

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 803**  
Tuesday, September 12, 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  
Perkins  
Turnbo

Beach  
Butler

Jackere, Legal  
Boulden, Legal

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, September 7, 2000, at 2:35 p.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 **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of July 25, 2000 (No. 800) as corrected.

**UNFINISHED BUSINESS**

**Case No. 18842**

**Action Requested:**

Variance of the required 10' side setback to 5' for construction of a single-family dwelling in an RM-2 zone. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 1543 S. Frisco.

**Presentation:**

The builder (Name and address not stated) for **Robert Bell, Jr.**, presented the case. He gave the reasons for this request as follows: 16' utility easement on south border narrows the lot and a 10' setback; a radical slope to the property from east to west prevents elongating the house without several sets of separate steps; public good would be enhanced by a quality residence of over 2,500 square feet; utility poles within five feet of the house on south side, house is placed directly against a 16' utility pole.

Case No. 18842 (continued)

**Protestants:**

None.

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required 10' side setback to 5' for construction of a single-family dwelling in an RM-2 zone, finding the hardship to be the 16' utility easement on the south side of the property and the size of the lot, on the following described property:

S 40.0' of Lot 7, Block 1, Riverford Addition and vacated portion of East 16<sup>th</sup> Street being 29.0' adjacent to S line of Lot 7, Block 1, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18843**

**Action Requested:**

Variance to allow a detached accessory building in the required front yard. SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; and a Variance of the front yard setback of 25' down to 5' for construction of a carport. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 417 S. 75<sup>th</sup> E. Ave.

**Presentation:**

**Mr. and Mrs. Wayne Webb**, 417 S. 75<sup>th</sup> E. Ave., came before the Board to present their request. Mrs. Webb stated that they plan to have a professional install a carport. She stated that it would be open on the sides.

**Comments and Questions:**

Mr. White asked if the side yard on the north would be the same as for the house. Mrs. White replied in the affirmative.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to allow a detached accessory building in the required front yard; and a **Variance** of the front yard setback of 25' down to 5' for construction of a carport, on the condition that the sides of the subject carport remain open, finding the number of carports existing in the area, and 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, on the following described property:

\* \* \* \* \*

Special Exception to allow a single-family dwelling in an OM district. SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS – Use Unit 6, located 1309 S. Terrace Dr.

**Jonathon Sutton**, address not stated, attorney for Edward Winterhalder, stated that the applicant purchased and obtained a building permit to do the required repair and improve the property. The house was built in 1980 and has since then been used as a single-family dwelling. It was split at one time and could have been used as a duplex, but the applicant has prepared it as one entire unit for a single-family dwelling. The homes surrounding are single-family dwelling units and this property would add to the value of those homes.

Mr. Dunham asked if it was to be built per the plan submitted. Mr. Sutton replied in the affirmative.

**Maria Barnes**, 1319 S. Terrace Dr., stated that she lives next door to the subject property. She is in favor of the variance. She asked that the applicant share his plans with the neighborhood, and that he be required to repair curbs and sidewalks that have been damaged during his construction work.

**Don Barnham**, 1910 E. 13<sup>th</sup>, stated he is the president of the Terrace Drive Neighborhood Association. He is involved in seeking residential zoning for the whole area.

**Thomas Buckley**, 1301 Terrace Dr., stated that he is for the application, and appreciates what the applicant has done with the house.

On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to allow a single-family dwelling in an OM district, per plan with the exception that the word duplex on the plan be stricken and replace with single-

Case No. 18844 (continued)

family dwelling, 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:

S 55' of Lot 7, Block 10, of the Resubdivision of Block 6 and Lots 1-3, Block 4, Terrace Drive Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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#### **Case No. 18845**

##### **Action Requested:**

Special Exception to permit a doublewide mobile home in an RS-3 District. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Special Exception of 1-year time limit to permanent. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 4238 N. Delaware Ave.

##### **Presentation:**

**Granville W. Jenkins**, 11522 E. 23<sup>rd</sup>, Apt. 6, stated that he has been looking for property for a mobile home he purchased in October last year. He stated he has contacted City of Tulsa and will get on the City water and sewer service. He has been making improvements on the land and it is not in a flood zone.

##### **Comments and Questions:**

Mr. White stated he had a letter from the seller, that he is selling it to Mr. Jenkins for the placement of a mobile home. Mr. White added he had one letter of protest from a resident in the area about a block to the south. Mr. Dunham asked if this would be the applicant's home or a rental property. Mr. Jenkins stated that he would be living there. Ms. Perkins asked about the plans for setting up the mobile. Mr. Jenkins replied it would be on a foundation with stem walls, tie-downs.

In the Board's discussion of the case, Mr. White mentioned the standing letter from City Councilor regarding objection to mobile homes in the district. It was found that some areas where there was a concentration of mobiles would be acceptable for new applications.

##### **Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins, "aye"; Cooper no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a double wide mobile home in an RS-3 District; and a **Special Exception** of 1 year time limit to permanent, per plan on the condition that it be skirted and on a permanent foundation, noting that it is a modular home, finding that it will be in harmony with the spirit and intent of the Code, and will not be

Case No. 18845 (continued)

injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Beg. 30' W of the SE/c of the N/2 NE/4 SE/4 NW/4; thence W 144.24', N 128'; thence Ely 114.24' S 123.3' to the POB, in Section 17, T-20-N R-13-E, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18846**

**Action Requested:**

Approval of a modification to a previously approved site plan to add a nurses' station on the south side, located S of SE/c E. Admiral Pl. & S. Garnett.

