a RS-3 zoned district. (Section 401), located: 3401 North Delaware Avenue.

Presentation:

James Williams, 3000 South Dogwood Place, Broken Arrow, stated he is one of the Pastors at Ministry of Reconciliation. He informed the Board they have not started building the church, though they were approved by the Board of Adjustment in December 2000. They are in the process of obtaining a building permit now.

Interested Parties:

Katrina Ingram, 3421 North Delaware Avenue, asked how much distance would be between this church and the one next door. She also asked where the parking lot would be located. Pastor Williams replied it would be adjacent to a detention pond on the south. She also asked for a copy of the blueprint, which the applicant agreed to supply.

Mr. Cuthbertson stated the site plan shows a distance of 164 ft. from the church to the north property line.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special exception** to allow a church and accessory uses (Use Unit 5) in a RS-3 zoned 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 the following described property:

BEG 215W NEC SW NW NE TH SW120 SW629.28 W100 N660E445 POB SEC
20 20 13, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Case No. 20143

Action Requested:

Special Exception to permit an indoor flea market (Use Unit 15) in a CS district.
(Section 701), located: 11675 East 21st Street.

Presentation:

Janet Garcia, 1517 West Fulton Place, Broken Arrow, Oklahoma, came to present
for **Armando Ramirez**.

Comments and Questions:

Mr. Dunham asked if they plan to have any outdoor display or storage of
merchandise. Ms. Garcia replied that there would be nothing outside. She
responded to questions from the Board, stating they are not using this space as a
flea market now. The retail store will remain on the south end and a friend of the
applicant runs the taco trailer. In response to comments from the Board, she
stated they would remove the food trailer.

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, Henke, Stead,
Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special
Exception** to permit an indoor flea market (Use Unit 15) in a CS district. (Section
701), with conditions: no outside display or sales of merchandise; food trailer to be
removed or permitted in order to operate, no dumping of anything between building
and R 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:

LT 21 BLK 3, 21 GARNETT PLACE RESUB PRT L1 & L2-3 GARNETT PLAZA,
City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20144

Action Requested:

Verification of spacing requirements for an Adult Entertainment Establishment (UU
12a) from a public park, school or church and R districts (Section 1212a.C.3),
located: 409 North Main Street.

Presentation:

Steve Schuller, 100 West 5th Street, Suite 500, stated there is no residentially zoned property within 50 ft. of the public entrance. There are no churches, parks or schools within 300 ft. of the premises. He added that it is a bar and not a sexually oriented business.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Verification of spacing requirements for an Adult Entertainment Establishment (UU 12a) from a public park, school or church and R districts (Section 1212a.C.3), on the following described property:

N40 LT 5 & S32 LT 6 & W10 VAC ALLEY ADJ ON E BLK 7, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20145

Action Requested:

Special exception to allow Use Unit 5 - Church and accessory uses - in an OL zoned district. (Section 601), located: 5550 South Lewis Avenue.

Presentation:

Malcom Rosser, 321 South Boston, Suite 500, represented Southern Hills Baptist Church. They had a contract to purchase the subject property, Chevy Chase office complex. He submitted photographs (Exhibit A-1). They proposed to use it for classrooms and to allow the existing tenants to stay. There would be no outside activities. The only access is from Lewis Avenue.

Comments and Questions:

Ms. Stead asked if there were any objections to the application at the neighborhood meeting. Mr. Rosser replied there were no objections.

Interested Parties:

There were no interested parties who wished to speak. A letter of support was provided (Exhibit A-2).

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special exception** to allow Use Unit 5 - Church and accessory uses - in an OL zoned district. (Section 601), 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:

LT 5 BLK 1, CHEVY CHASE PARK, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20146

Action Requested:

Special exception to allow office/warehouse uses (Use Unit 15) in a CS-zoned district. Section 701, located: Northwest of the Northwest corner or East 21st Street South & South 129th East Avenue.

Presentation:

Steve Coder, 11728 East 133rd Street South, Broken Arrow, Oklahoma, proposed to open an office/warehouse facility. He stated there is not a big demand for the mini-storage he had planned at this location and no demand for retail. A conceptual site plan and flier were provided (Exhibit B-1 and B-2).

