

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 798
Tuesday, June 27, 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	Beach	Jackere, Legal
Perkins		Butler	Ackermann,
Turnbo		Stump	Zoning Official
White, Chair			Parnell,
			Neighborhood Insp.

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, June 23, 2000, at 8:11 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 1:00 p.m.

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MINUTES:

On **MOTION** of Dunham, the Board voted to **APPROVE** the Minutes of May 23, 2000 (No. 796).

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REQUESTS FOR CONTINUANCE

Case No. 18742

Action Requested:

Mr. Beach informed the Board that the applicant is Roy Johnsen, the location is 13521 E. 11th St. Councilman Art Justis made the request for continuance. It was not a timely request. Mr. Johnsen had no objection to a continuance.

Interested Parties/Protestants:

No one objected to a continuance.

Board Action:

On **MOTION** of Perkins, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absences") to **CONTINUE** Case No. 18742 to the BOA hearing on July 11, 2000.

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Case No. 18790

Action Requested:

Mr. Beach informed the Board that Andy Flynn is the applicant, and the location is S of SW/c E. 11th St. & S. 145th E. Ave. Robert Flynn, an attorney, asked for a continuance for at least three weeks, which would be July 25, 2000. It was not a timely request.

Robert Flynn, stated that he just received the application information the day before from his uncle and has not had time to prepare.

Board Action:

On **MOTION of Perkins**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absences") to **CONTINUE** Case No. 18790 to the BOA hearing on July 25, 2000.

UNFINISHED BUSINESS

Case No. 18631

Action Requested:

Variance of the landscape requirements. SECTION 1002. LANDSCAPE REQUIREMENTS, located at 2604 E. Apache.

Chairman White, stated he would abstain from this case.

Presentation:

Mike Richardson, 2604 E. Apache, with Shorty's Auto Electric, stated his request.

Comments and Questions:

Mr. Beach reminded the Board that they granted a Special Exception to allow this business to go into this CS district. At that time the applicant withdrew the request for a landscape variance, and would submit a landscape plan in accordance with Chapter 10 requirements. A landscape plan has been submitted and is deficient in a three sections of Chapter 10.

Protestants:

None.

Board Action:

On **MOTION of Perkins**, the Board voted 3-0-1 (Dunham, Turnbo, Perkins, "aye"; no "nays"; White "abstained"; Cooper "absent") to **APPROVE** a ***Variance*** of the landscape requirements, per plan submitted pertaining to the existing paved area, finding the hardship to be the pavement already existing, on the following described property:

Case No. 18631 (continued)

A tract of land that is part of the N/2 of N/2 of NW of Section 29, T-20-N, R-13-E of the IBM, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: starting at the NE/c of NW of said Section 29; thence S 88°56'16" W along the Nly line of the NW for 1190'; thence S 1°04'54" E and parallel with the Wly line of Section 29 for 50' to the POB of said tract of land; thence continuing S 1°04'54" E and parallel with the Wly line of Section 29 for 358.68'; thence S 47°28'29" W and parallel with the Nly right-of-way line of the Atchison, Topeka and Santa Fe Railway for 213.45'; thence N 1°04'54" W and parallel with the Wly line of Section 29 for 465.03'; thence N 43°56'26" E for 49.48'; thence N 88°56'16" E and parallel with the Nly line of the NW of Section 29 for 125' to the POB of said tract of land.

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Case No. 18747

Action Requested:

Variance of minimum street frontage requirement in a CS district of 150' to 12' for proposed lot-split. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 17; and a Variance of the maximum display surface area for a sign from 24 square feet to 90 square feet subject to a limitation that the southern tract created by the lot split would be allowed only one monument sign with a maximum of 24 square feet of display surface area and located at least 50 feet from the south property line. SECTION 1221.D. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs, located at 9141 S. Yale.

Presentation:

The applicant, **Anthony Miller**, 1722 S. Carson, Suite 3101, stated he represented GTB Properties, LLC. This case was continued from 5/23/00, which involved a variance of the subject property frontage. An issue regarding the signage plan came up and so lot lines were redrawn and a signage plan was added as part of this request. A site plan, and other documentation were submitted (Exhibit A-1). He went over the request for action and stated the hardship to be the unique shape of the property.