**Presentation:**

**Calvin Nichols**, 2121 S. Columbia, stated that the existing hospital is a non-conforming use due to a zoning change. He added that one of the requirements was that any additions would require Board of Adjustment (BOA) approval. The proposal is for a small 343 square foot nursing station addition to the south wing. It has been designed by an architect, approved by the governing Board for state hospitals, and meets all the requirements of the City of Tulsa Building Codes.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a modification to a previously approved site plan to add a nurses' station on the south side, per plan submitted, on the condition that no further expansion can be done without BOA approval, on the following described property:

A tract of land that is part of Lot 1, Block 1, Western Village Heights, City of Tulsa, Tulsa County, State of Oklahoma and part of Government Lot 5, and part of the SW/4 of the NW/4 of Section 5, T-19-N, R-14-E, said tract of land being more particularly described as follows, to-wit: Beg. at the NW/c of said Lot 1; thence due N parallel with and 50' Ely of the Wly line of said Section 5 for 370.00'; thence S 89°53'0" E parallel with the Nly line of said Lot 1 of Western Village Heights for 680'; thence due S parallel with the Wly line of said Section 5 for 375.00' to the NE/c of said Lot 1; thence S 9°34'38" W along the Ely line of Lot 1 for 226.74'; thence N 89°53'0" W parallel to the Nly line of Lot 1 for 360.25'; thence due S parallel with the Wly line of Lot 1 for 147.84'; thence N 89°53'0" W parallel to the Nly line of Lot 1 for 282.03' to a point on the Wly line of Lot 1; thence due N along said Wly line for 371.50' to the POB of said tract of land.

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**Case No. 18847**

**Action Requested:**

Special Exception to allow a mini-storage in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16; and a Variance of 75' setback from an R district down to 0' for a mini-storage. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS, located N side of Virgin, E of Sheridan.

**Presentation:**

**Mr. Beach**, reminded the Board that one of the conditions for mini-storage use is that it be located with frontage on and access to an arterial street, and this site does not have that. He stated that if it were approved today the applicant would need to come back in the future for a variance of that requirement

**Tom Christopoulos**, 12113 S. Memorial Dr., Bixby, stated the request to place a mini-storage on this site. He informed the BOA that they had opened several other mini-storage businesses in the area, and this one would be similar in design. He provided some photos (Exhibit D-2, D-3). They plan to meet all of the landscape requirements of the City of Tulsa. He described the surrounding properties are: 75' of residential that is still farmland, and all around it is industrial and on the back is a highway that abuts the airport.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a mini-storage in a CS district, per plan, subject to the landscape requirements, and all other requirements of the Code; and a **Variance** of 75' setback from an R district down to 0' for a mini-storage, finding the hardship to be that the property is zoned RS-3, but is undeveloped and probably won't be developed for residential; and to **CONTINUE** the balance of this application to the meeting of October 10, 2000 for the additional relief, on the following described property:

A part of the W/2 NW/4 of Section 26, T-20-N, R-13-E, IBM, City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Commencing at the SW/c of said W/2 NW/4 of Section 26; thence N 01°18'08" W along the W line of said Section 26, for a distance of 40.00'; thence N 88°45'25" E parallel to and 40.00' N of the S line of said W/2 of the NW/4 for a distance of 200.00' to the POB, being a 3/8" iron pin with cap; thence N 01°18'08" W parallel to the W line of said Section 26, a distance of 650.00' to a 3/8" iron pin with cap; thence N 88°45'25" E parallel to the S line of said W/2 NW/4, a distance of 209.06' to a 3/8"

Case No. 18847 (continued)

iron pin with cap; thence S 10°23'18" W, a distance of 510.58' to a 3/8" iron pin with cap; thence S 88°08'32" E, a distance of 27.98' to a 3/8" iron pin with cap; thence S 01°18'08" E parallel to the W line of said Section 26, a distance of 148.39' to a 3/8" iron pin with cap; thence S 88°45'25" W parallel to and 40.00' N of the S line of said W/2 NW/4, a distance of 133.54' to the POB.

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**Case No. 18848**

**Action Requested:**

Variance of the required setback from centerline of South Memorial from 110' to 82' for the expansion of a non-conforming structure. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 17; and a Variance to allow expansion of non-conforming structure. SECTION 1405. STRUCTURAL NONCONFORMITIES, located 3708 S. Memorial.

**Presentation:**

**Wayne Alberty**, 201 W. 5<sup>th</sup> St., Ste. 570, stated he is that he was representing C & C Harley Davidson, and the owner Larry Wolford. He stated that he and others in his firm are the architects and planners of this project. They originally planned to build within the 50' setback, however after presentation of the plan, the owners felt they needed additional square footage. The area where relief is needed would be the UPS delivery area to line up the canopy to line up with the face of the existing building.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required setback from centerline of South Memorial from 110' to 82' for the expansion of a non-conforming structure, per plan; and a **Variance** to allow expansion of non-conforming structure, finding the structure is existing and addition will be in line with the existing structure, and that this improvement 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:

Part of Lot 1, Block 1, Dotson Center, City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Beg. at the SE/c of said Lot 1, Block 1, said point also being the NE/c of Lot 2, Block 1, Dotson Center, thence N 0°03'00" E and along the E line of said Lot 1, Block 1, for 154.67'; thence due W for 240.00'; thence S 0°03'00" W and parallel to the E line of said Lot 1, Block 1 for 261.11' to a point on the S line of said Lot 1, Block 1 for 45.42'; thence S

Case No. 18848 (continued)

64°40'07" E and along the S line of said Lot 1, Block 1 for 45.42'; thence N 37°41'29" E and continuing along the S line of said Lot 1, Block 1, for 235.00' to the POB.



**Case No. 18849**

**Action Requested:**

Special Exception to permit a transitional living center. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 2/9; a Special Exception to permit a manufactured home in an IL zoned district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS; located 5624 S. 107<sup>th</sup> E. Ave. 5624 S. 107<sup>th</sup> E. Ave.

**Presentation:**

**Scott McGinness**, Assistant Director of the HOW Foundation Drug and Alcohol Rehabilitation Center, 5649 S. Garnett, stated he understood that they do not need the Special Exception to permit a transitional living center due to a recent change in the zoning code. He stated that the second request is for the manufactured home on the subject property to use as a transitional living center. It would be occupied by up to nine men, which would include a live-in staff supervisor. Mr. McGinness added that the facility would be for men that have successfully completed the long-term drug and alcohol rehabilitation center, but want to continue to live in a drug and alcohol free environment and start transitioning themselves back into society.

### Comments and Questions:

Mr. White asked if the home would still be placed at the back of the property as shown in the plan. Mr. McGinness responded that it would, and the only change would be that the home they have found is 56' long rather than the 48' they had proposed. He stated that they would place it on an existing concrete slab. Mr. Dunham asked if the warehouse would remain on the property. Mr. McGinness stated that it would, but it was not cost effective to convert to a living center.

### Protestants:

None.

