

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 810**  
Tuesday, January 9, 2001, 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  
Turnbo  
White, Chair  
Perkins

Beach  
Butler

Prather, Legal

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600, on Thursday, January 4, 2001, at 10:00 a.m., as well as at the City Clerk's office, City Hall.

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

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**Case No. 18915**

**Action Requested:**

Mr. Beach stated the applicant has withdrawn, finding there is no need for more relief.

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**Case No. 18929**

**Action Requested:**

Mr. Beach stated the applicant has withdrawn this application.

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**Case No. 18945**

**Action Requested:**

Mr. Beach stated the applicant has withdrawn this application.

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**Case No. 18950**

**Action Requested:**

Mr. Beach stated an Interested Party made an untimely request on January 8, 2001 for Continuance to January 23, 2001.

**Comments and Questions:**

Chair White asked Mr. Beach what reasons were stated for the Continuance request. Mr. Beach replied the Interested Parties stated that they did not receive timely notice of the hearing, and that the sign was not placed properly. Chair White asked the applicant if a Continuance would be a problem for him. Mr. Raskin responded that he followed proper procedure for application, advertisement and notification, and that the sign was placed properly. Mr. Beach stated that notices were mailed out on time, December 28, 2000; one was sent to one of the Interested Parties requesting Continuance. The Chair stated that the case would be heard in order as on the agenda.

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**MINUTES:**

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** the Minutes of December 12, 2000 (No. 809), as amended.

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**UNFINISHED BUSINESS**

**Case No. 18896**

**Action Requested:**

Special Exception to permit a Bed and Breakfast Inn in an OL zoned district. SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS – Use Unit 2, located 1819 E. 15<sup>th</sup> St.

**Presentation:**

**Darrell Brown**, 7204 E. 90<sup>th</sup> Pl., submitted a site plan (Exhibit A-1) to the Board.

**Comments and Questions:**

Chair White recalled the legal description was in question last time. Mr. Brown pointed out Lot 17 only would be used for the Bed and Breakfast. Mr. Dunham asked about the sign that needed approval. Mr. Beach stated that the Code specifies that the Board approve the size, type and location of all Bed and Breakfast signs. Mr. Brown responded that the sign plan is not available yet. He requested that a sign plan be approved according to the maximum requirements of the Code.

**Mr. Cooper arrived at 1:17 p.m.**

Mr. Dunham stated the requirements for the benefit of the applicant, no larger than 5' x 5'; no taller than 6'; no closer to the front property line than 5'; and within 20' of the center of the property. Mr. Brown indicated that was agreeable.

Case No. 18896 (continued)

**Interested Parties:**

No interested parties wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-0-1 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; Cooper "abstained"; no "absences") to **APPROVE** a **Special Exception** to permit a Bed and Breakfast Inn in an OL zoned district, per plan presented, and a sign be permitted no larger than 5' x 5', illuminated by constant light, no taller than 6', no closer to the front or south property line than 5', to be located within 20' of the centerline of the property, on the following described property:

Lot 17, Block 3, Terrace Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18923**

**Action Requested:**

Variance of setback requirements for parking and structure parking. SECTION 1302.B. SETBACKS; a Special Exception for church use. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance of height limitation from 35' to 51'. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, located 4102 East 61<sup>st</sup> Street.

**Presentation:**

Before presentation, **Jim Goodwin**, 624 E. Archer, asked a few questions regarding concerns of an interested party that Mr. White would need to abstain. He submitted a letter (Exhibit B-2) from 1994 regarding the White Surveying Company doing work on a project on this property. Discussion ensued and **Chair White abstained on this case**. Mr. Goodwin also informed the Board that the sign of notice was not placed on the subject property. Mr. Prather stated that this matter could be heard at this time or at the time for Interested Parties. Mr. Dunham stated that the applicant could present while legal researched the issue of the sign placement.

**Kevin C. Coutant**, 320 S. Boston, asked for the case to be tabled until this issue was decided. He had submitted a packet to the Board, including the site plan and photographs (Exhibit B-1).

Mr. Dunham stated the Board would hear the next case.

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**Case No. 18932**

**Action Requested:**

Variance of required parking of 9 spaces to 8 spaces. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements, located 6287 E. 38<sup>th</sup> St. S.

**Presentation:**

**Lynn Coye**, 6287 E. 38<sup>th</sup> St. came before the Board to present her application.

**Comments and Questions:**

Mr. Dunham asked if she was seeking approval for the existing parking. Ms. Coye replied in the affirmative.