Protestants:

Sharon Fichtenburg, 4915 E. 92nd St., stated she lives in the Bradford Oak Homeowners area adjacent (south) of the subject property. She requested to know how this action would affect drainage to the south of the property, and parking in this area. She stated that they have been flooded with mud and dirt for the last year, as truckloads of dirt have been brought in. She was told there would be a retaining wall constructed, but she has not been informed as to what type of wall it would be.

Comments and Questions:

Mr. White informed Ms. Fichtenburg that Stormwater Management would have to approve the design. She asked for more information regarding the direction of the flow of water, and whether there will be openings allowing water through to the lots on the south. She also wanted to know where the new sign would be located. Mr. White asked Mr. Miller to show her the plan.

Mr. White asked Mr. Stump to address the Stormwater Management's position on such matters. Mr. Stump stated that they basically couldn't worsen a situation with their development than was the previous condition. Any increased flooding caused by new development would have to be controlled to prevent an increase flowing onto neighbors' property downstream.

Applicant's Rebuttal:

Mr. Miller stated he would provide the information regarding the retaining wall construction. There will be parking next to the south lot line and no dirt.

Comments and Questions:

Mr. Beach stated that the application was advertised correctly but if the Board grants the variance but the relief would go to both Tracts A and B, because Tract A also does not meet the 150' frontage requirement. He also indicated that it would not be appropriate to approve per plan because he did not provide a 5' landscape strip across the south boundary line between the parking lot and the property line. There would need to be a modification of the site plan.

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 minimum street frontage requirement in a CS district of 150' to 12' for proposed lot-split. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** – Use Unit 17, per plan submitted for both Tracts A and B; and a **Variance** of the maximum display surface area for a sign from 24 square feet to 90 square feet subject to a limitation that the southern tract created by the lot split would be allowed only one monument sign with a maximum of 24 square feet of display surface area and located at least 50' from the south property line, be **APPROVED** per plan, understanding that this in no way eliminates the necessity for the applicant to meet the landscape requirements, and finding that these variances will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Beginning at the SW/c Lot 3, Hunters Glen Addition, City of Tulsa, Tulsa County, State of Oklahoma; thence N 0°00'00" E for 150.00'; thence N 89°54'43" E for

Case No. 18747 (continue)

255.00'; thence N 0°00'00" E for 169.70'; thence S 89°54'43" W for 85.00'; thence N 0°00'00" E for 130.00'; thence N 89°54'43" E for 244.00'; thence S 0°00'00" W for 449.70'; thence S 89°54'43" W for 414.00' to POB.

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NEW BUSINESS

Case No. 18779

Action Requested:

Variance of allowed spacing between signs from 100' to 50' and 75'. SECTION 1003.B.2.b.(3) ADMINISTRATION, Certification of Installation – Use Unit 12, located Northeast of the NE/c E. 71st St. & Yale.

Presentation:

The applicant, **John Moody**, stated that he represented the Hyde Park Homeowner's Association. He stated the action requested and reminded the Board of the severe topography of the area, creating a hardship.

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 Variance** of allowed spacing between signs from 100' to 50' and 75', finding the hardship to be the topography of the land, on the following described property:

Reserve A, Hyde Park Second, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18781

Action Requested:

Variance of one-story height limit for a detached accessory building to two-story. SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards – Use Unit 6; and a Variance to allow two dwelling units on one lot of record. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located at 1390 E. 26th St.

Presentation

Amber Forrest, 1390 E. 26th St., owner of the property, submitted photographs.

Comments and Questions:

Mr. White commented that new construction on this property is about 50% complete. Mr. Beach inquired how the applicant could get this far into construction without a building permit. Ms. Forrest indicated that they had applied for a building permit, but they had not received the permit yet. Mr. Beach stated that he has a deficiency letter from Kurt Ackerman, dated April 18, 2000. Mr. White asked when this construction began. Ms. Forrest replied construction began after they applied for the permit. Ms. Perkins asked if construction was started before they got the permit. Ms. Forrest responded that they didn't start the construction; they started the demolition because the old structure was rotted through in the back. Mr. Stump stated that the second request in the application would require advertisement for additional relief if they intended to grant it. Mr. Stump also informed the Board that if they approved a two-story detached accessory building per plan, the proposed building exceeds 750 square feet.

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 Variance** of one-story height limit for a detached accessory building to two-story, without a kitchen, finding that it would not cause substantial detriment to the public good or impair the purposes, spirit and intent of the Code, or the Comprehensive Plan, with additional relief; and to **DENY a Variance** to allow two dwelling units on one lot of record, finding that it would impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and to **CONTINUE** the case if additional relief on the size of the accessory building is needed, on the following described property:

Lot 2, Block 2, Travis Heights, City of Tulsa, Tulsa County, State of Oklahoma

(Note: It was subsequently determined that due to the size of the principal structure, no additional relief was needed.)