**Board Action:**

On **MOTION** of **Cooper**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a ***Special Exception*** to permit a manufactured home in an IL zoned district, 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:

Lot 1, Block 2, Golden Valley Addition, less beg. at the SW/c said Lot 1, thence N 01°22'02" W for 161.46'; thence N 88°42'21" E for 352.35'; thence S 05°15'01" W for



Case No. 18849 (continued)

162.53'; thence S88°42'30" W for 333.62' to POB and Lot 2, Block 2, Golden Valley Addition, less beg. at the SW/c said Lot 2, thence N 01°22'02" W for 161.46'; thence N 88°42'30" E for 333.62'; thence S 05°15'01" W for 162.53'; thence S 88°42'36" W for 314.89' to POB, all being in the City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18850**

**Action Requested:**

Special Exception to allow a 6' high decorative wall/fence within the required front yard. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located 2516 E. 28<sup>th</sup> St.

**Presentation:**

**John Walton**, architect for the project, (no address stated) presented for Ralph Klumpp. He stated that the owner would like to have the option on the side property lines to make the fence more than four feet inside the 35' setback. Mr. Beach responded that it is within the front yard and approval of the application would allow that height.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a 6' high decorative wall/fence within the required front yard, per plan submitted, on the condition that along the front property line the fence would be four feet except as it approaches the gates could increase to six feet on the following described property:

Lot 1, Block 2, South Lewis Park Addition and the W 60' of the N/2 of Lot 2, Block 3, Woody Crest Addition, more particularly described as follows, to-wit: Beg. at the NW/c of said lot thence S along the W line of said lot a distance of 260.26' to a point, said point being the SE/c of Lot 1, and the NE/c of Lot 5, Block 2, South Lewis Park Addition; thence S 88°41" E a distance of 60' to a point; thence N a distance of 252.20' to a point on the N line of said lot; thence N 80° 33" W a distance of 61' to the POB, save and separate that portion of the N/2 of said lot previously deeded to the city for street purposes, all in the City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18851****Action Requested:**

Variance of front yard from 25' to 20' to permit an addition. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 4644 S. Vandalia.

**Presentation:**

**Richard Amatucci**, 4644 S. Vandalia Ave., stated he and his wife are the owners of the subject property. He stated that they are requesting the variance because of the irregular shape of the lot. He informed the Board they want to build a 700 square foot addition to the south and the east of the existing structure. He submitted a site plan, and a first floor plan (Exhibits M-1, M-2).

**Comments and Questions:**

Ms. Turnbo asked if it was just the corner of the proposed structure near Vandalia Avenue that is in question. He replied in the affirmative.

**Protestants:**

A neighbor (Name and address not given) stated her desire to see the plans. Ms. Turnbo suggested they continue the case later in the hearing to give them time to go over the plans for the neighbor's review outside the room.

**Board Action:**

Mr. White stated that case would be heard later, so the hearing could continue.

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**Case No. 18852****Action Requested:**

Variance to allow outdoor display and open-air storage of merchandise within 300' of an R zoned district on the north. SECTION 1214.C. USE UNIT 14. SHOPPING GOODS AND SERVICES, Use Conditions – Use Unit 14, located 11212 E. Admiral Pl.

**Presentation:**

**Judy Mitts**, 11212 E. Admiral Pl., stated that she has worked for Leggett Supply for 21 years. She stated that they have had outdoor storage of fiberglass steps, porches, water pipes and similar items for manufactured homes.

**Comments and Questions:**

Mr. Dunham asked if the outdoor-storage area is to the east of the building where it was enclosed by a fence. She responded that was correct. He asked if storage would be there for 24 hours a day everyday. She responded that he was correct. Mr. White asked if there was anything stored outside of the fence. She stated that right now they have some porches on display in the front of the building. Mr. White asked if this application was generated in response to a Neighborhood Inspector's complaint. She replied in the affirmative. Mr. Dunham stated that the Board

would need to be clear about what the applicant wants in the way of outside storage. Ms. Mitts stated that she would need the outside storage and could keep everything to the east of the building within the fence. She stated that they would need to store fiberglass porches, wooden steps, water and sewer pipe, and blocking wood on a 24 hour per day basis.

Mr. Dunham questioned how close the subject property is to residentially zoned property. Mr. Beach did not have adequate dimensions to answer. Mr. White stated that for the record, there are ten different complaints listed by Neighborhood Inspections (Exhibit G-1).

**Protestants:**

**Nancy Craten**, 245 S. 120<sup>th</sup> E. Ave., stated that she was representing several different people today. She read the letter (Exhibit G-2) of the official stand of the East Tulsa Mingo Valley Association regarding this application, requesting the BOA not to approve this application. The letter stated that the property has been an eyesore for years. It further stated that while other such businesses have operated with a decent premises and yet this one does not. The letter also included that in 1998 this neighborhood association presented a certificate to the Oak Creek Village Mobile Home Dealership directly across the street east from this applicant's premises. The certificate was for being a good neighbor to neighborhoods in the area. She also presented a letter from Branden Hazel, the general manager of Oak Creek Village, which stated that the aesthetic condition of the grounds belonging to Leggett Supply was very poor, appearing very unorganized and rundown. The letter suggests the need for a higher and less revealing screening fence. It was the manager's concern that the poor appearance not only affects Leggett's Supply business but also at Oak Creek Village. Dr. Gainer, of Brookhaven was present but had to leave and gave Ms. Craten a written note that Brookhaven opposes the application due to the physical appearance of the property and the potential of the intended use to deteriorate the neighborhood. Ms. Craten also presented two letters from neighbors in the area with the same concerns.

**Comments and Questions:**

Mr. Dunham asked if an adequate screening fence would satisfy the neighborhood. She replied if it was high, attractive, and actually screened the view of the outside storage. Mr. White determined that an 8' fence would work best.

**Protestants:**

The following protestants came before the Board with the same complaints listed above:

**Wayne Bohanon**, 10617 E. 1<sup>st</sup> St., member of the Wagon Wheel Homeowner's Association

**Dominic White**, 17717 E. Admiral Pl., owner of Fluid Specialties



Case No. 18853 (continued)

submitted, finding the hardship to be the configuration of the lot, on the following described property:

Lot 1 and the N 15' of Lot 2, Block 2, Travis Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18854**

**Action Requested:**

Special Exception to allow a children's daycare and wedding chapel in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located 1319 E. 42<sup>nd</sup> St.

