

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 792
Tuesday, March 28, 2000, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Dunham, Vice Chair Cooper
White, Chair
Turnbo
Perkins

Beach
Butler
Stump

Prather, Legal
Parnell,
Zoning Official

The notice and agenda of said meeting was posted in the Office of the City Clerk on Monday, March 27, 2000, at 08:31 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair White called the meeting to order at 1:05 p.m.

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MINUTES:

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays"; "no abstentions"; Cooper, Perkins "absent") to **APPROVE** the Minutes of February 22, 2000 (No. 790) as amended.

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Case No. 18702

Action Requested:

Special Exception under Section 1402.F permitting the change of the use of the property from the automobile service station, Use Unit 17, to Shopping Goods and Services, Use Unit 14, and Offices, Use Unit 11. SECTION 1402.F. NONCONFORMING USE OF BUILDINGS, OR BUILDINGS AND LAND IN COMBINATION – Use Unit 14; a Special Exception under Section 1407.C modifying the parking requirements to permit the proposed uses with the presently existing 19 parking spaces, or 12 parking spaces in the event the license agreement with the City should be terminated. SECTION 1407.C. PARKING, LOADING AND SCREENING NONCONFORMITIES; In the event the non-conforming status of the property as to parking is determined to have ended by virtue of non-use, a Variance of the provisions of Section 1402.D to permit the non-conforming status of the property as to parking to continue. SECTION 1402.D. NONCONFORMING USE OF BUILDINGS, OR BUILDINGS AND LAND IN COMBINATION; In the event the non-conforming status of the property as to parking is determined to have ended by virtue of non-use, and the variance of the

Case No. 18702 (continued)

provisions of Section 1402.D is denied; a Variance of the requirements of Section 1214.D to permit the proposed landscape design service and retail sales and office uses with the presently existing 19 off-street parking spaces, or with 12 off-street parking spaces, in the event the license agreement with the City should be terminated. SECTION 1402.D. NONCONFORMING USE OF BUILDINGS, OR BUILDINGS AND LAND IN COMBINATION and SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements; located at SW/c E. 41st St. & S. Harvard.

Presentation:

Mr. Beach stated that the applicant has withdrawn this request.

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Case No. 18688

Action Requested:

Appeal of the issuance of Certificate of Appropriateness for the construction of new structures in the Historic Preservation Area. SECTION 1055.F. APPEAL OF PRESERVATION COMMISSION ACTION, located at 218 & 222 E. 18th St.

Presentation:

Applicant faxed a letter of withdrawal to the Board.

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UNFINISHED BUSINESS

Case No. 18625

Action Requested:

Special Exception to permit the Use Unit 5, Private School Recreation and Athletic Facilities and Fields as shown on the site plan in the OM, OL and RM-1 zoning districts applicable to the site. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements. – Use Unit 5; a Variance of the off-street parking requirements in Use Unit 5, Section 1205.C of the Zoning Code to permit the 720 off-street parking spaces provided for the football and soccer stadium bleachers to satisfy the combined off-street parking requirements for the football/soccer stadium, the athletic facilities building and the baseball and softball fields. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS and SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS; and a Variance of the requirement that high schools shall have their principal vehicular entrance and exit on an arterial street. SECTION 1205.B.2.a. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Use Conditions, located on the E side of S Wheeling & N of E. 78th St.

Presentation:

Charles Norman stated he represented the applicant, Victory Christian Center and School, in this case. The application includes approximately 25 acres on the west side of the drainage channel, which is part of the old Joe Creek creek-bed on the west side of Lewis Avenue. This application was continued on two occasions. He stated that one permitted the applicant to discuss the location of the proposed football stadium with the developer of the townhome project located immediately to the north, and second as a result of additional planning by the school administrators. Mr. Norman explained that the proposed football and soccer field would be immediately west of the existing baseball field and softball field as shown in the most current site plan. The stadium bleachers will be designed to accommodate no more than 2,800 fans, and 700 off-street parking spaces would be temporary until the high school is instructed. Mr. Norman indicated that the various ballgames would not occur at the same time. This would meet the requirement for one car per every four stadium seats. Mr. Norman described the proposed lighting standards would result in virtually no spillover lighting to the west, and directed downward as indicated by the exhibit to the Board. Mr. Norman stated that the applicant requests a variance of requirement for high schools to be located adjacent to an arterial street. In this instance, he explained there is access to Lewis Avenue from the west side of the campus over an existing roadway. He pointed out the Wheeling, to the west, is a collector street with center medians and turn bays and is adequate to handle the traffic resulting from normal school activities. Mr. Norman added that copies of the plans have been provided to the developer of the property to the north and they are satisfied and in support of the application.

Comments and Questions:

Ms. Turnbo had a question regarding the staff comments on the proposed parking lot. Mr. Beach replied that a question had been raised about the parking lot, that it might be gravel. Mr. Norman stated that the applicant is aware of the requirements for a dust-free parking and would meet the requirements.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to permit the Use Unit 5, Private High School Education and Athletic Buildings and Athletic Facilities and Fields as shown on Phase I and Phase II Site Plans in the OM, OL and RM-1 zoning districts; a **Variance** of the off-street parking requirements in Use Unit 5, Section 1205.C of the Zoning Code to permit the minimum of 700 off-street parking spaces provided for the 2800 capacity football and soccer stadium bleachers to satisfy the combined off-street

Case No. 18625 (continued)

parking requirements for the football/soccer stadium, the high school education and athletic facilities buildings and the baseball and softball fields; and a **Variance** of the requirement of Section 1205.B.2.a., that high schools shall have their principal vehicular entrance and exit on an arterial street, per plan labeled amended Exhibit C, finding the hardship to be the flood plane and the access already provided, on the following described property:

Lot 1, Block 15, Kensington, Blocks 15 & 17 and Tracts 1-3, as described below:
Tract 1: A part of the S/2 NE of Section 7, T-18-N, R-13-E, being more particularly described as follows: Commencing at a point on the S line of the NE of Section 7, T-18-N, R-13-E and 50' W of the E line of said Section 7; thence N 89°48'42" W a distance of 880' to the POB; thence S 0°10'03" W a distance of 370'; thence N 89°48'42" W a distance of 414.1'; thence N 89°48'42" W a distance of 414.1'; N 0°10'03" E a distance of 554.75'; thence S 89°48'42" E a distance of 364.10'; thence S 0°10'03" W a distance of 185'; thence S 89°48'42" E a distance of 50' to the POB; Tract 2: A part of the S/2 NE of Section 7, T-18-N, R-13-E, more particularly described as follows: Commencing at a point on the S line of the NE of said Section 7, T-18-N, R-13-E, and 50' W of the E line of said Section 7; thence N 89°48'42" W a distance of 880'; thence S 0°10'03" W a distance of 370'; thence N 89°48'42" W a distance of 414.1' to the POB; thence continuing N 89°48'42" W a distance of 392.43'; thence N 0°10'03" E a distance of 554.89'; thence S 89°48'42" E a distance of 392.43'; thence S 0°10'03" W a distance of 554.75' to the POB; and Tract 3: A part of the S/2 NE of Section 7, T-18-N, R-13-E, more particularly described as follows: Commencing at a point on the S line of the NE of Section 7, T-18-N, R-13-E, and 50' W of the E line of said Section 7; thence N 89°48'42" W a distance of 880'; thence S 0°10'03" W a distance of 370'; thence N 89°48'42" W a distance of 806.53' to the POB; thence continuing N 89°43'42" W a distance of 298.47' to the E boundary of Block 13 Kensington Addition; thence continuing N 89°48'42" W a distance of 20' to the Ely right-of-way of S. Wheeling Ave.; thence N 0°10'03" E along said right-of-way, a distance of 555'; thence S 89°48'42" E a distance of 20' to a point on the Ely boundary of said Block 13, Kensington; thence continuing S 89°48'42" E a distance of 313.47'; thence S 0°10'03" W a distance of 554.89' to the POB, all in the City of Tulsa, Tulsa County, Oklahoma, and being located in an OL, OM, RM-1 and PUD 128B zoned district.

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Case No. 18650

Action Requested:

Variance of side yard requirement from 5' and 10' to 1' and 4.7' to allow a lot split. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located at 1516 E. 21st St.

Presentation:

The applicant, **Mike Marrara**, 9936 E. 55th Pl., stated that he was hired to do a survey at 1516 E. 21st St. for the owner, before landscaping and constructing a fence. He informed the Board that the survey identified that the garage on the property to the east was actually encroaching on the subject property. Mr. Marrara stated that the actual lot lines did not coincide with where the property line appeared to be. He suggested that a lot split would adjust the lot line to take care of the encroaching garage and create a new line that parallels the side of that garage and the stucco wall currently in place. He added that all of the improvements at this point have been on the property for quite some time.

Protestants:

None.

Board Action:

On **MOTION of Turnbo**, the Board voted 3-0-1 (, Dunham, Turnbo, Perkins "aye"; no "nays"; White "abstains"; Cooper "absent") to **APPROVE** the **Variance** of side yard requirement from 5' and 10' to 1' and 4.7' to allow a lot split, finding the hardship that it is an existing lot and a very small variance so there can be two houses on this tract.

Lots 10 & 11, Block 2, Terwilleger Heights, City of Tulsa, Tulsa County, Oklahoma

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Case No. 18651

Action Requested:

Special Exception to permit parking vehicles awaiting repair on gravel parking surface if located behind the building setback line SECTION 222. MOTORIZED VEHICLES; Special Exception to modify or remove screening requirement with respect to adjoining R zoned district SECTION 212.C. SCREENING WALL OR FENCE; and an Appeal from determination of Neighborhood Inspector of "not meeting parking requirements". SECTION 1217.C.1. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Off-Street Parking and Loading Requirements, located E of NE/c E. 11th St. & 107th E. Ave.

Presentation:

Stephen Schuller, 500 OneOk Plaza, 100 W. 5th St., represented John and Susan Sharp, owners of Sharp Automotive group, that has a discount auto repair on the subject property. He stated the subject property is zoned CS, as are the properties in both directions on the same side of 11th Street, the property on the south directly across the street is zoned CS, the property behind the subject property to the north is RS-3, but contains a commercial or industrial facility known as Whitco Spring Sales. He described this portion of 11th Street as a six-lane and grass median. In 1988 this property was approved for a Special

Exception for use unit 17 automotive uses. He stated that the applicants have several automotive sales businesses, and this one would be to service and repair autos for sale at their sales facilities. Mr. Schuller stated that the applicants are not in the business of salvage, and they are motivated to complete the repairs to sell the cars. He indicated that since the facility on the RS-3 zoned property is industrial there would not be any point to screen from a residential property. He stated that would be consistent with this Board's previous action, Case No. 13934 in 1986, which waived the screening requirement for the property next door to the west of the subject property. Mr. Schuller submitted photographs of the property, dead-end street and the gravel parking, taken a little over a month ago.

Comments and Questions:

Ms. Turnbo asked how many parking spaces are on the paved parking in front. Mr. Schuller replied that they are required to have at least five and they have five or more in front. Ms. Turnbo asked Ms. Parnell when another set of pictures was taken. Ms. Parnell replied that they were taken about six weeks ago. Ms. Turnbo informed Mr. Schuller that the pictures show a car parked in the right-of-way, with one wheel in the street, and several cars parked outside the chain link fence in the right-of-way. He stated that he informed the applicant that parking cars in that manner would not be permissible. Ms. Turnbo also noted that there is a citation for not cutting weeds and not maintaining the property. She asked if he is going to keep the property maintained. Mr. Schuller stated he did not see any when he was there on Saturday, and the rear parking lot is graveled, so it appears that is under control. Mr. White asked how many lots the business uses. Mr. Schuller replied two or three sales businesses in addition to this repair business. Ms. Turnbo asked how many cars could be parked on the gravel parking lot. He responded that he did not know.