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Case No. 18782

Action Requested:

Special Exception of Section 404 to allow a home occupation (office) in an R zoned district. SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 11, located at 8942 E. 58th St.

Presentation:

Warren Morris, 2532 E. 46th Pl., an attorney, stated that his client is an expert on trees. Mr. Morris stated that his client evaluates the worth of trees in their locations. He has a to a lot of paperwork that he would like to do at home. He

does not have outside employees, and no customers come to his home. No sign would be used, no equipment would be parked or used at this location.

Protestants:

Virginia Crisco, 8217 E. 56th Pl., listed several home occupations in this neighborhood, and stated that none of them have felt the need to get this exception. She informed the Board that she has seen vehicles with large equipment parked at this house. She stated her concern for the market value of the residential property, if this application is approved. She also added her concern that this action would potentially draw more traffic through the neighborhood.

Chair White, informed the Board that three letters of protest (Exhibits C-1 through C-3) were submitted. He commented that one letter states that the applicant is advertised in the white pages of the phone book under Metropolitan Forestry, and has a lawn spraying business, and is storing lawn fertilizers and other chemicals at his residence. There is also reference is made to a furniture restoration business being operated from the same address.

Jim Morgan, 8942 E. 58th St., the applicant, stated that he has an advertisement in the yellow pages for his business, as a tree appraiser and tree diagnosis. He stated he is not and never has been in the furniture restoration business.

Comments and Questions:

Ms. Perkins asked if he stores fertilizer, equipment, or supplies at his residence. Mr. Morgan replied that he does not store these items. Ms. Turnbo asked if he kept trucks with heavy equipment in his driveway. He replied that he has a pick-up truck with a cover, and his lawn is well landscaped. Mr. Jackere asked Mr. Morgan to list the types of services he provides, which Mr. Morgan listed. Mr. Dunham inquired and advised the applicant on the requirements for a home business.

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*** of Section 404 to allow a home occupation (office) in an R zoned district, with the conditions to meet all guidelines for home occupation, no employees, no storage of supplies, merchandise, heavy equipment or vehicles relating to the business, no signage, no customers to his office, finding that 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:

Case No. 18782 (continued)

Lot 3, Block 6, Woodland View Park 3rd, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18783

Action Requested:

Special Exception to permit a mobile home in an RS-1 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Special Exception of one-year time limit to permanent. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located at 18325 E. 21st St.

Presentation:

The applicant, **Le Letran**, 12104 E. 30th St., stated he would like to place a mobile home on the subject property on a permanent basis. In answer to questions from the Board, Mr. Letran replied that he has not selected a mobile home but it will probably be used and two or three bedrooms. He plans to set it up as permanent, but would like to save enough to build a home later on, but no specific plan for when.

Protestants:

Enola Collins, 18343 E. 21st St., stated she has a large three-bedroom rock house on 7 ½ acres behind the subject property. She opposes a mobile home because it would depreciate the surrounding property value. She added that there are no utilities except electricity in the area at this time.

Reece Brooks, 718 Winter Lane, Claremore, opposed the mobile home because he believed it would depreciate the property value. He owns some property nearby.

Applicant's Rebuttal:

Mr. Letran stated that because he does not know what the time frame will be for constructing a new house, he asked for permanent, though he does not plan for it to be permanent. He stated that there is only one residence next to his property, the water reservoir and treatment plant is across the street, and a ballpark down the road. He estimates it would take five years to save enough to build a home.

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 mobile home in an RS-1 district; and a **Special Exception** of a one-year time limit be extended to three years, subject to tie-downs, skirting, and meet all other City requirements for driveway, required permits, utilities, with the time limit beginning from today's date, June 27, 2000, finding that it will be in

Case No. 18783 (continued)

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:

SE/4 SE/4 SW/4 of Section 12, T-19-N R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18784

Action Requested:

Variance to allow gravel parking to be open Thursday through Saturday nights for 12 months as overflow parking for bar on Lot 3. SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 10, located 1237 S. Memorial

Presentation:

Michael Smith, 1229 S. Memorial, stated he leased property from Tulsa Billiards for overflow parking. He has discussed with the owner about purchasing that lot, and stated it is in a flood plane. He stated that he received a citation from Neighborhood Inspections that the lot needed to be paved and a screening fence constructed between the R-1 and commercial property.