**Presentation:**

**Bill Satterfield**, 1 W. 81<sup>st</sup> St., stated that he has an older building in the Brookside area, just off of Peoria. He stated that an ice cream company previously owned the building, and then it was converted to a law office. He stated that his family purchased it in the 1970's and used it for rental property. In April of this year there was a fire and it has not been rebuilt. Mr. Satterfield stated that they were considering their options for the use of the property before they rebuild. This request was made to change the use to a day care during the weekdays and a wedding chapel on weekends and evenings. He informed the Board that they have been successful with a wedding chapel they opened at another location in Tulsa. He also suggested the construction of a stockade fence and large tent for daycare playground and weddings.

**Comments and Questions:**

Ms. Turnbo asked if they had a lease for parking on Arby's parking lot. Mr. Satterfield stated they provided parking on their own property. Ms. Turnbo stated that the application information shows only six parking spaces plus parking at Arby's next door. He explained that the arrangement he made for parking at Arby's would be only for weddings that would be catered from that facility, but for the daycare center there would not be any need for parking. Ms. Turnbo questioned that it is for weddings, receptions, and any other types of dinners or other parties. He replied that it would just be for weddings and receptions for weddings that occur there. Ms. Turnbo asked about the capacity for the weddings/receptions. He responded that they have not contacted the fire department for the limitations to capacity, but they would be in compliance. Ms. Turnbo stated that her concern is the parking and there is no lease for parking.

Mr. White asked if the existing structure would be rebuilt or removed. Mr. Satterfield stated it would depend on the outcome of this hearing.

Ms. Perkins asked about the proposed daycare capacity. He replied that for 1500 square feet of the ground floor level that fifty children would be the maximum. She asked where the parents were to drop children off and pick them up. He stated it would be open from 7:00 a.m. to 6:00 p.m. and parking spaces would be provided. He added that they have two lots, so there is adequate room to accommodate, and could put in a circular drive.

**Protestants:**

**David Paddock**, 1101 E. 34<sup>th</sup> St., stated that he is the Vice-President of zoning for the Brookside Neighborhood Association and was representing them. He stated that he spoke with the neighbors and they are opposed to this application. The association's Board is opposed also. They asked that the BOA consider certain issues: 1) according to the District 6 Plan, paragraph 3.4.1.13, in no case should rezoning for parking result in isolated single-family lots; 2) they spoke with Mr. Davis, owner of the Arby's and he is not aware of this application; so if there are 30 wedding guests, the six parking spaces are covered by a tent and overflow parking is at Arby's during business hours, Mr. Paddock does not believe Mr. Davis would allow that; 3) this is an area where Rockford was closed, the streets are narrow in this area, and the homes have single-car garages.

**Comments and Questions:**

Mr. White state the Board received a few letters of protest (Exhibit I-2) and a petition of protest with 56 signatures (Exhibit I-3).

**Applicant's Rebuttal:**

The applicant stated that Arby's paved a lot where the old headquarters office was located. He offered to purchase the lot. This lot is not currently being used, never has been used because they have adequate parking at their own location. He stated that he spoke with Mr. Mitchell's secretary about catering for the receptions and use of the parking lot. He concluded that there would be more than adequate parking space. Ms. Turnbo asked if using Arby's for catering is the only choice his clients' would have. He replied that they could have other items catered but using Arby's would be a requirement. Ms. Turnbo asked if there was a minimum monetary amount. Mr. Satterfield responded that the minimum order would be 50 sandwiches.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY a Special Exception** to allow a children's daycare and wedding chapel in an RS-3 district, finding that it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare.

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**Case No. 18851**

Continued from earlier in the hearing.

**Protestants:**

**Toni Hurston**, 4640 S. Vandalia, stated that she owns the property next door to the subject property. She stated that she realized the property lines are irregular. Her concern is that this might enclose her property or impose on her view, and even decrease her property value. She suggested a continuation of the case to give her opportunity to walk the property line.

**Applicant's Rebuttal:**

Mr. Amatucci stated that after talking with Ms. Hurston, he understands her concern. He is only asking for a 4' 1 <sup>3</sup>/<sub>8</sub>" Variance into the 25' building line. He indicated his willingness to continue the case to give Ms. Hurston time to see the property.

**Board Action:**

On **MOTION** of **Cooper**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 18851 to the next hearing date, September 26, 2000.

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**Case No. 18855**

**Action Requested:**

Variance of side yard requirements for RS-2 from 5' to 4' and 10' to 7.9'.  
SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL  
DISTRICTS – Use Unit 6, located 1376 E. 25<sup>th</sup> St.

**Presentation:**

**Scott Longmore**, 1815 E. 15<sup>th</sup> St., stated that he is the owner of the subject property. He stated that he was in the process of remodeling the house, and whether the application is approved or not the setbacks would be the same because they do not plan to move the garage structure. The garage was attached to the house by an archway. He informed the Board that when he made an addition to the back of the house and attached it to the garage, the City considers the garage part of the single-unit housing, and it would not meet the current codes. He added that the hardship would be that to get the setbacks within Code, he would no longer have a two-car garage but a one-car garage and he would have to tear it down and move it.

**Comments and Questions:**

Mr. Beach asked what the extent of the connection with the new addition. Mr. Longmore replied that the addition will attach from the front of the garage about halfway back, about 6'.

Case No. 18855 (continued)

**Protestants:**

None.

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the **Variance** of side yard requirements for RS-2 from 5' to 4' and 10' to 7.9', finding that the hardship is the age of the home and would not meet requirements today, on the following described property:

Lot 4, Travis Heights Second Addition, City of Tulsa, Tulsa County, State of Oklahoma

\*.\*.\*.\*.\*.\*.\*.\*.

**Case No. 18856**

**Action Requested:**

Variance of 110% setback requirement from AG, R, or O zoned lots on the north from 143' to 25' and on the east from 143' to 25'. SECTION 1204.C.3.g.1. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions – Use Unit 4, 5; and a Special Exception for an antenna tower in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, located 5500 N. Madison.