Protestants:

Nancy Craten, representing Western Village and Mingo Valley Neighborhood Associations, stated they have several concerns regarding this property. She stated that they have been aware of this property for some time, when too many cars were parked there. She explained that when the use unit 17 was granted the neighborhood understood that it was for camper sales. She stated that there is a lot of difference in camper sales and what is now located there. She indicated that they are running Eastside Towing out of the back part of the property, with a big sign on the side, which is also visible from 11th Street. She mentioned that the cars in back are visible from 11th Street, because Ditch Witch sits back from the street. She stated that Ditch Witch is a beautiful facility with attractive grounds. She pointed out that there is a picture of a large, beautiful home in the back of the subject property, and the association would like to protect this home and others that could be located in that area. She also called attention to the pictures of cars that were parked on the property this past

Case No. 18651 (continued)

weekend, with dates on some of the windows of the cars. She stated that the grass was growing up around the cars and it looked bad, and the pictures show that grass is starting to grow up there again.

Comments and Questions:

Mr. White informed the Board that this past weekend there were approximately 45 vehicles in the lot behind and about 15 in the front.

Protestants:

James Mautino, 14628 E. 12th Street, on the Board of Tower Heights Neighborhood Association, stated he counted 60 cars, boats and trailers in the back and roughly 30 cars in front on Sunday. He stated that some of the vehicles would require a lot of work, including bodywork. He reminded the Board that there is no bodywork facility there, and the repair shop only has two bays. He pointed out that some of the cars have the trunks open and windows broken, and do not look like cars being prepared to sell.

Interested Parties:

Mildred Whiten, 10883½ E. 11th Street, stated she is the owner of Whitco Springs. She informed the Board that as long as she has lived there she has seen a great many changes in the area. She reminded them of the flood in 1984, and it took a long time to clean up the area. She stated that Mr. Sharp has tried to clean up and built a new fence, and put in gravel. She does not object to the application.

Comments and Questions:

Mr. White asked if Ms. Whiten lives in the house. Ms. Whiten replied that she does live there. He asked also about the chain link fence, stating that the requirement is for a 6' privacy fence. Ms. Whiten does not see a need for that type of fence. Ms. Perkins asked if it would make a difference to her if she tried to sell her property.

Protestants:

John Roy, 9018 E. 38th Street, stated he was representing the East Tulsa Mingo Valley Association, stated that he had nothing further to add to the other interested parties.

Eck Ruddick, 14673 E. 11th Pl., stated that Eastside Towing was on Mingo, and according to a neighbor at that location, the business had moved to the subject property on east 11th Street with a chain link fence around it. He found the Eastside Towing sign was on the subject property for the towing business, and a chain link fence around the property. He asked the Board to deny this application.

Applicant's Rebuttal:

Mr. Schuller, states he has not seen a lot of what was described by the neighbors and suggested that the poor conditions no longer exist on the property. He stated that this is a CS zoned property, and if a towing business exists on the property it would be a violation of the zoning code, and he informed his clients. Mr. Schuller suggested a continuance to allow him time to discuss the towing service with his clients, who are out of town this week. He stated that the application is for a gravel parking lot at back, consistent with the neighboring business, waiver of a screening fence where vegetation already provides screening, and an appeal from the Neighborhood Inspectors notice of "not meeting parking requirements".

Comments and Questions:

Ms. Parnell, Neighborhood Inspector, stated the paperwork she submitted to the Board explains the problem. She stated that Mr. Sharp does own Eastside Towing and has for years. The number of cars parked on the property with a two-bay facility is excessive. She suggested that he buys cars at auctions, and when they are delivered they are placed wherever they will fit when the lot is full. The previous owner sold truck campers that were stored on racks very neatly, and did not use the back of the property.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **DENY a Special Exception** to permit parking vehicles awaiting repair on gravel parking surface if located behind the building setback line; a **Special Exception** to modify or remove screening requirement with respect to adjoining R zoned district; and an **Appeal** from determination of Neighborhood Inspector of "not meeting parking requirements", on the following described property:

S 300' of Lot 8, Block 2, East Eleventh Park Sub., City of Tulsa, Tulsa County, Oklahoma

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Case No. 18680

Action Requested:

Variance of lot width requirement from 150' to 122'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; a Variance of land area per dwelling unit from 26,250 SF to 8,995.60 SF for existing southerly home (second dwelling unit). SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of side yard requirement from 15' to 8.5' for existing southerly home (second dwelling unit). SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance to permit two dwellings on one lot of

record. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located at 1320 E. 27th Pl. S.

Presentation:

Darin Ackerman, with Sisemore, Weisz and Associates engineering firm, represented the applicant. He stated that a couple of different property owners are considering combining four existing lots in this location. He explained that it is a matter of making them into two larger lots to more conform to the zoning district. The second dwelling unit on the more westerly lot would be used for a cabana/pool house (accessory use) not for a permanent residence or rental usage.

Interested Parties:

Ralph Smith, represented the Sorrells on the corner of Peoria and 27th Street, and stated the action would create a lot split. They request a restriction that the second dwelling cannot be rented or subdivided as a dwelling on a separate lot.

Mark Medlin, 2807 S. Peoria, on the lot immediately to the south of the subject property. He stated that his concern is the long alley that is being created to access Peoria, that there might be an increase of traffic or extra access. Mr. Dunham asked if the alley already exists. Mr. Medlin replied that it does exist, but the possibility exists for a greater number of people to use the access. Mr. Medlin suggested that the same benefits could be achieved without using these variances, and with very little modification to the existing plan.

Comments and Questions:

Mr. Beach stated that a lot could not be created to contain just the southerly house because they would not have frontage.

Applicant's Rebuttal:

Mr. Ackerman stated that he understands the restriction that would be put on the relief, in order to approve the application.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of lot width requirement from 150' to 122'; a **Variance** of land area per dwelling unit from 26,250 SF to 8,995.60 SF for existing southerly home (second dwelling unit); a **Variance** of side yard requirement from 15' to 8.5' for existing southerly home (second dwelling unit); and a **Variance** to permit two dwellings on one lot of record, with restriction that the southernmost dwelling unit can only be used as an accessory use for the primary, and cannot be occupied on a permanent basis, per the lot lines of the lots as shown per plan, finding the

Case No. 18680 (continued)

hardship to be the situation already exists and the unusual configuration of the lot, on the following described property:

All that part of Lot 3 in Section 18, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, described as follows: Beginning at a point that is 1,650' N and 30' E of the SW/c of said Section 18; thence E 430.00'; thence N 315.00'; thence W 320.00'; thence S 194.00'; thence E 25.40'; thence S 101.00'; thence W 135.40'; thence S 20.00' to the POB

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Case No. 18684

Action Requested:

Variance from 555.00 square feet allowable signage to 679.50 square feet on north face of building. SECTION 1221.E. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CG, CH, CBD, IL, IM, and IH Use Conditions for Business Signs – Use Unit 11, located at 110 W. 7th St.