Comments and Questions:

Mr. Dunham commented restrictions would be needed if approved to prevent industrial uses.

Interested Parties:

Councilor James Mautino, 14628 East 12th Street, stated he was contacted by a resident that could not attend this hearing but was concerned about the proposed use. He submitted photographs (Exhibit B-1). He asked who would maintain the ten-foot easement at the back of the buildings abutting the residential property.

Applicant's Rebuttal:

Mr. Coder responded to comments, stating the metal buildings would be 14-16 ft. in height at the eave and they would not have back doors. There would be ten-foot space from the back property line with easy access for mowing.

Comments and Questions:

Ms. Stead expressed concern regarding the uses allowed in a Use Unit 15. She considered some of them objectionable in proximity to neighboring residential property. She questioned access to the office/warehouse area from the mini-storage, the lighting, and parking. Mr. Coder responded there would not be access from the mini-storage; there would be plenty of light at the front. Mr. Ackermann asked if Mr. Coder had contractor construction service businesses in mind for this facility, with which Mr. Coder agreed. There was discussion about building phase one on the south, away from the residential properties.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special exception** to allow office/warehouse uses (Use Unit 15) in a CS-zoned district. Section 701, with conditions: only for the south tier of 14 spaces maximum (Building C only); no outside storage, repairs or sales of materials or merchandise; no vehicles parked overnight; restricted to contract construction services (not disruptive to the neighborhood) only; height of building not to exceed 14 ft.; no storage of toxic or combustible materials; no small engine repair of any kind; the applicant to come back before the Board of Adjustment with Landscaping and Lighting Plans (Chapters 10 and 13), 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:

PRT LT 1 BEG NEC LT 1 TH S 114.81 FT TH N 89° 47' 00" W 200 FT TH S 73.52 FT TH W 397.20 FT TO PT ON W LN OF SAID LT TH ALONG W AND N LN OF SAID LT N 156.92 FT N 82° 00' 00" E 220.22 FT N 89° 59' 58" E 379.12 FT TO POB, STACEY LYNN THIRD ANNEX, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20140

Action Requested:

A Variance of parking requirements to permit a restaurant (Section 1212.D) and a Special Exception to allow required parking on a lot other than the one containing the principal use (Section 1301.D), located: 3346 South Peoria Avenue.

Presentation:

The applicant, **Tom Dittus**, did not appear for the hearing of this case.

Interested Parties:

Phil Marshall, 4319 South Quincy Place, stated he is a member of the Brookside Neighborhood Association. He stated that the applicant did not have the required parking spaces and opposed the request.

Herb Beattie, 3474 South Zunis, agreed that the applicant does not have any parking spaces and opposed the request.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20140 to the meeting on December 13, 2005, stating that there would be no further continuances.

S20.5 LT 19 N30 LT 20 LESS E25 THEREOF FOR ST BLK1, E 66 LT 21 BLK 1, W66 LT 21 BLK 1, BURGESS ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 20148

Action Requested:

Variance of the required 25 ft. rear yard to 6 feet for the addition of a new garage; (Section 403), located: 2350 South Delaware Avenue East.

Presentation:

Mark Weber, 2350 South Delaware Avenue, came to present his case. A site plan was provided (Exhibit C-1).

Mr. Stephens out at 2:33 p.m.

Comments and Questions:

Ms. Stead asked if the proposed garage would be built to the east. Mr. Dunham did not see any problem with the request.

Mr. Stephens returned at 2:35 p.m.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required 25 ft. rear yard to 6 feet for the addition of a new garage; (Section 403), per plan, finding the orientation of the corner lot makes it difficult to maintain side yards; and literal enforcement of the code would result in an unnecessary hardship, that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district, that the variance to be granted would 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 8 BLK 2, SOUTH EAST HIGH RIDGE, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20149

Action Requested:

Special Exception to permit a dry cleaners (Use Unit 15), in a CS-zoned district; (1215), located: 5097 & 5099 East 51st Street South.