**Presentation:**

**Peggy Owen**, 8023 E. 63<sup>rd</sup> Pl., Ste. 375, stated that she was representing Pacific 17, and Cricket Communications. They are currently in process of developing a wireless system for the greater Tulsa area. She stated that they have need for a 130' monopole tower at the proposed location, 5500 N. Madison. The request is for a Special Exception and Variance to residential setbacks. She stated she sent the Board photographs (Exhibit K-1) of north, south, east and west views of the proposed site. Ms. Owen described the location having vacant lots on the north, east and west, and the closest residential use is about 550' from the tower base. She mentioned that there are no existing structures within the entire radius of the fall zone at this site. She indicated that the tower was in harmony with the spirit and intent of the zoning code. She stated that a monopole resembles a light standard, which is very common in residential areas. The proposed tower would not prohibit development or use of the neighboring property, and traffic would be minimal. The site would be maintained and kept in good repair, and an engineer would do maintenance on the site about once per month. The tower will be equipped for collocation to alleviate the need for another tower in the area. The hardship would be that subscribers would not have service in that area. Ms. Owen stated that they are prepared to meet any and all safeguards or conditions imposed upon them in granting the Special Exceptions.



**Comments and Questions:**

Mr. Beach mentioned that although the advertisement was for a variance it could be granted as a special exception for the 110% setback. No hardship is required.

**Protestants:**

**Dr. Donald O. Tyler**, stated he is the pastor of the Grace Apostolic Temple located immediately to the southeast of the proposed site. The church owns all of the property to the east of the proposed site. They have invested in plans to build a new edifice directly in front of the proposed tower within 100' of the proposed site. The entrance to the sanctuary would be directly parallel to the tower. He stated that their plans are for a 33,000 square foot structure to seat approximately 1,500 people with a full size gymnasium in phase I and II, and phase III is for an educational wing to the south of their facility, for a school. The tower would be not only an eyesore but within the fall line would be the sanctuary, playground area, picnic area, dry pond, and the YWCA daycare. He suggested that there are several places in the area that would be more appropriate. He stated that he has cellular coverage in that area for several cell phones and several companies without a tower in their front yard.

**Applicant's Rebuttal:**

Ms. Owen stated that she has several surveys from real estate appraisals that show there is no effect on property value from radio or cell phone towers. She added that she has talked with the YWCA Director regarding their current use of the property, which the director stated they do not use the property for anything at all and have no plans for future use. Ms. Owen informed the Board that these types of towers are designed by professional engineers to withstand severe elements. If there were winds strong enough to down the tower, other nearby structures would already be severely damaged.

**Comments and Questions:**

Mr. Dunham asked if there was any reason that the tower could not be moved 200' to the west. Ms. Owen stated that their radio frequency engineer was present and would address Mr. Dunham's question.

**Narendra Mangra**, stated that a 200' distance further west would probably not make a difference.

**Comments and Questions:**

Mr. Beach commented that the applicant submitted a drawing that showed three antennas, and asked if that was accurate. Ms. Owen replied that it states future collocation, but they do not have a tenant right now. Mr. Beach asked if there would be 20' vertical clearance between antennas. Mr. Mangra replied that it could

be less, depending on the power used for the antenna. He added that 15' to 20' is very safe. Mr. Beach surmised that the lowest tenant might be as low as 100' from

the ground. Mr. Mangra replied that it could be lower, depending on the design. Mr. Beach asked if there was a building or structure at the base. Mr. Mangra replied that there is usually an equipment shelter that houses the hardware that is necessary.

**Brady Winn**, with Pacific 17 came to help answer questions. Mr. Beach asked how big the equipment shelter would be. Mr. Winn stated that the largest cabinet would be 3' x 3' x 7' tall. He added that regarding landscaping, there would be a screening fence and trees around the area so that one would not see the trucks or the bottom of the monopole.

Mr. Dunham asked if anyone has a problem if it was relocated 200' west of the east property line. Mr. Winn asked if that was up for debate, since it would affect their costs. Mr. Beach stated that 200' was an arbitrary number and the requirement is for a setback of 143' from the centerline of the street.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** of 110% setback requirement from AG, R, or O zoned lots on the north from 143' to 25' and on the east from 143' to 25'; and a **Special Exception** for an antenna tower in an RS-3 district, on the condition that the tower be located no closer than 200' west of the east property line, finding that: the height of the proposed tower is 130'; proximity of the tower to residential use north is 700', south is 615', east is 550' and west is 740'. No other towers are within ¼ mile; parent tract contains YWCA and is largely vacant, east and north are vacant, west and south are single-family residential; the surrounding topography is insignificant; surrounding tree coverage and foliage is insignificant; no special design planned but a screening fence and trees would be used to screen the base of the tower; the tower is designed for collocation and depending on the power for each antenna each tenant would be 15' to 20' apart; an accessory ground-mount cabinet, no larger than 3'x3'x7' would be used; proposed ingress and egress would be a 20' access and utility easement with gravel drive from N. Madison Ave.; subscribers would not have an acceptable level of communications service in the area without this tower; and the tract is large and could be subdivided. Comprehensive Plan calls for low intensity residential uses, on the following described property:

A part of the NE/4 of Section 12, T-20-N, R-12-E of the IBM, being more particularly described as follows, to-wit: Beg. at a point on the E right-of-way line of the Midland Valley Railroad, said point being 1,352.95' W and 35' S of the NE/c of said NE/4 of Section 12; thence SWly along said E right-of-way line, a distance of 504.8' to the

Case No. 18856 (continued)

POB; thence S 18°47.45833' W along the E right-of-way line of the Midland Valley Railroad, a distance of 667.10' to a point on the N boundary line of Sharon Heights Subdivision; thence E along the N boundary of Sharon Heights Subdivision, a

distance of 842.38'; thence due N and parallel to the E line of Section 12, a distance of 631.37'; thence S 89°42.5' W, a distance of 627.75' to the POB.

\*\*\*\*\*.

**Case No. 18857**

**Action Requested:**

Variance of 110% setback requirement from AG, R, or O zoned lots from 132' to 32' on the north, 36' on the west, 40' on the east, and 98' on the south SECTION 1204.C.3.g.1. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions – Use Unit 4, 5; and a Special Exception for a cell tower in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, located 721 E. Pine Pl.