Comments and Questions:

Ms. Parnell pointed out that the case was advertised for the wrong property. Mr. White agreed that it was not advertised properly, and will have to be continued.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 18784 to the Board of Adjustment hearing on July 25, 2000.

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Case No.18785

Action Requested:

Appeal of Neighborhood Inspections refusal to issue a citation for a structure improperly erected along the creek bed. SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL – Use Unit 6, located 7349 Sleepy Hollow Dr.

Presentation:

Roger Eldredge, 2900 Mid Continent Tower, stated he is representing his client, Cindy Lowe, the owner of the property immediately adjacent to the structure, which is the subject of this appeal. He submitted binders (Exhibit D-1) including photos,

Case No. 18785 (continued)

and survey. Mr. Eldredge described the locale and pointed out the structure and the materials used for the structure.

Chair White stated he would abstain from this case.

Interested Parties:

Jeff Levinson, 35 E. 38th St., stated he represents Mr. and Mrs. Sutton who have spent almost \$20,000 to construction of a retaining wall on Fred Creek for a bank stabilization project. He described the process they went through to do the job properly and listed the plans for the finishing the project.

Dave Keglobits, 3898 E. 72nd St., stated that he lives north and east of the structure. He stated complaints of ruined natural beauty and prospective flooding.

Tom Ernst, 1714 S. Florence Ave., landscape architect, contacted by Dr. Lowe. He described the failing structure and submitted photos (Exhibit D-2).

Melissa Mooney, 3848 E. 72nd, stated that her property is two doors downstream from the Lowe's property. She described the ecological decline of the creek, to the point of stinking, and death of the fish.

Applicant's Conclusion:

Mr. Eldredge, stated there are right and wrong ways to retain the erosion, and this was not a permitted structure under the ordinances. He added that from February to May there was no work done on the structure.

Comments and Questions:

Mr. Jackere stated that the Code does not traditionally regulate bank stabilization structures. Ms. Turnbo commented that the owner went through the proper channels.

Board Action:

On **MOTION** of Turnbo, the Board voted 3-0-1(Dunham, Turnbo, Perkins "aye"; no "nays"; White "abstained"; Cooper "absent") to **Uphold the decision of the Administrative Official of Neighborhood Inspections in Case 18785.** The Appeal was **DENIED.**

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Case No. 18787

Action Requested:

Variance of required parking for existing apartment complex from 226 spaces to 204 spaces. SECTION 1208.D. USE UNIT 8. MULTIFAMILY DWELLING AND SIMILAR USES, Off-Street Parking and Loading Requirements, located 9743 E. 12th St.

Presentation:

The applicant, **Robert Buss**, 502 W. 6th St., attorney for the landowner, stated the request, with some historical information.

Protestants:

Mr. White stated that a letter of protest (Exhibit E-1) was submitted.

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 parking for existing apartment complex from 226 spaces to 204 spaces,

finding that it is an existing condition that has been there for close to thirty years, on the following described property:

All of B&W Apartments Addition, a Re-subdivision of part of Block 4, Amended Plat of Ruth-Anne Acres, being more particularly described by metes and bounds as follows: Beg. at a set 3/8" iron rod at the SW/c of the above described B&W Apartment Addition; thence N 00°08'00" W along the W line thereof a distance of 415.00' to a found 3/8" iron rod at the NW/c thereof; thence N 90°00'00" E along the N line a distance of 460.00' to a found 3/8" iron rod at the NEly/c thereof; thence along the Nly and Ely lines thereof S 00°08'00" E a distance of 20.00' to a found 3/8" iron rod; thence N 90°00'00" E a distance of 82.63' to a found 3/8" iron rod; thence S 00°08'00" E a distance of 35.00' to a found 3/8" iron rod; thence N 90°00'00" E a distance of 19.90' to a found 3/8" iron rod on the E line thereof; thence S 00°23'20" E along said E line a distance of 360.00' to a found chiseled "X" in concrete at the SE/c thereof; thence S 90°00'00" W along the S line thereof a distance of 51.00' to a found 3/8" iron rod; thence N 00°00'00" E a distance of 200.00' to a found 3/8" iron rod; thence S 90°00'00" W a distance of 102.00' to a found 3/8" iron rod; thence S 00°00'00" W a distance of 200.00' to a found 3/8" iron rod on the S line thereof; thence S 90°00'00" W along said S line a distance 411.16' to the POB, containing 4.83 acres of land, more or less; together with a driveway easement for ingress and egress from the N line of said B&W Apartments Addition, Nly to the S Right-of-Way of E. 11th St. described as follows: An easement for ingress and egress, 36' in width, the centerline which is described as follows: Beg. at the NW/c of that tract of land described as follows, to-wit: the N 155' of Lot 12, Block 4, Amended Plat of Ruth-Anne Acres, thence in an Ely direction along the N property line of the above-described tract for a distance of 128', thence Sly to a point on the S line of the above-described tract, which is 125' E of the SE/c of the above-described tract, said point being the point of ending; and together with two 15' strips of land being the E 15' of the E 33' and the W 15' of the W 33' of a 66' strip of land, the centerline of which is described as follows: Beg. at the NW/c of that tract of land described as follows, to-wit: The N 155' of Lot 12, Block 4, Amended Plat of Ruth-Anne Acres, thence in an Ely direction along the N property line of the above-described tract for a