**Interested Parties:**

There were no interested parties who wished to speak.

**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 required parking of 9 spaces to 8 spaces, finding the hardship to be the size of the lot and the building is existing, on the following described property:

The W 75' of the S 225' of Lot 1, Block 1, Wilmot Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18923**

**Action Requested:**

Variance of setback requirements for parking and structure parking. SECTION 1302.B. SETBACKS; a Special Exception for church use. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance of height limitation from 35' to 51'. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, located 4102 East 61<sup>st</sup> Street.

**Comments and Questions:**

Mr. Prather, informed the Board that the sign would need to be placed properly for the Special Exception but would not be required for the Variances. Mr. Coutant explained to the Board that the Special Exception previously granted did not cover the property in question. After discussion it was confirmed that the sign had not been placed on the property involved. Mr. Coutant asked for a Continuance rather than to present the Variances without the Special Exception at this time to avoid unnecessary confusion. Mr. Goodwin responded that he would give written notice to the Board to waive any further objection to the notice issue, once it is placed properly for the next hearing.

Case No. 18923 (continued)

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; White "abstained"; no "absences") to **CONTINUE** Case No. 18923 to the hearing on January 23, 2001.

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**Case No. 18933**

**Action Requested:**

Variance of the required side yard in an RM-2 district from 10' to 5' to permit four duplex buildings on four lots. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS. Use Unit 7. Duplex Dwelling, located W. 51<sup>st</sup> St. ¼ mile W of S. Elwood Ave.

**Presentation:**

**Dennis Hall**, 4948 S. Union, stated they have property zoned RM-2 and split into 4 lots. He stated they want to build duplexes and the property meets the requirements for RD zoning. He added he wants to reduce the side yard setback requirements to conform to RD zoning.

**Comments and Questions:**

Mr. Beach stated that there is insufficient parking space. The parking for each duplex must be side-by-side not end-to-end. Mr. Hall responded that their plan is to provide side-by-side parking for each unit. Mr. White asked if the 11' setback from the new property line would be a problem for the driveway parking. Mr. Beach replied that would not allow enough room for parking. Mr. Hall assured them there would be plenty of depth and would move everything back

**Interested Parties:**

There were no interested parties who wished to speak.

**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 side yard in an RM-2 district from 10' to 5' to permit four duplex buildings on four lots, finding the hardship to be the zoning would allow greater density than what is proposed, on the following described property:

Lot 3: The W 65' of the W 440' and the W 24' of the E 60' of the W 125' of the W 440' all in NE/4 lying N of the right-of-way of I-44, Section 35, T-19-N, R-12-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma. Lot 2: The E 36' of the E 60' of the W 125' of the W 440' and the W 43' of the E 61.5' of the W 186.5' of the W 440' all in NE/4 lying N of the right-of-way of I-44, Section 35, T-19-N, R-12-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma. Lot 1: The E 18.50' of the E

Case No. 18933 (continued)

61.50' of the W 186.5' of the W 440' and the E 61.5' of the W 248' of the W 440' all in NE/4 lying N of the right-of-way of I-44, Section 35, T-19-N, R-12-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18944**

**Action Requested:**

Special Exception for a mobile home dwelling in a CH zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 9, located 4120 E. Admiral Pl.

**Presentation:**

**Paul Padgett**, 4120 E. Admiral Pl., stated he desired approval for a mobile home on his property.

**Comments and Questions:**

Mr. Dunham asked if this was the property behind the fence. Mr. Padgett replied that it is behind an 8' privacy fence. Mr. Dunham stated that there appeared to be a mobile home on the property now. He replied that was correct. Mr. Dunham asked if he was seeking approval for a mobile home already on the property. Mr. Padgett responded that was correct. He stated that they have had electrical engineers, and inspectors. They have been approved on everything including plumbing, site plan, and pad. Mr. White asked how long it has been in place. Mr. Padgett replied it had been there for three months. Mr. Padgett stated that when he found out that he needed Board of Adjustment (BOA) approval, he stopped all activity until the hearing.

**Interested Parties:**

**Dwight Jones**, 4109 E. Admiral Boulevard, stated he has a lot behind the subject property on the south. He stated that he had lived in the area since 1945 and watched the development. He was concerned about anything that would change the land use from something other than the CH zoning. He protested mobile homes in particular and residential use also.

Chair White stated that he had a letter of request for Continuance (Exhibit C-1) from Councilor Roscoe Turner, though it was untimely.