**Presentation:**

**Peggy Owen**, 8023 E. 63<sup>rd</sup>, Ste. 375, stated she is again representing Pacific 17 and Cricket Communications. She stated that they are developing a system in the greater Tulsa area and they need a site in the proposed location of 721 E. Pine Pl. N. The proposed tower is 120' monopole tower, and would be built with the capacity for collocation. They were requesting a special exception to the residential setback, the closest residential use being 265'. She stated that the tower would be in harmony with the spirit and intent of the zoning code, and resembles the light poles, which are found frequently in residential areas. She stated it would not prohibit development or use of the neighboring property. She added that after construction a radio frequency engineer visits the site on an average of once a month except in the case of an emergency. The site will be maintained and kept in good repair at all times. She informed the Board that the tower would be engineered and designed by a professional engineering firm and will be capable of supporting additional carriers, which alleviate the need for an additional tower in this area. Ms. Owen pointed out that in the fall zone radius of this tower there is a small portion of the northeast corner of the Galilee Baptist Church that lies within that radius but it is very minute. She reiterated that they would be prepared to meet any safeguards or conditions that would be imposed in the granting of this special exception.

**Comments and Questions:**

Mr. White read a letter (Exhibit L-2) from the Tulsa Development Authority stating they are opposed to this application because it would not be in the best interest of the Tulsa Development Authority. The Authority owns property directly across the street north from the subject site as shown in the attached exhibit. The granting of the variance of this property for a communications tower of any kind would

dramatically impact if not eliminate the possibility of selling these homes, which were acquired for the sole purpose of redevelopment of single-family homes. The letter stated that proposed placement of the tower would adversely affect further growth in and around this rejuvenated neighborhood.

**Protestants:**

**Pastor Henry Brandt**, 211 E. Marshall St., stated that he is the pastor of the Galilee Missionary Baptist Church. He stated that he had been in contact with the Tulsa Development Authority and his church was supposed to buy the property across Pine Pl. He stated that the church is for the application.

Mr. Cooper left the hearing at 3:30 p.m.

**Comments and Questions:**

Mr. Dunham asked the applicant if they would be landscaping around the base of the tower. Ms. Owen responded in the affirmative.

**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 110% setback requirement from AG, R, or O zoned lots from 132' to 32' on the north, 36' on the west, 40' on the east, and 98' on the south; and a **Special Exception** for a cell tower in an RS-3 district, finding that: height of the proposed tower would be 120'; proximity of the tower to residential use north is 432', south is 900', east is 265' and west is 875'. Tract is zoned RS-3. There is RS-4 and RM-1 to the east, RS-3 north and west and CS south. No other towers within ¼ mile; parent tract contains a church and large parking lot, east is railroad then multi-family, north is vacant, west is non-residential and south is same church and Pine Street; surrounding topography is insignificant; surrounding tree coverage and foliage is insignificant; no special treatment in the design of the tower, but proper landscaping would be provided around the base of the tower to reduce visual obtrusiveness, screening it from the adjoining neighborhood; proposed tower would be designed to accommodate collocation; applicant stated ground-mount cabinet would be no larger than 3'x3'x7' tall; proposed ingress and egress would be an access drive direct from E. Pine Pl.; the applicant expressed the need for a tower at this location in the development of a new system in the greater Tulsa area to provide service for subscribers; and the tract is developed with church uses. Comprehensive Plan shows this as a Neighborhood Development Program under Tulsa Development Authority, on the following described property:

Beg. at a point 14.48' E of the NW/c of Lot 1, Block 9, Roosevelt Addition; thence E 79.22' to the NE/c of said lot; thence Sly 130.7' to the SE/c of said lot; thence W 70.02' to a point; thence Nly to the POB, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

Mr. Cooper returned at 3:35 p.m.

**Case No. 18858**

**Action Requested:**

Special Exception to allow a lattice type tower for eight co-locators in a CS zoned district from the required monopole construction. SECTION 1204.C.3.2. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions, located NE/c E. 27<sup>th</sup> St. & S. Memorial.

**Presentation:**

**Michael Ives**, NAI Commercial Properties, 1703 E. Skelly Dr., stated that he was representing Clear Channel Broadcasting Company. He stated that they have the old Oertle's Building under contract. He added that in order to further pursue the purchase of the property, they need a Special Exception on installation of a tower. He provided a large artist rendering of the facility with the tower (Exhibit N-3). Mr. Ives informed the Board that they had a very positive meeting with representatives from seven of the neighborhoods. There was a minimal amount of opposition to the application at that time. The applicant expects to place a large Fox News Production studio, and expects to consolidate five radio stations, and two television stations, which will all use this tower.

**Comments and Questions:**

Mr. White commented that a 300' tower at this location would be directly in the approach path for the Tulsa International Airport. He asked if they have contacted the FAA regarding this matter. Mr. Ives asked to defer that question to Mr. DeClue.

**Mike DeClue**, 5416 S. Yale, stated that they have been in contact with the FAA and have concluded they would be within the guidelines of 50' for every 1000, and would be located 22,000' from the end of the runway. He stated that they would still be within the guidelines for the Harvey Young Airport also. Mr. White stated that he had received one letter of protest, stipulating that as the primary reason.

Mr. White verified with Mr. Ives that the tower is in excess of 330' from the north property line. Mr. Ives replied in the affirmative, by about 20' – 25'. Mr. White established with Mr. Beach that there is no requirement for the spacing just for the existence of the tower itself. Mr. Beach replied that the Code only allows for monopole towers, so lattice towers come before the Board. Mr. Beach stated that it is still subject to the 110% setback.

Mr. White asked the applicant for the size and shape of the base of the tower. Mr. Ives replied that it is approximately 18', triangular.

Mr. DeClue stated that the need for lattice style tower is for capacity, as the monopoles do not offer the large capacity. Ms. Perkins questioned the applicant regarding the design characteristics that effect the reduction or elimination of visual obtrusiveness. He replied that it will be a stainless (unpainted) tower, and if FAA permits, it will have red obstruction lighting and high-intensity strobes during the day.

**Protestants:**

**John Tracey**, with Tracey Development, stated that he is a homebuilder. He stated he is in opposition to the application, the tower would be an eyesore to the neighborhood; negatively impact the value of homes in the area.

**Interested Parties:**

**Nancy Craten**, 245 S. 120<sup>th</sup> E. Ave., came only to read a letter from **John Roy**, representing Fulton Neighborhood Association. The letter stated that the association is pleased the applicant is willing to make a substantial investment in the old Oertle's location at 27<sup>th</sup> and Memorial. It also indicated they were not as happy about the 300' lattice tower, but without that tower the location would not be feasible for the applicant. The association asked that if the Board does approve the application that the following condition be included in the motion: that a shell of a building as tall as the existing building be built around the base of the tower and the color and trim match the remodeled building.