Case No. 18787 (continued)

distance of 128' to the POB, thence Sly to a point on the S line of the above-described tract, which is 125' E of the SW/c of the above described tract, said point being the point of ending, all being located in the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18788

Action Requested:

Variance of Section 222, to allow temporary parking on gravel parking lot for six months until paving can be provided. SECTION 222. MOTORIZED VEHICLES – Use Unit 17, located 9140 E. 11th St.

Presentation:

The applicant, **Arthur Crabb**, 2794 E. 93rd St., stated his request.

Protestants:

Jan McGee, Administrative Aid to City Councilor Sam Roop, stated Mr. Roop raised the question if he has not paved the lot in 17 years since first told it needs to be done, why another six months.

Comments and Questions:

Mr. Dunham stated options the Board has to act on this case.

Interested Parties:

Al Spitaro, 1134 S. 93rd E. Ave., stated that he owns property next door and he opposes the request. He requests to see a hydrologist engineer plan because the property is in a flood zone, and they must have a watershed permit to move dirt in or out of their properties.

Henry Brandt, with the Mingo Valley Homeowners' Association, stated that the applicant was cited for several other issues in 1983, as well as the need to pave the parking lot.

Applicant's Rebuttal:

Mr. Crabb, stated that he did comply with the City when he received the original citation. There is a small strip across the street that there is no need for parking on the gravel area, and he will instruct the neighboring business not to park on that area until it is paved.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper absences") to **DENY** a **Variance** of Section 222, to allow temporary parking on gravel parking lot for six months until paving can be provided, finding that the relief is not needed.

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Case No. 18789

Action Requested:

Special Exception to permit a home occupation (alteration of mini-blinds) in an RS-2 district. SECTION 404.B. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 14, located 1323 S. 131st E. Ave.

Presentation:

The applicant, **Marvin Pike**, 1323 S. 131st E. Ave., stated his request and submitted letters (Exhibits F-2 through F-5) from neighbors, approving of his business.

Comments and Questions:

Ms. Turnbo asked about work done outside, and storage of materials. He stated that due to the length of his materials he has to work with the door open at times, and he does not store anything outside. Mr. Jackere asked about delivery of materials. He stated that he picks up his own materials. Mr. Dunham asked about hours of operation, signs, and customers on premises. Mr. Pike stated that he works from 8:00 a.m. to 12:00 noon, six days per week, has a sign on his van only and only a couple of customers come by occasionally. Mr. Jackere stated that the Board couldn't grant a Special Exception if this home occupation falls into one of the uses in U.U. 15 through 28. Mr. Jackere read Section 402 and indicated that this appears to be industrial.

Protestants:

Bill LaSorsa, 15 E. 5th St., Suite 3800, submitted photographs (Exhibit F-6). He is representing Mr. and Mrs. Bob Turnell. They own the property adjacent to and south of the subject property. The property is in violation of two City zoning ordinances, dealing with the home occupation and erecting or moving a structure without a zoning clearance. Mr. LaSorsa indicated that more than one building is used for business, that another businessman moves stock to and from one of the buildings, and that he operates his saw on weekends, holidays and in the evenings, and is harmful to the RS-2 neighborhood.

John Mack, 4225 S. Dogwood, Broken Arrow, stated he has his own business and stores materials in a building on Mr. Pike's property. He stated he was unaware that this was a violation of the zoning ordinance.