Presentation:

Dana Hutson, 1909 North Yellowwood Avenue, Broken Arrow, Oklahoma, represented the owner of Yale Cleaners operating at this location since the mid-1970's.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a dry cleaners (Use Unit 15), in a CS-zoned district; (1215), 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:

S150 E324.5 N298.59 S338.59 W/2 W/2 SW LESS BEG SWC TH E324.50 N150 W25 S140 W238.85 NW61.49 S20 POB FOR ST SEC 27 19 13 .956AC, , City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20151

Action Requested:

Special Exception to permit a Use Unit 24 - Mining and Mineral Processing in an AG and IH district (Section 301 & 901), located: Southeast corner of 36th Street North and 129th East Avenue.

Presentation:

Roy D. Johnsen, 201 West 5th Street, Suite 501, represented Apac Oklahoma, Inc. He submitted a packet of exhibits (Exhibits D-1 – D-5), including use conditions and maps. He pointed out that Apac owns the RS-3 district adjacent to the subject property and several other large properties. He reminded the Board there are high intensity industrial uses and a large amount of quarrying in the area. When they applied the south 600 ft. was omitted from the subject property from the application. The proposed conditions by the applicant address issues such as: dust, reclamation and vibration. The blasts are controlled and measured by seismograph. Apac provided tours and meetings to discuss the processes with potential interested parties. He did not see anyone present at this hearing that objected and attended those events. The State investigated blasting in the area

when there were complaints and the results showed that Apac was well within the restrictions for blasting.

Comments and Questions:

Mr. Stephens asked for the proposed hours of operation. Mr. Johnsen replied they would work Monday through Friday daytime only. Ms. Stead asked about houses that Apac has acquired because of their proximity to the blasting. Mr. Johnsen replied that the house most recently acquired provided for the occupant to occupy for three years, if they choose; one family can occupy the house on the north for as long as they choose; and two dwellings are occupied by Apac.

Interested Parties:

David Hillier, 817 Southeast 55th Street, Oklahoma City, Oklahoma, represented Core Slab Structures in Tulsa. Their property is to the west of the subject property (Pre-Cast Concrete Company). He expressed concern for any increase in blasting power. They want to know if the applicant will cover any damage to their building foundations, pre-casting beds or steam lines.

Johnny Hobbs, 14132 East Apache Street North, stated he lives on the south side of Apache from the proposed blasting site. There are five homes in that area. He complained of dust, water run-off and damage to their home. He described damages to their home: a fallen cabinet, falling ceiling, and a crumbed foundation. He told of one incident when emergency vehicles could not pass large trucks on the road. He mentioned an old sewage plant and two landfills in this area, causing wells to go bad and health concerns. He moved into the house in January 2005.

Councilor Jim Mautino, complimented the applicant who took time to present this case to the neighborhood and do sample blasts and inform interested parties. He also noted a different company does Saturday morning blasting. He was supportive of this application.

Applicant's Rebuttal:

Mr. Johnsen responded that if there is a problem that Apac has caused they will deal with it. He mentioned the sewer plant that was referred to and stated it is more likely a private lagoon. He informed the Board that Apac also has two asphalt plants right by the quarry and they do not want their equipment damaged. So they govern their work to protect themselves and others.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a Use Unit 24 - Mining and Mineral Processing in an AG and IH district (Section 301 & 901), subject to the use conditions provided by the applicant, as amended that hours of operation for blasting be daylight hours only Monday through Friday. The use conditions provided are: The open excavation area of the quarry shall be setback not less than 125 feet from the centerline of

129th East Avenue, 36th North and 141st East Avenue, provided however, additional setbacks may be required, depending on the depth of excavation, in accordance with the standards and requirements of the Oklahoma Department of Mines. Chain link security fencing shall be installed and maintained along the perimeter of the site, provided however, the required security fencing may be located along the exterior boundaries of adjoining properties owned by Apac. An earthen berm not less than 4 feet in height shall be installed and maintained along the public street frontages of the property which are within 500 feet of an open excavation area, excepting points of access. A dust suppressant system shall be included as a part of the crusher equipment and watering to suppress the dust from the interior road system and conveyors shall be provided and operation of the quarry shall meet the requirements of the Oklahoma Department of Environmental Quality, including but not limited to compliance with the general requirement that .."no visible dust shall leave the property". Blasting shall be limited to daylight hours, shall include seismic monitoring and shall be conducted in accordance with the standards and requirements of the Oklahoma Department of Mines. Provision for reclamation shall be made in accordance with the standards and requirements of the Oklahoma Department of Mines, 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:

A TRACT OF LAND THAT IS A PART OF SEC TWENTY-ONE (21), TWNSHP TWENTY (20) N, RNG FOURTEEN (14) E OF THE I B AND M, ACCORDING TO THE US GOVNMNT SURVEY THEREOF, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT BEING DESCRIBED AS FOLLOWS: BEG AT NW CRNR OF SEC 21; TH N 88°34'26" E ALNG NLY LN OF SEC 21 2646.08 FT TO NE CRNR OF NW QTR (NW/4) OF SEC 21; TH S 1°18'04" E ALNG EASTERLY LN OF NW/4 661.39 FT TO NW CRNR OF S HLF OF NW QTR OF NE QTR (S/2 NW/4 NE/4) OF SEC 21; TH S 38°22'20" E 1511.38 FT; TH S 17°22'42" E 1498.89 FT TO PT ON EASTRLY LN OF NW QTR OF SE QTR (NW/4 SE/4) OF SEC 21; TH S 1°16'15" E ALNG EASTRLY LN OF NW/4 SE/4 62.41 FT TO PT THAT IS 600.00 FT NTHRLY OF AS MEASURED PERPENDICULARLY TO SOUTHRLY LN OF NW/4 SE/4; TH S 88°42'06" W PARALLEL WITH SOUTHRLY LN OF NW/4 SE/4 & PARALLEL WITH SOUTHRLY LN OF E HALF OF NE QTR OF SW QTR (E/2 NE/4 SW/4) OF SEC 21 1988.14 FT TO PT ON WSTRLY LN OF E/2 NE/4 SW/4; TH N 1°17'06" W ALNG WSTRLY LN OF E/2 NE/4 SW/4 724.12 FT TO NW CNR OF E/2 NE/4 SW/4 & PT ON SOUTHRLY LN OF LT ONE (1), BLCK TWO (2) OF LANGLEY ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCRDNG TO RECORDED PLAT THEREOF; TH N 88°40'54" E ALNG SOUTHRLY LN OF LT 1 3.71 FT TO SE CNR OF LT 1 OF BLCK 2; TH N 1°15'24" W ALNG EASTRLY LN OF LANGLEY ADDITION 1321.90 FT TO NE CNR OF LT 1, BLCK 1 OF LANGLEY ADDITION; TH S 88°40'22" W ALNG NRTHRLY LN OF LANGLEY ADDITION & A WESTERLY EXTNSN THEREOF FOR 1989.58 FT TO PT ON WSTRLY LN OF NW/4 OF SEC 21; TH N 01°16'33" W ALNG WSTRLY LN OF NW/4 1319.00 FT TO PT OF

BEG OF SAID TRACT OF LAND, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20152

Action Requested:

Special Exception to permit a private school (UU 5) in an OL district (601), located: Southeast corner 85th East Avenue and 21st Street South.

Presentation:

Roy D. Johnsen, 201 West 5th Street, Suite 501, represented a company that proposed to open a school, Dove Science Academy. It is a charter school that is run through the Tulsa Public School District and the State of Oklahoma. It receives public funds, and includes sixth grade through the twelfth. They provide a full curriculum with an emphasis on sciences. There would be a maximum floor area of 38,000 square feet. They submitted a conceptual site plan (Exhibit E-1). The plat would require sidewalks.

Comments and Questions:

Ms. Stead asked for the hours of operation. Mr. Johnsen replied they would be 8:00 a.m. to 4:00 p.m., Monday through Friday.

Interested Parties:

Al Nichols, 8525 East 16th Street, represented the Mingo Valley Neighborhood Association. They are in support of the application. He pointed out a need for ingress and egress on 84th and 87th Streets.