**Protestants:**

**Rosie Moon**, 6601 E. 60<sup>th</sup> Pl., stated she lived in Johanson Acres, which is west and slightly north of the subject property for a number of years and still goes in and out of the neighborhood frequently. She was opposed to the application based on the possibility that FAA would not approve the tower. She stated that her neighborhood friends would not consider the tower to be an improvement to the neighborhood, and were concerned that the lights on the tower would be a problem to the neighbors. At the meeting with the neighborhood the applicant stated that they would have to put the tower directly in front of the front door of the property, which would be in full view of traffic on Memorial, and many homes for miles. The applicant also stated to the residents that the 7' – 12' antenna dishes would be placed on top of the building and he agreed to screen them. When asked if they would lease space for any more antennas, he indicated that they might.

The following protestants stated similar oppositions as above:

**Max Braton**, 2640 S. 80<sup>th</sup> E. Ave.

**Larry McFadden**, 2721 S. 79<sup>th</sup> E. Ave.

**Carol Birdman**, 2010 Utica Square

**Comments and Questions:**

Mr. Cooper asked if this application was subject to the City landscape ordinance. Mr. Beach stated that the tower section of the Code has it's own particular landscaping requirements.

**Interested Parties:**

**Robert Myers**, 2704 S. 80<sup>th</sup> E. Pl., stated that he wanted to speak affirmatively for the tower. He stated people could see through a lattice tower, and the strobe lights point upward.

**Frank Edwards**, 9058 E. 27<sup>th</sup> St., stated he is for the application.

**Applicant's Rebuttal:**

As a matter of record, Mr. Ives stated that the shopping center to the north is under contract also. Mr. Dunham asked if the applicant could answer the items required as they are listed in staff comments. Mr. Ives covered those items as follows: height of the proposed tower 300'; proximity of the tower to residential structures is 330' minimum adjacent to the north, east and west across Memorial. None south; parent tract contains a large commercial building and parking lot, east is railroad then multi-family, north is commercial and multi-family, west is single-family residential across Memorial; surrounding topography is insignificant; surrounding tree coverage and foliage is insignificant, but they do plan to put in trees; design of the tower is planned to make it as pleasing as possible reducing or eliminating any visual obtrusiveness; this is not a transmitting tower, and the number of antennas planned at this time are for six radio stations, two television stations and a newsgathering facility; ingress and egress would be the established entrances for previous commercial use; the need of the applicant for a communications tower within the immediate geographic area is the availability of a building large enough to accommodate several radio and television stations with space for a tower of this size; tract is developed with commercial uses. Area is mixed commercial and residential. Comprehensive Plan says this property should be medium intensity commercial uses.

**Comments and Questions:**

Mr. Beach stated that after review the code again, it appears that erecting this tower on the site may trigger the landscaping requirements, such as perimeters, street frontage, and other areas on the property.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to allow a lattice type tower for eight co-locators in a CS zoned district from the required monopole construction, finding height of the proposed tower 300'; proximity of the tower to residential structures is 330' minimum adjacent to

Case No. 18858 (continued)

the north, east and west across Memorial. None south; parent tract contains a large commercial building and parking lot, east is railroad then multi-family, north is commercial and multi-family, west is single-family residential across Memorial; surrounding topography is insignificant; surrounding tree coverage and foliage is insignificant, but they do plan to put in trees; design of the tower is planned to make it as pleasing as possible reducing or eliminating any visual obtrusiveness; this is not a transmitting tower, and the number of antennas planned at this time are for six radio stations, two television stations and a newsgathering facility; ingress and egress would be the established entrances for previous commercial use; the need of the applicant for a communications tower within the immediate geographic area is the availability of a building large enough to accommodate several radio and television stations with space for a tower of this size; tract is developed with commercial uses. Area is mixed commercial and residential. Comprehensive Plan says this property should be medium intensity commercial uses, on the following conditions: that the tower not exceed 300' in height; redevelopment of this site will meet Chapter 10 landscape requirements; the shell of a building as tall as existing building be built around the base of the tower and the color and trim to match the remodeled building, on the following described property:

Lot 1, Block 1, Tri-Center, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18859**

**Action Requested:**

Variance of the allowable height for a sign from 40' to 49'. SECTION 1221.D.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs – Use Unit 21; and a Variance of the allowable display surface area for a sign from 2 square feet per lineal foot of street frontage to allow 444 square feet display surface area. SECTION 1221.D.3. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs, located E of NE/c E. 41<sup>st</sup> St. & Mingo Valley Expressway.

**Presentation:**

**Richard Craig**, 810 W. Walnut St., Collinsville, stated he represents the applicant in the process of developing a mini-storage property. He stated that the access on 41<sup>st</sup> Street. There is a 30' right-of-way to the property but the property is not visible from 41<sup>st</sup> Street. The applicant requests a 49' setback to compete with a lot of trees, a LaQuinta sign located right at the setback at maximum height, and a Phillips 66 sign, therefore he needs a larger sign.



**Comments and Questions:**

Mr. Cooper asked Mr. Craig to point out where the sign would be placed. Mr. Craig showed the Board. Mr. Dunham asked for the hardship. Mr. Craig stated that the applicant has no visibility from the street that serves it. Mr. Dunham reminded him that the applicant came before this board a few months ago to ask for relief from having visibility from the street.

**Diksit Kidaqia**, 7425 E. 98<sup>th</sup> St., stated that the purpose for the lot split was to have the freedom to expand his business later.

**Ted Sack**, with Sack and Associates, stated that he was before the BOA with the lot split. He explained that the applicant had a very irregular shaped property with only 30' of frontage on 41<sup>st</sup> Street, and by splitting the property each part had 15' of frontage. Mr. Sack stated that the service station and motel site were already split off a long time ago.