**Comments and Questions:**

Mr. Dunham asked if this was a mobile home or a pre-manufactured building. Mr. Padgett responded that it is a manufactured home. Mr. Dunham asked if the type of fence used was within the Code. Mr. Beach replied that the fence met Code for a CH zoned district. Mr. Cooper asked why the applicant felt it was necessary to live on the business property. Mr. Padgett stated that he has a recording studio, and does commercials for television and radio. He does not cater to the public and

Case No. 18944 (continued)

so he does not need a sign. The fence was for security for his business equipment and his family. He and his wife had hoped to have the business running well enough to get a home at another location. Mr. Cooper asked if they see this as a temporary situation. Mr. Padgett responded that they do plan for it to be temporary. Mr. White asked if the house has a foundation. Mr. Padgett stated that it does have a foundation. Ms. Perkins asked why he came to the BOA if the foundation and everything was already done. Mr. Padgett replied that in response to safety concerns brought to his attention by the electrician, he discovered he needed to go before the Board.

**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 **Special Exception** for a mobile home dwelling in a CH zoned district, for a period of five years, 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 5, of the Resubdivision of Lots 1, 2, 3, 4, 5, 16, 17, 18, 19 and 20, Block 1, and of Lot 1, Block 2, Rodger's Heights Subdivision to Tulsa County, Oklahoma, now an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, less and except the N 29.25' previously conveyed to the City of Tulsa, Oklahoma.

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**Case No. 18946**

**Action Requested:**

Variance of the required 25' rear setback to 9'0" for addition to existing garage. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located S of SW/c E. 45<sup>th</sup> St. & Columbia Ave.

**Presentation:**

**Danny Mitchell**, 4111 S. Darlington, stated he was the architect for the project. He described the setback problems. He suggested that the owners would be open to a tie-agreement if needed.

**Comments and Questions:**

Mr. Beach pointed out information in the packet from the original plat, and showed in comparison to the current lot, that the lot appears to have been split at some time.

**Interested Parties:**

**Herman Myer**, 4605 S. Columbia, indicated that major renovations have been done on the interior and exterior of the house. He stated that this is the second application to the BOA on this property. He added that he does not know what the

plans for the property are, and so he does not know whether he should protest. He suggested that it would help if the applicant would inform the neighbors of the plans so that the neighbors could know how to respond to the applications. He suggests since the project has been so long that the applicant should present the whole project to the BOA and deal with it all at one time.

**Richard Gilmore**, 4500 S. Columbia, stated that he had not planned to protest. He is in agreement with Mr. Myer that it would help to know what the project is, so they can determine how it is going to affect the street and neighborhood.

**Sue Wilson**, 4545 S. Columbia, stated she does not understand what is being requested, and was interested in more information.

Mr. Mitchell described the intent was to expand the garage from a compact two-car to a four-car garage. He stated that during the necessary absence of the owner the large interior projects have been accomplished. The applicant wanted to make a change in the plans, which required this application.

**Pearl McLain** stated that she was the owner of the property directly south of the subject property (no address given). She informed the Board that she had owned her land for many years. She pointed out that the houses behind her were built over a ravine and were now higher than her property. She stated her concern for stormwater drainage. Mr. Beach informed Ms. McLain that this issue was not in the BOA jurisdiction.

**Applicant's Rebuttal:**

Mr. Mitchell stated that when they seek the building permit, they would have to meet the requirements of the Stormwater Management Department. Mr. Mitchell stated again that the owners were willing to sign a tie-agreement. Mr. Beach reminded him that one lot is in a PUD and if they chose to have a tie-agreement, then the PUD would have to be amended to include the other lot. Mr. Cooper asked for the hardship to be stated. Mr. Mitchell replied the size and configuration of the lot. Mr. Cooper asked what prevented him from keeping it at the non-conforming standard that exists. Mr. Mitchell indicated there was not enough depth on the property. Board discussion ensued.

**Board Action:**

On **MOTION** of **Cooper**, the Board voted 2-3-0 (Dunham, Cooper "aye"; White, Turnbo, Perkins "nay"; no "abstentions"; no "absences") to **DENY** a **Variance** of the required 25' rear setback to 9'0" for addition to existing garage, finding there is not a satisfactory hardship. Motion failed for lack of three affirmative votes.



Case No. 18946 (continued)

On **MOTION** of **Perkins**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") for **Reconsideration** of the motion and vote on Case No. 18946.

On **MOTION** of **Cooper**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of the required 25' rear setback to 9'0" for addition to existing garage, finding there is no hardship.