Presentation:

The applicant, **Brian Ward**, 9520 E. 55th Pl., stated he seeks a variance for additional square footage for the building sign on the north elevation of the building at 110 W. 7th Street. He stated that currently there is an existing Hillcrest sign and an Oxy logo on the uppermost part of the building. The Oxy logo sign would be removed before the Vintage sign is put up. He stated that the total square footage for the signs exceeds the allowable footage for the north side. Mr. Beach explained that the Vintage sign should be counted as one word and the large V would measure the height of the sign. Mr. Beach stated that the code reads, "the minimum rectangle that would encompass an individual word".

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 18684 to the hearing on April 25, 2000, to allow the applicant to advertise for the proper relief, on the following described property:

Lot 1, Block 175, Original Town or Block 1, Cities Service, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18686

Action Requested:

Variance of maximum allowable floor area for detached accessory building of 750 square feet to 960 square feet. SECTION 402.B.1.d. ACCESSORY USES

Case No. 18686(continued)

IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6, located at 1012 N. Vandalia.

Presentation:

The applicant, **John Niehaus**, 1012 N. Vandalia, stated that he has a two-car garage and he needs an extra ten feet for tool storage on the back.

Comments and Questions:

Mr. White stated that there is an existing structure there, and asked the applicant if he just wants to add to it. Mr. Niehaus responded affirmatively. Mr. White asked where he wanted to make the addition. Mr. Niehaus replied that he would like to add ten feet to the west side. Mr. Dunham asked for the current size of the garage. Mr. Niehaus stated the existing structure is 24' X 30' and he wants to enlarge it to 24' X 40'. Mr. White asked where the driveway to the garage is located. Mr. Niehaus stated he does not have one yet. Mr. White asked where the driveway would be located. Mr. Niehaus replied that it would come down the south side of the house. Mr. Dunham asked if there is a garage attached to the house in addition to the one in the application. Mr. Niehaus replied that he does have an attached garage also. Ms. Turnbo asked for the size of the attached garage. Mr. Niehaus stated it is a one-car garage.

Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of maximum allowable floor area for detached accessory building of 750 square feet to 960 square feet, with condition that it be used for personal use only and no commercial use to be permitted, and finding the hardship to be that there are several already in the neighborhood, for the following described property:

Lot 6, Block 9, Modern Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18687

Action Requested:

Variance of Section 210.B.5 to construct an accessory building in rear yard which exceeds the allowable coverage of 20%. SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located at 1715 S. Detroit.

Presentation:

The applicant, **Mike Lester**, 2000 W. Detroit, # G, Broken Arrow, stated he is the contractor for the homeowners at this subject property address. This home is located in the historical preservation district of the City of Tulsa. He stated that they are doing some exterior repairs to their residence and they desire to remove the existing garage/ living quarters located at the rear of their property, and to construct a new garage only along the back property line. Mr. Lester stated that the zoning requirement for the south property line would call for a three-foot setback from the property line, and the plan is to build it 4½ feet from the south property line and the proposed structure would be smaller than the existing. The applicant submitted photographs and a letter to the Board.

Comments and Questions:

Mr. Dunham asked if the historical preservation society is in support of this application. Mr. Stump stated that they have concerns that the new garage will be built very close to the existing house, and not set back as they have traditionally been. Mr. Dunham stated it is basically the same location with a little different configuration.

Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of Section 210.B.5 to construct an accessory building in rear yard which exceeds the allowable coverage of 20%, per plan submitted, finding that the new structure would be located where the existing structure is, and would be smaller in size, on the following described property:

Lot 9, Block 6, Maple Park Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18689

Action Requested:

Special Exception to allow a tent and outdoor special events in an RS-3 zoned district for periods in 2000, as follows: April 14, May 7, July 4, August 18-19, September 23, and to allow this use for five years 2000 – 2004 for unspecified dates but limited to the maximum allowed of 179 days. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2, located at 2210 S. Main.

Case No. 18689 (continued)

Presentation:

The applicant, **Lyn Kelly**, 2101 S. Boston, stated she is the Development and Public Relations Director for the Arts and Humanities Council. She stated that they provide arts education at little or no cost especially to children and youth. She stated that they use the tent and outdoor events to raise funds for these educational programs.

Comments and Questions:

Mr. White stated he has the letters of support from the neighborhood. Mr. Dunham stated that they have been doing this for years and there are no protests. Ms. Kelly added that they would continue to have paid security at the events.

Protestants:

None.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a ***Special Exception*** to allow a tent and outdoor special events in an RS-3 zoned district for periods in 2000, as follows: April 14, May 7, July 4, August 18-19, September 23, and to allow this use for five years 2000 – 2004 for unspecified dates but limited to the maximum allowed of 179 days, with the condition that there would not be a tent put up for 179 consecutive days, on the following described property:

Block 1, Harwelden, a resub of Block 4, Riverside Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18690

Action Requested:

Variance of Section 206, which requires a minimum of 30' frontage on a public, street or dedicated R-O-W to allow a lot split. SECTION 206. STREET FRONTAGE REQUIRED – Use Unit 6; Variance of average lot width for Tract B from 200' to 46'. SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT; Variance of minimum lot area for Tract B from 2 acres to 1 acre. SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT; Variance of minimum land area per dwelling unit for Tract B from 2.2 acres to 1 acre. SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT; and a Variance of average lot width for Tract C from 200' to 131'. SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT, located at 6020 E. 116th St.