Mr. Cooper asked what the hardship is for a 444 square foot sign. Mr. Craig replied that the size of the two signs are 12' x 16' each, one stacked over the other, and a typical reader board of 6' x 10', and it all adds up to 444 square feet.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of the allowable height for a sign from 40' to 49'; and to **APPROVE** a **Variance** of the allowable display surface area for a sign from 2 square feet per lineal foot of street frontage to allow 150 square feet display surface area, finding the property has no visibility from the frontage street, on the following described property:

A tract of land that is a part of Lot 3, Block 1, Ravenwood, City of Tulsa, Tulsa County, State of Oklahoma, and being more particularly described as follows, to-wit: Beg. at a point that is the SE/c of said Lot 3, Block 1, Ravenwood; thence N 81°28'05" W along the Sly lot line of Lot 3 for 15.66'; thence N 00°04'07" W for 588.58'; thence S 89°55'53" W for 152.49'; thence S 00°04'07" E for 36.00'; thence S 89°55'53" W for 162.50' to a point on the Wly lot line of Lot 3; thence N 00°04'07" W along said line for 454.94'; thence S 49°47'00" E for 216.51'; thence S 58°25'34" E for 94.68'; thence S 12°00'00" E for 160.00'; thence S 35°00'00" E for 90.00' to a point on the Ely line of Lot 3; thence S 00°04'44" E along said line for 589.86' to the POB of said tract of land.

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**Case No. 18860**

**Action Requested:**

Variance from the requirements and restrictions of Section 210.B.5 of the Zoning Code to permit the construction of a detached two car garage 23' by 30',

containing 690 square feet within the required rear yard of a residential lot in the RS-2 zoning district. SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located 1336 E. 25<sup>th</sup> St.

**Presentation:**

**Charles Norman**, 2900 Mid-Continent Tower, stated he represented Mr. and Mrs. Hale Potter, who own the subject property. He submitted photographs (Exhibit P-2) of a Spanish style structure, constructed in 1926 with stucco exterior and tile roof, on which a flat roof, wood framed garage was added between 1955 and 1960. The garage is entirely out of character with the house and the garages on the properties to the east, west and south, all of which have pitched roofs and larger than the one on the subject property. The Code provision restricting size of accessory building in a rear yard to no more than 20% of the required area, and permitting detached buildings up to 750 square feet in area. The Building Inspector sees a distinction between what is permitted in a required rear yard, which would be 25', and what is permitted in the actual rear yard.

**Comments and Questions:**

Mr. Beach asked for the distance from the rear property line to the back of the new garage. Mr. Norman replied it is five feet, which is required and three feet from the side yard. He stated that it would add eight feet on the west side, giving a little more room for current use and storage space. Mr. Cooper asked for more information. Mr. Beach explained that a detached accessory building of up to 750 square feet or 40% of the principle residence and cannot occupy more than 20% of the required rear yard. In this case, 20% of the required rear yard is 375 square feet. The part that is in the required rear yard is 600 square feet. The difference is in what is permitted (375 square feet) and what is proposed (600 square feet).

**Protestants:**

None.

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; Cooper "abstained"; no "absences") to **APPROVE** a **Variance** from the requirements and restrictions of Section 210.B.5 of the Zoning Code to permit the construction of a detached two car garage 23' by 30', containing 690 square feet within the required rear yard of a residential lot in the RS-2 zoning district, per plan, finding that the house was built before 1970, on the following described property:

Lot 11, Travis Heights Second Addition, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No.18861**

**Action Requested:**

Variance of land area per dwelling unit on Tract B, from 6,750 square feet to 4,938 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; a Variance of livability space on Tract B from 2,500 square feet to 2,173 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of required minimum lot area on Tract A from 5,500 square feet to 5,131 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of required minimum lot area on Tract B from 5,500 square feet to 3,138 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of required setback from West Golden from 20' to 12'6". SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of the required rear yard from 20' to 3.4'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located SW/c W. Golden & Cheyenne Ave.

**Presentation:**

**Ted Sack**, 111 S. Elgin, stated that he was representing the applicant, who wants to sell the two residences on the subject property, separately. The applicant is remodeling but there will be no change in the square footage of the homes. It is probably in non-conformance now because there are two residences on one lot, which is against Code.

**Comments and Questions:**

Ms. Turnbo identified that the lot is in the HP zoning. Mr. Dunham asked what would be the proposed access to Tract B. Mr. Sack replied West Golden is the accessibility.

**Interested Parties:**

**Emily Warner**, 1011 N. Cheyenne, stated she is the President of the Brady Heights Neighborhood Association. She is also a member of the Tulsa Preservation Commission, and serves on the Certificate of Appropriateness. She stated that the reason she came because it was not clear that the application was for a lot split. She stated that they do not oppose the lot split.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of land area per dwelling unit on Tract B, from 6,750 square feet to 4,938 square feet; a **Variance** of livability space on Tract B from 2,500 square feet to 2,173 square feet; a **Variance** of required minimum lot area on Tract A from 5,500 square feet to 5,131 square feet; a **Variance** of required minimum lot area on Tract B from 5,500 square feet to 3,138 square feet; a **Variance** of required setback from West Golden from 20' to 12'6"; and a **Variance** of the required rear yard from

Case No. 18861 (continued)

20' to 3.4', conditioned that permission of the Historic Preservation Society be obtained before removing the garage, finding the hardship to be that this is improving a non-conforming condition, on the following described property:

\*\*\*\*\*.

**Case No. 18862**

**Action Requested:**

Special Exception to permit the construction of an automobile repair and service facility on the easterly 171.28' of Lot 1, Block 1, Meadow Brook Village Addition. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located S & E S. Mingo Rd. & E. 81<sup>st</sup> St. S.

**Presentation:**

**Bill LaFortune**, 2900 Mid-Continent Tower, stated the request and listed a brief history of the subject property. He submitted photographs (Exhibit R-2) to show that it would not be injurious to the neighborhood or detrimental to the public. He stated that it would be consistent with other businesses at that location.

**Protestants:**

None.

**Board Action:**

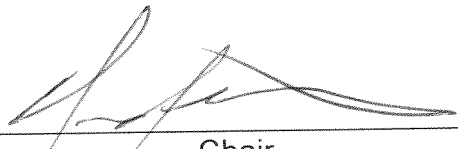
On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit the construction of an automobile repair and service facility on the easterly 171.28' of Lot 1, Block 1, Meadow Brook Village Addition, per plan, on the following described property:

The E 171.28' of Lot 1, Block 1, Meadow Brook Village Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*.

There being no further business, the meeting was adjourned at 5:13 p.m.

Date approved: October 24, 2000

  
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Chair