Ray and Leta Cosby, 8705 East 21st Street, referred to a letter they sent to the Board. They were in support of the school with some stipulations, including a 110 ft. setback from 21st Street. They also provided letters from Metro Faith Christian Church and Lavern Seawright, also in support. Ms. Cosby was in agreement with Ms. Stead that it would be better if they did not have any median cuts at this location for traffic safety. She asked if there is a possibility of an exit at 85th and 87th East Avenue. She asked what materials will be used to construct the building, a rendering of the structure, and assurance they would spray water during construction for dust control for the benefit of the homes, the nursing home and the church that are nearby. She also asked the number of stories to this building.

Applicant's Rebuttal:

Mr. Johnsen responded it would have a stucco appearance and may have some brick. Those decisions have not been made definitely. Mr. Dunham asked when construction would begin. He did not see any problem with the standard 110 ft. setback from 21st Street. He stated he would pass on the suggestion for an access to 87th Street and regarding the dust control.

Mr. Cuthbertson commented that the zoning code restricts structures to one-story in the OL-zoned district. Mr. Johnsen stated that construction was expected to begin in January 2006.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a private school (UU 5) in an OL district (601), per conceptual plan submitted, with amendment of the square footage to 38,000 sf., with conditions: the setback would not be less than 110 ft from 21st Street, 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:

N/2, NW/4, NE/4, NW/4, Less W 30 FT and Less N 60 FT, W 605 FT, E 360 FT, Less E 25 FT, N 100 FT for sts, SEC 13 19 13 - 3.88 acres The N 24.2 FT of the S 330 FT of NW/4, NE/4, NW/4 of SEC 13 19 13 Tulsa County, OK, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20153

Action Requested:

Variance of required parking of 386 spaces to 342 spaces to permit a restaurant in an existing shopping center (Section 1212), located: 1920-A South Garnett Avenue East.

Presentation:

Michael McCann, 616 South Main, Suite 206, appeared for a proposed buffet-style restaurant. The parking lot is under-utilized as well as the facility. It was built before the current parking code and literal enforcement would cause a hardship. He showed a one-week, time-lapse video of the parking lot to demonstrate the use of the parking lot to the Board.

Interested Parties:

Councilor Jim Mautino spoke in favor of this application. He stated that he uses this parking lot frequently and never has trouble finding parking.

Comments and Questions:

Ms. Stead agreed there is more than sufficient parking space on this lot.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required parking of 386 spaces to 342 spaces to permit a restaurant in an existing shopping center (Section 1212), finding the center was built prior to the

current zoning code, the lot is under-utilized, and literal enforcement of the code would result in an unnecessary hardship, that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district, that the variance to be granted would 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 BLK 1, CHEROKEE CENTER ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20154

Action Requested:

Special Exception to permit a Medical Clinic (Use Unit 11) in an RM-2 district (Section 401), located: 6301 West 11th Place South.

Presentation:

Wilma Palmer, 2047 West Edison, Suite 2, stated she is the General Council for the Housing Authority of the City of Tulsa.

Robyn Burchfield, 415 East Independence, stated she is with the Tulsa Housing Authority.

Mr. Tidwell out at 3:54 p.m.

Ms. Palmer presented the case for a medical clinic at Sandy Park. They are partnering with O.U. Medical Clinic to offer the clinic for residents at Sandy Park and the surrounding community in one unit of the complex.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Henke** the Board voted 4-0-0 (Dunham, Henke Stead, Stephens "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** a **Special Exception** to permit a Medical Clinic (Use Unit 11) 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 the following described property:

LT 1 BLK 1, LT 1 BLK 2, SANDY PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Tidwell returned at approximately 3:57 p.m.

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Case No. 20156

Action Requested:

Amendment to a motion of a previously granted special exception & variance (BOA-19756) to increase the allowable restaurant square footage from 2,000 sf. to 2,400 sf., located: 3410 South Peoria Avenue East.

Presentation:

Bill Grimm, 610 South Main, Suite 300, asked for an amendment to BOA Case No. 19756, which was approved in February 2004. At that time they did not need parking for restaurant space and they only needed one space for every 225 feet. They have applied for a license from the ABLE Commission. The Southminster Presbyterian Church has granted four parking spaces to the applicant.