Presentation:

Ted Sack, 111 S. Elgin, requested relief on a ten acre tract, approximately 330' X 1320' north and south and the only accessibility to the tract is on 116th Street. He informed the Board that his client desires to buy the north half of this tract, consisting of five acres for a personal residence. He pointed out that there is a residence on the south portion of property, so to provide accessibility they request a lot-split, and to create a panhandle to 116th Street. He stated that the existing owner desired to create a one-acre tract around the existing house. Mr. Sack submitted a list of existing conditions around this property. He stated that the property to the west of the subject property was split identically to this plan. He explained that the property to the east is a very narrow five-acre tract. Mr. Sack informed the Board that a preliminary plat, has been approved on the property to the south, called Hawthorne Woods. He stated that when it is completed, there would be a stub-street to the south tract.

Comments and Questions:

Mr. White asked Mr. Sack about his opinion on the staff comments suggesting he should seek a PUD. Mr. Sack stated that since they do not want more than two lots or two homes, the relief requested would meet the needs. Mr. Stump commented that there is a problem providing fire protection, without fire hydrants close-by.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **DENY** the **Variance** of Section 206 which requires a minimum of 30' frontage on a public street or dedicated R-O-W to allow a lot split; a **Variance** of average lot width for Tract B from 200' to 46'; a **Variance** of minimum lot area for Tract B from 2 acres to 1 acre; and a **Variance** of minimum land area per dwelling unit for Tract B from 2.2 acres to 1 acre; and to **APPROVE** a **Variance** of average lot width for Tract C from 200' to 165', on the property described as follows:

The E/2 E/2 NW/4 SW/4 of Section 34, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No.18691

Action Requested:

Variance of Section 703. Table 3 of required lot width in a CS zoned district from 150' to 56' and from 150' to 44' for a lot split. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 6 & 14; a

Case No. 18691 (continued)

Special Exception to allow a single-family dwelling in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS; and a Variance of setback from Madison from 55' to 40.2' and 31.7' and setback from Pine from 100' to 49.4'. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, located at 1001 E. Pine.

Presentation:

Victor Bentley, 1509 N. Madison Ave., requested a variance of six feet for a lot split, which he purchased from the Morning Star Baptist Church. The applicant stated that he lives on the property to the west of the church. He stated that he came to the Board to get approval.

Comments and Questions:

Mr. Dunham stated that the applicant is buying the west part of the church property to attach to his own property to correct an encroachment problem.

Interested Parties/Protestants:

Dorothy Dewitty stated she is confused about what the applicant is requesting. She stated that she owns Lots 11 – 12 in Block 3, which have the same configuration of the subject property. She asked what property is being split, and why does the applicant need setbacks.

Comments and Questions:

Mr. White explained that the applicant built on to an existing house and encroached on the property owned by the church. He then bought six feet of the church property to eliminate the encroachment. Mr. White explained that the building was there before the zoning came into effect. Mr. Stump stated that the setbacks are to bring the existing structures in compliance. Ms. Dewitty summarized that there is a retail operation on Pine and behind that a residence.

Dean Bullock, 784 E. Queen St., stated that she wanted to know if the commercial zoning was being changed to residential. Mr. White assured her that nothing concerning the zoning was being changed.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of Section 703. Table 3 of required lot width in a CS zoned district from 150' to 56' and from 150' to 44' for a lot split; a Special Exception to allow a single-family dwelling in a CS zoned district; and a Variance of setback from Madison from 55' to 40.2' and 31.7' and setback from Pine from 100' to 49.4', per existing conditions, finding the hardship to be the property is non-conforming, per plan, on the property described as follows:

Lots 11 & 12, Block 2, Booker Washington Addition, City of Tulsa, Tulsa County,
State of Oklahoma

Case No.18692

Special Exception to allow U.U. 17 for Truck Dealership/Lease/Sales/ Repair.
SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS
– Use Unit 17, located at 1023 N. Garnett Rd.

The applicant, **Marshall Byford**, 1023 N. Garnett, stated he owns Ready Quick Construction, and is the general contractor for Frontier Lease. He stated that they are adding a conference room to an existing office. When he applied for a building permit, he was informed that he needs a Special Exception.

Mr. Beach stated that Mr. Ackerman issued a zoning deficiency letter that triggered this application. Mr. Prather stated that the 1975 and 1976 Board Action both stated it was approved per plot plan.

Nancy Craten, 245 S. 120th E. Ave., stated that the neighbors wanted to know if this case was regarding Frontier Lease. She stated that the business has been a good neighbor in their area, and the neighborhood is in support of them.

Mr. White wanted to know if the conference room is all that would be added. Mr. Byford replied that the franchise requirements require a conference room for training purposes.

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a ***Special Exception*** to allow U.U. 17 for Truck Dealership/Lease/Sales/ Repair, per plan submitted, on the property described as follows:

03:28:00:792(16)

Case No. 18692 (continued)

1°06'6" W along the E line of said W/2 NW/4 SW/4 for 720.10' then S 88°46'10" W 660.29' to a point on the W line of said W/2 NW/4 SW/4; then S 1°6'6" along the W line of said W/2 NW/4 SW/4 for 159.90' to a POB.

*****.

Case No.18693

Action Requested:

Variance of Section 1211.C.2. requiring a funeral home to have a minimum lot area of 1 acre to permit .448 acre on 3 adjoining lots. SECTION 1211.C.2. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES, Use Conditions – Use Unit 2; a Special Exception to permit a crematory in a CH district. SECTION 1202.B. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Included Uses; a Variance of Section 1002. Landscape requirements for a parking lot. SECTION 1002. LANDSCAPE REQUIREMENTS; a Variance of Section 1301.D. requiring off-street parking spaces to be located on the lot containing the use to permit parking on adjoining lots. SECTION 1301.D. GENERAL REQUIREMENTS; and a Variance 1302.B. off-street parking setbacks from the centerline of abutting streets within 50' of an R district from 50' to 10'. SECTION 1302.B. SETBACKS, located on the NW/c Admiral Blvd. & Trenton Ave.