Applicant's Rebuttal:

Mr. Pike gave some history on moving one of his accessory buildings and the removal of a building that was unusable.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absences") to **DENY** a ***Special***

Case No. 18789 (continued)

Exception to permit a home occupation (alteration of mini-blinds) in an RS-2 district, finding numerous violations on the property, and that it will not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare.

Case No. 18792

Action Requested:

Special Exception to exceed the maximum 4' height of a fence in the required front yard to permit a fence 6' in height. SECTION 210.B. YARDS – Use Unit 6; and a Variance of required 25' setback, as designated by the Street Plan for a structure (fence), to permit 22' setback. SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS, located 2151 E. Oklahoma Pl.

Presentation:

John Bates, for the applicant, **Guillermo Gaytan**, 1440 S. Carson, stated that Mr. Gaytan and his brother bought this residence a few years ago and rebuilt it. They selected to build an ornamental fence for security with brick and iron. He submitted a photograph of the fence (Exhibit G-1).

Protestants:

Homer Jones, 2148 E. Oklahoma Pl., stated he live directly across and west one house from the subject property. He informed the Board that he told the applicant when he started building the fence that it was on the neighbors' property. Mr. Jones indicated that the gates protrude into the street when opened, blocking the street and sometimes they remain open all day.

Applicant's Rebuttal:

Mr. Bates stated that if there is a problem with the gates that could be solved with a spring-loaded mechanism to close them.

Comments and Questions:

Mr. Stump commented that according to the layout provided to the Board, the fence is not on the applicant's property but in the street right-of-way, and on the west boundary there is a solid wood fence extending into the street right-of-way blocking vision for the neighbor. He asked Mr. Bates if this was correct. Mr. Bates was unsure, and added that the board fence could easily be altered. Mr. Jackere interjected that the Board could approve the use of the city right-of-way subject to a license agreement from the City.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absences") to **APPROVE** a **Special Exception** to exceed the maximum 4' height of the fence in the required front yard

Case No. 18792 (continued)

to permit a fence 6' in height, subject to the gates being altered to open inward and not toward the street; and a **Variance** of required 25' setback, as designated by the Street Plan for a structure (fence), to permit 22' setback, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan. If it is determined that any fence is on City right-of-way approval would be subject to a license agreement with the City of Tulsa for the following described property:

W 50' of the S 155' of Lot 4, Springdale Acre Lot Addition to the City of Tulsa, less the 15' dedicated for street purposes, all in Tulsa County, State of Oklahoma.

*****.

Case No. 18793

Action Requested:

Special Exception to allow Use Unit 2 (crematory) on property zoned CS and behind existing funeral home. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, located 1916 S. Sheridan.

Presentation:

Nick Reynolds, 1916 S. Sheridan Rd., stated he applied for approval to build a crematory.

Comments and Questions:

Mr. White stated that the Board does not have the plans for the new building. The applicant replied that he wanted to be sure he had approval before he obtains plans for one.

Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absences") to **APPROVE** a **Special Exception** to allow Use Unit 2 (crematory) on property zoned CS and behind existing funeral home, finding that 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:

Commencing at the NE/c of Lot 2, Block 2, Lynn Addition; thence S 00°27'15" W along E line of said Lot 2 a distance of 735.78' to the POB; thence N 89°34'58" W a distance of 612.51' to a point on the W line of said Lot 2; thence S 00°26'22" W along said W line a distance of 139.00'; thence S 89°34'58" E a distance of 612.47' to a point on the E line of said Lot 2; thence N 00°27'15" E along said E line a distance of 139.00' to POB, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Ms. Turnbo left at 4:00.

Case No. 18794

Action Requested:

Variance of required street frontage in a CS district of 150' down to 100' for lot split purposes. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, located 6501 E. 71st St.

Presentation:

The applicant, **Larry Pennington**, 9718 E. 55th Pl., stated he has plans to put in a Braums. Mr. Pennington gave some history of Lots 3 and 4, and his desire to have the driveway moved further north from the corner and where it is less steep.

Comments and Questions:

Staff determined that this case was not advertised for enough relief.


Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Perkins "aye"; no "nays"; no "abstentions"; Turnbo, Cooper "absent") to **CONTINUE** Case No. 18794 to the BOA hearing on July 25, 2000.

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There being no further business, the meeting was adjourned at 4:07 p.m.

Date approved: July 25, 2000


Chair