Interested Parties:

Carol Ashcraft, stated she has rental property at 1127 and 1129 East 35th Place. She did not object to this application. She wanted to make the Board aware of the disturbing activity that takes place on the back of this parking lot. She has received complaints from her tenants.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** an Amendment to a motion of a previously granted special exception & variance (BOA-19756) to increase the allowable restaurant square footage from 2,000 sf. to 2,400 sf., finding an additional four parking spaces have been acquired at a nearby church, on the following described property:

A tract that is part of LT 56 of "Burgess Acres Addition", tract of land being more particularly described as follows, to-wit: Starting at NE/c of Lot 56; TH W along Nly LN of LT 56 18.72' to POB of tract of land; TH S 00°00'20" E parallel with Ely LN of LT 56 70.00' to PT on Sly LN of LT 56; TH W along Sly LN 131.73'; TH N 00°00'20" W parallel with Wly LN of LT 56 70.00' to PT on Nly LN of LT 56; TH E along Nly LN 131.73' to POB of tract of land. And A tract of land that is part of LT 6, Blk 2 of "amended Plat of Peoria Gardens Addition", tract of land being more particularly described as follows, to-wit: Starting at NE/c of Lot 6; TH W along Nly LN of LT 6 9.02'; TH S 00°00'20" E parallel with Ely LN of LT 6 10.00' to POB of tract of land; TH continuing S 00°00'20" E 40.00'; TH W parallel with Nly LN of LT 6 66.50'; TH N 40.00'; TH E parallel with Nly LN 66.50' to POB of tract of land. And a tract of land that is part of Lots 5 and 6, Block 2, "Amended Plat of Peoria Gardens Addition" said tract being more particularly described as follows,

to-wit: Starting at NE/c of LT 5; TH W along Nly LN of LT 5 18.72' to POB of tract of land; TH S 00°00'20" E parallel with Ely LN of LT 5 45.00'; TH W 20.00'; TH S 40.50'; TH E 20.00'; TH S 00°00'20" E 24.50'; TH W 56.78'; TH S 16.00'; TH W 27.50'; TH N 15.00'; TH W 21.50'; TH S 54.00'; TH W parallel with Sly LN of LT 6 110.50' to PT on Wly LN of LT 6; TH N 00°00'20" W along Wly LN of LT 6 and LT 5 159.00'; TH E 62.00'; TH N 6.00' to PT on Nly LN of LT 5; TH E along Nly LN 154.28' to POB of said tract of land, all three tracts being Additions to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 20157

Action Requested:

Variance of required side yard from 10 ft to 2.3 ft to allow a lot-split (L-19909); (Section 403), located: 2801 East Haskell Street.

Presentation:

Austin Hughes, 848 North College Avenue, stated he is the new owner of the property. He submitted photographs of the property (ExhibitF-1). He added that the neighbors are very pleased with the application.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required side yard from 10 ft to 2.3 ft to allow a lot-split (L-19909); (Section 403), finding by extraordinary and exceptional circumstances peculiar to the land, the literal enforcement of the code would result in an unnecessary hardship, that such extraordinary or exceptional conditions or circumstances do not apply generally 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:

N 115 FT OF S 140 FT OF E 74.35 FT OF ALL THAT PART OF SW/4 OF SE/4 OF SEC 32, T-20-N, R-13-E OF IB&M ACCORDING TO US SURV THEREOF, DESCR AS FOLLOWS, TO-WIT ; BEG AT PT 798.2 FT N OF SW/C OF SW/4 OF SE/4 OF SEC 32, AND RUNNING TH DUE E 104.35 FT; TH N 417.5 FT; TH W 104.35 FT; TH S 417.5 TO POB, , City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20158

Action Requested:

Verification of spacing requirements for an Adult Entertainment Establishment in the CBD District, located: 421 East 1st Street South.

Presentation:

Elliott Nelson, 2550 South Evanston Avenue, stated that 421 is a machine shop that was built in 1904. As it expanded they encompassed everything under that address. He added that 415 is the address directly to the east of McNelly's.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Verification of spacing requirements for an Adult Entertainment Establishment in the CBD District, on the following described property:

E25 LT 4 & CLOSED ALY BLK 76, TULSA-ORIGINAL TOWN, City of Tulsa,
Tulsa County, State of Oklahoma

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There being no further business, the meeting was adjourned at 4:20 p.m.

Date approved: December 13, 2005


Chair