Presentation:

James R. Adelman, with Frazier, Frazier and Hickman, stated he was representing Admiral and Trenton Property, Inc., owned by James Frazier and himself. He stated they are attempting to purchase the subject property, and allow Eastern Oklahoma Mortuary Service to occupy the premises as a small, low-cost mortuary service. He pointed out that their plan is to remove the existing building on Lot 24, remodel the structure on Lot 23, to make a parking lot on Lot 24 and part of Lot 22 to provide sufficient parking. He added that the chapel area is only 594 square feet, so the required number of parking spaces is only 26. He informed the Board that the owner of Robertson Tires is in support of this application.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of Section 1211.C.2. Requiring a funeral home to have a minimum lot area of 1 acre to permit .448 acre on 3 adjoining lots; a **Special Exception** to permit a crematory in a CH district; a **Variance** of Section 1002. Landscape requirements for a parking lot; and a **Variance** 1302.B. off-street parking setbacks from the centerline of abutting streets within 50' of an R district from 50' to 10', per plan, finding the hardship to be that there is already an existing facility

Case No. 18693 (continued)

and the new facility would be an improvement over the existing conditions, on the property described as follows:

Lots 22, 23, & 24, Block 7, Lynch and Forsythe's Addition, City of Tulsa, Tulsa County, State of Oklahoma

*****.

Case No. 18694

Action Requested:

Clarification, modification or removal of conditions previously prescribed for grant of Special Exception. SECTION 1608.C. SPECIAL EXCEPTION, Board of Adjustment Action, located at 11742 E. Admiral Pl.

Presentation:

Stephen Schuller stated that the Board of Adjustment granted a Special Exception to permit the current use of the subject property, for trailer, mobile home and camper sales in 1998, Case No. 18109. He stated that the former applicant operated the business on the property, and later leased the property to the current applicant who has operated a different business. Mr. Schuller listed the Board requirements on Case No. 18109, for skirting on the trailers that are visible on Admiral, security lights must be hooded and directed down away from the neighborhood, and limited the hours of operation to 8:00 a.m. to 8 p.m., Monday through Saturday only. He added they imposed a maximum of eighteen homes on the entire property with a minimum ten-foot separation between each one. Mr. Schuller asked for clarification of that maximum number, as it was his understanding that eighteen was the number allowed on the south boundary. He wanted clarification of the skirting requirement, because his understanding of the requirement was that the mobile homes along Admiral were to be skirted, however, the other mobile homes can be seen behind the buildings. He believes that skirting the mobile homes on the street frontage was their intention. He informed the Board that the former owner never installed security lights. Mr. Schuller's client determined that there is plenty of light at night from the streetlights and neighboring businesses. He asked for a modification of the requirement of security lights, to make it optional. Mr. Schuller also requested a modification of the hours of operation to 9:00 a.m. to 7:00 p.m., Monday through Saturday, and 12:00 p.m. to 7:00 p.m. on Sundays.

Comments and Questions:

Mr. White stated that the ten-foot limit was for the separation of the homes, for the eighteen homes on the rear property line.

Interested Parties/Protestants:

Nancy Craten, 245 S. 120th E. Ave., president of the Western Village Neighborhood Association, stated that she has contacted the neighbors that live

along the rear property line and they are very pleased with the applicant and his operation. The days and hours of operation were conditions required by the owner of the property at the time of the last hearing. She stated that there were discrepancies in the minutes of that hearing, and she wrote to Mr. White and to the Board of Adjustment in September 1998, asking that the intent be corrected before approval. She stated the concern about the condition of homes along Admiral is that they be new or in very good condition, not just habitable. Ms. Craten stated skirting on the rear property line is not necessary because they cannot be seen from Admiral. She added that the neighborhood association did not require security lights, but if they did install them, that lights would not offend the neighborhood tolerance level. Ms. Craten mentioned that neighbors have seen banner signs on the sides of trailers, and per City code signage is only allowed on Admiral Place. She stated that they agree the maximum number of homes was eighteen for the south property line not the total for the lot. The neighborhood wants that requirement to remain the same.

Comments and Questions:

Mr. White commented on the discussion in 1998, there was concern about the school bus on 117th E. Ave. going to the school, and asked if that had been a problem. Ms. Craten replied that it has not been a problem because he does not have an entrance there.

Mr. White added for a point of clarification, if there were eighteen doublewides spaced ten feet apart, it would occupy 127' more than available property. Mr. White stated that the 10' separation requirement would remain the same.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **Clarify** and **Amend** the following conditions: that trailers visible along Admiral frontage have skirting; that security lights be optional, and if installed must be hooded and directed down away from the neighborhood; a minimum of 10' separation for up to eighteen homes on the rear property line; to allow change of the hours of operation to be 9:00 a.m. to 7:00 p.m., Monday through Saturday, and 12:00 p.m. to 7:00 p.m. on Sundays; and all other previous conditions remain intact.

The E 150' of the N 150', and the S 200' of Lot 2, Block1, Western Village Mart, City of Tulsa, Tulsa County, State of Oklahoma

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Case No.18695

Action Requested:

Variance of required front yard from 35' to 24'-8". SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a

Case No. 18695 (continued)

Variance of required rear yard from 25' to 14' to permit an addition to an existing dwelling. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located at 2769 E. 28th St.

Presentation:

Alan Madewell, architect, 5314 S. Yale, stated he is representing his client, James Adelman. He stated that the property is an odd-shaped lot that is made up of several lot splits over a series of years. He described the 1950's three-bedroom home, one living room, and 1½ baths. The client proposes to add to the house for more bedroom space. Mr. Madewell stated that on the east is a private drive that is shared by three additional homes, one house to the east and two houses to the north, which all abut the subject property. The front yards of the houses to the north abut the rear boundary of the subject property. He added that there are three garages abut the back of this house, and three driveways. The house directly to the north has a garage and driveway directly behind the north property line. Mr. Madewell stated that the house on the subject property is sitting further back than the house next door. The house to the west is approximately 16' 5" from the front property line, with an enclosed room and porch on that line. He made a proposal to remove an old enclosed porch, and add an open porch on the front of the house, 24' 8" from the property line. He pointed out that to the front is a tennis club straight across the street. Therefore, the applicant chooses to build at the back of the house to buffer the noise of tennis courts and street.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of required front yard from 35' to 24'-8"; and a **Variance** of required rear yard from 25' to 14' to permit an addition to an existing dwelling, per plan submitted, finding the hardship to be the configuration of the lot, on the property described as follows:

A tract of land containing 0.3730 acres that is part of Lot 2, Block 1, Thomas Heights Addition, and part of Lots 3 and 4, Block 5, Woody-Crest Subdivision, City of Tulsa, Tulsa County, State of Oklahoma, said tract of the land being described as follows, to-wit: Beg. At a point on the Sly line of Lot 2, Block 1, Thomas Heights Addition, said point being 90.00' Wly of the SE/c thereof; thence Nly and parallel to the Ely line of Lot 2 for 126.96' thence Wly and parallel to the Sly line of Lot 2 for 82.55' thence SWly along a deflection angle to the left of 63°21'58" for 32'; thence SWly along a deflection angle to the right of 38°21'58" for 32.00'; thence Wly along an extension of the Nly line of Lot 2 for 20.00'; thence Sly and parallel to the Wly

Case No. 18695 (continued)

line of Lot 2 for a true distance of 85.03', said true distance being previously and erroneously described in various instruments as 82.30' to a point, said point being on an extension of the Sly line of Lot 2, said point also being on the Nly right-of-way line of E. 28th St. S., thence Ely along an extension of and along the Sly line of Lot 2, and along said Nly right-of-way line for 142.74' to the POB of said tract of land, and all appurtenances thereto and in any street, alley, or public way, before or after vacation

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Case No. 18696

Action Requested:

Special Exception to permit an existing duplex dwelling in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 7; a Variance of setback from 33rd West Avenue from the required 70' to 57'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of required setback from West 42nd Street from the required 50' to 39' to permit an existing dwelling. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located on the NW/c W. 42nd St. & S. 33rd W. Ave.

Presentation:

David Momper, principal broker of Remax Executive Realtors, 7615 E 63rd Pl., represented the seller of the property, Ralph Gable, Jr. Mr. Momper stated that the Mr. Gable is quite elderly, and incapacitated in a nursing home. Mr. Gable needs to sell the property to pay for his health care. The property is a duplex and has been occupied by Mr. Gable and a tenant on the other side for thirty years. He stated that in December 1999 he verified the use and zoning of this property with INCOG. He stated that he was informed that it was RS-3, but with a Special Exception on the microfilm file that a duplex was allowed. He stated that he proceeded to sell the property, and the week of the closing, the lender did a final gap check to verify the zoning and the use of the property. The lender was told by INCOG that the property was RS-3 and that it did not have a variance. Mr. Momper then contacted INCOG and found out that there was a variance for a garage, not a duplex. He requests relief in order to sell and comply with the insurance company.

Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to permit an existing duplex dwelling in an RS-3 district; a **Variance** of setback from 33rd West Avenue from the required 70' to 57'; and a

Case No. 18696 (continued)

Variance of required setback from West 42nd Street from the required 50' to 39' to permit an existing dwelling, for existing structures only, finding the hardship to be the existing condition of many years, for the following described property:

Lots 9 - 12, Block 18, Yargee Addition, City of Tulsa, Tulsa County, State Oklahoma

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Case No. 18697

Action Requested:

Special Exception to permit temporary outdoor festival related to Tulsa Talons arena football on April 8, 24, 29; May 13, 27; June 3, 17; July 8 and two unspecified two dates in August.

Presentation:

Joe Boone, with the Tulsa Talons, 6413 S. Mingo, Ste. 200, stated they would like to use the corner property on ballgame nights, as a place for people to meet. He stated that their plan is to have live music, radio remotes, and activities for children. American Parking would manage the parking for these events and they have assured Mr. Boone that there are 2,625 available parking spaces.

Comments and Questions:

Mr. White asked Mr. Boone if the hours are 4:30 p.m. to 7:00 p.m. or 3:30 p.m. to 7:30 p.m. as in the letter. Mr. Boone replied that 3:30 is a set-up time, but American Parking has given them the parking spaces as of 7:00 a.m. the day of, to 7:00 a.m. the following morning.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to permit temporary outdoor festival related to Tulsa Talons arena football on April 8, 24, 29; May 13, 27; June 3, 17; July 8 and two unspecified two dates in August on the following described property:

Lots 1-6, Block 126, Original Townsite, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18698

Action Requested:

Special Exception to reduce the required setback from an abutting R district from 209' to 26.5' to permit a 190' monopole communications tower. SECTION 1204.C.3.b.2 and 1204.C.4.a. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions – Use Unit 4, located at 6218 S. Lewis

Presentation:

John Moody, 7146 S. Canton, stated he represented the Hemphill Corporation, and Dr. Craig Johnson. He informed the Board that Mr. Johnson is the owner and the Hemphill Corporation is the lessee. Mr. Moody described the tower as a 190' monopole structure.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to reduce the required setback from an abutting R district from 209' to 26.5' to permit a 190' monopole communications tower, per plan submitted, on the following described property:

Lot 19, Pecan Acres, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18699

Action Requested:

Special Exception to permit specified uses within Use Units 15 and 17 in CS zoning district, subject to appropriate conditions. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and SECTION 1608. SPECIAL EXCEPTION – Use Unit 15 and 17; a Variance from minimum street frontage requirements, to permit street frontage of 15' to permit lot-split. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS; and a Variance from minimum sign setback. SECTION 704.D.3. SPECIAL EXCEPTION USES IN COMMERCIAL DISTRICTS, REQUIREMENTS and SECTION 1221.C.1.a. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs, located at 1220 S. Memorial Dr.

Presentation:

Stephen A. Schuller, 500 OneOk Plaza, representing Ken and Teresa Sutton, owners of the subject property, described the property as irregularly shaped parcel, as an inverted L with a narrow street frontage along Memorial and larger area of land available for development at the rear of the property. He stated that by the plat, access is limited to a single access point, 40' in width, 10' from the

Case No. 18699 (continued)

south end of the Memorial Drive frontage. There is no other street access to the property.

Comments and Questions:

Mr. Dunham asked if the surface area of the signs would be changed to 165 square feet. Mr. Schuller stated that he discussed this with Mr. Beach, and it is 165 square feet per side.

Board Action:

By **MOTION** of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to permit specified uses within Use Units 15 and 17 in CS zoning district, subject to appropriate conditions; a **Variance** from minimum street frontage requirements, to permit street frontage of 15' to permit lot-split; and a **Variance** from minimum sign setback, per plan, with the conditions as outlined in the application, and with one exception on items six and seven that the total aggregate display area of the signs not exceed 165 square feet, on the property described as follows:

Lot 1, Block 1, Torn Terrace Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18700

Action Requested:

Special Exception to permit a mini-storage in an RM-2 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 16; a Variance of requirement for a mini-storage development site to have frontage on an arterial street. SECTION 404.I.8 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; a Variance to allow outdoor vehicle storage on the perimeter of the lot. SECTION 404.I.7. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; a Variance of the required setback from a non-arterial street from 35' to 30'. SECTION 404.I.2 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; and a Variance of the required setback from the north boundary from 10' to 0'. SECTION 404.I.2 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, and located West of E. 48th St. & Peoria.

Presentation:

The applicant, **Kevin Coutant**, 320 S. Boston, Ste. 500, stated that the subject property is zoned RM-2, as approved by the City Council two days ago. Mr. Coutant described the zoning and businesses in the area of the subject property. He stated that Phase One of the project has been instructed and is operating

well. He described the access for the entire project, which is through a panhandle. He pointed out that this application is an expansion opportunity for this project. Mr. Coutant listed the requests, with mention of the compatible use unit 16, need for access to an arterial street for the mini-storage, and vehicle storage in the alternative to constructing the easterly building, and setback allowance

Comments and Questions:

Mr. White asked Mr. Coutant about the additional condition offered in the application for the screening fence or masonry wall along the lot line(s) in common with the R district. Mr. Coutant replied that the apartment wall would be effective as screening on the west. Mr. Stump asked if the applicant would build a screening fence on the south, since it is in common with an R district. Mr. Coutant responded affirmatively and stated it could be clarified on condition five if necessary. Mr. Dunham asked staff if there is any merit to making this project tied to the project to the north. Mr. Stump replied that there could be merit to a tie-agreement. Mr. White asked the applicant if a tie-contract would be a problem. Mr. Coutant replied that both projects are on ground leases, so a deed tie-agreement probably would not work.

Board Action:

On **MOTION** of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to permit a mini-storage in an RM-2 district; a **Variance** of requirement for a mini-storage development site to have frontage on an arterial street; a **Variance** to allow outdoor vehicle storage on the perimeter of the lot; a **Variance** of the required setback from a non-arterial street from 35' to 30'; and a **Variance** of the required setback from the north boundary from 10' to 0', with the additional conditions submitted by the applicant be part of the approval, including: 1) maximum building height, 12', accessory office 35', 2) minimum boundary setback, 5', 3) floor area ratio, not to exceed 5', 4) vehicle storage permitted in lieu of building in easterly 50' of property, 5) screening fence or masonry wall along lot line(s) in common with R district, to include screening along the south property line, 6) access to arterial street via access easement across Brookside Center Addition to north, and 7) accessory office building may be located within site, on the following described property:

Lot 5, Evergreen Addition to the City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18701

Action Requested:

Variance of required parking of 46 spaces down to 37 spaces. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES – Use Unit 5, located at 1206 S. Guthrie.

Presentation:

Jim Graber, 2415 E. Skelly Drive, came representing Holy Trinity Greek Orthodox Church. He stated the church has been in existence for about sixty years and in that location since the 1970's. He informed the Board that the church wants to add some offices and a parish hall, reducing the existing parking lot, and no changes in sanctuary seating. He stated that the church worked out a lease agreement with the City of Tulsa for the use of a parking lot behind Fire Station #4, for overflow parking and space to set up the tent used for the annual Greek Festival. Mr. Graber stated that they request the variance of the ten spaces.

Comments and Questions:

Mr. Prather asked the applicant for the term of the lease agreement. Mr. Graber stated the lease is for ten years. Mr. Graber stated that the three neighbors whose property abuts to the subject property on the west were here but had to leave and gave him permission to speak for them that they are in favor of this application. Ms. Turnbo stated that the church is a great asset to the neighborhood. Mr. Stump commented that on this portion of Guthrie would not impact anyone by on-street parking.

Board Action:

On **MOTION** of Turnbo, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of required parking of 46 spaces down to 37 spaces, finding that it would not be injurious to the neighborhood, on the following described property:

Lots 5 - 7, Block 2 and Lots 1 - 4, and 6, Block 3, Childers Heights Addition; and Lots 1 - 3, Block 14, Lindsey Third Addition, City of Tulsa, Tulsa County, State of Oklahoma, located in Section 11 T-19-N, R-12-E of the IBM

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Case No. 18705

Action Requested:

Minor Variance of 5' side yard requirement down to 4' to enlarge upon an existing, non-conforming residence. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS and SECTION 1405.A. STRUCTURAL NONCONFORMITIES – Use Unit 6, located at 3008 S. Boston Pl.

Presentation:

The applicant, **Chris Blair**, 3008 S. Boston Pl., stated he is the owner of the property. He stated his desire to add onto the house.

Case No. 18705 (continued)

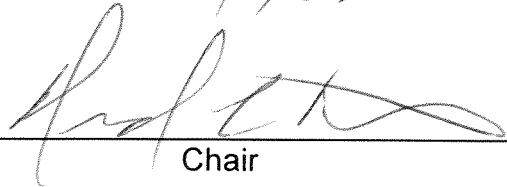
Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a *Minor Variance* of 5' side yard requirement down to 4' to enlarge upon an existing, non-conforming residence, per plan submitted, finding that it would not be injurious to the neighborhood, on the following described property:

The S 40.00' of Lot 2; the N 32.00' Lot 3, Block 11, Travis Park Addition, City of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting was adjourned at: 4:34 p.m.

Date approved: May 9, 2000


Chair