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#### **Case No. 18947**

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

Variance of setback from 50' to 49' to permit an existing encroachment. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 11, located E. 21<sup>st</sup> St. & S. Garnett.

**Ms. Turnbo stated she would abstain.**

##### **Presentation:**

**Brad Beasley**, 100 W. 5<sup>th</sup> St., Ste. 800, stated he represented the owner of the subject property. This is an existing structure, a medical clinic. Mr. Beasley stated the request and reason for the application.

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

Mr. White asked if this was for title clearance. Mr. Beasley replied that it was. Mr. Dunham asked if it was to approve an existing condition. Mr. Beasley replied in the affirmative.

##### **Interested Parties:**

There were no interested parties who wished to speak.

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

On **MOTION** of **Dunham**, the Board voted 4-0-1(White, Dunham, Perkins, Cooper "aye"; no "nays"; Turnbo "abstained"; no "absences") to **APPROVE** a **Variance** of setback from 50' to 49' to permit an existing encroachment, to correct an existing condition, on the following described property:

Lots 14, 15, Block 2, 21 Garnett Place, a Resubdivision of Part of Lot 1 and Lots 2, 3, Garnett Plaza, an addition in the City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18948**

**Action Requested:**

Variance to allow a detached accessory building (carport) in the front yard. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; and a Variance of front building line requirement of 25' down to 5.3'. SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts, located 11503 E. 7<sup>th</sup> St.

**Presentation:**

**Betty Reynolds**, (no address given), stated that she and her husband went to get a permit to build a carport and they were told to, "go ahead and put it up". She offered to give the person's name. She stated that after the carport was built someone from Public Works asked if they had a permit. She added that they returned to the permit office, paid the fee. She stated they were informed they could pick up their permit in a couple of days, but they were given a letter of denial. Ms. Reynolds stated that they went to INCOG to make application and paid the fees. She submitted a letter of petition with neighbors' signatures, and photographs of the carport (Exhibits D-1 and D-2).

**Comments and Questions:**

Mr. White asked when the carport was built. She replied that it was built in November, 2000. Mr. White stated that there are other carports existing in the neighborhood. Mr. White checked with Mr. Beach regarding the attachment and physical support of the carport. Mr. Beach responded that it qualified as a detached carport.

Board discussion ensued. Mr. Cooper stated that he would request the City Council to look at this issue in their work program for 2002. He indicated that better communication could avoid unnecessary confusion and expense. Ms. Perkins and Mr. Dunham pointed out that the applicant did everything she was supposed to do.

**Interested Parties:**

Mr. White noted that the Board has petitions signed by eleven neighbors' signatures of approval of the application. There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins "aye"; Cooper "nay"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to allow a detached accessory building (carport) in the front yard; and a **Variance** of front building line requirement of 25' down to 5.3', finding there are other carports in the area, there are no protests and the neighbors that would be most affected are in support of the application, on the following described property:

Case No. 18948 (continued)

A part of Lot 17, Block 8, Western Village, City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows: Beg. at the SW/c of Lot 17, Block 8, Western Village; thence N 78°51.5' E on the S property line of Lot 17, a distance of 68.0' to the SE/c of Lot 17; thence N 11°08.5' W a distance of 120.0' to the NE/c of Lot 17; thence S 78°51.5' W a distance of 61.30' to a point; thence S 7°56.60' E a distance of 120.19' to the POB.

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**Case No.18949**

**Action Requested:**

Special Exception to permit a monopole cellular tower and accessory uses in an RS-1 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 4, located E of NE/c E. 36<sup>th</sup> St. & Lewis.

**Presentation:**

Mr. Beach pointed out that the application is for a cellular antenna to be located on an existing power pole, and accessory uses in an RS-1 district.

**Dennis Fox**, 522 Colcord Drive, Oklahoma City, OK, a municipal lawyer in the State of Oklahoma, stated he represented Sprint. He stated that Robert Crain is the site acquisition specialist, and present at this hearing. Mr. Fox stated that this pole is within 150' of an existing PSO tower with an antenna. He reminded the Board that the case regarding that tower went on to court, and the court found in favor of the Board of Adjustment (BOA). He submitted a site plan and photographs (Exhibit E-1 and E-2). He described the proposed antenna as a treetop antenna to be placed on an existing 75' power pole.

**Comments and Questions:**

Mr. Dunham asked if they could collocate with the existing tower. Mr. Fox replied that structurally, they could not collocate because they would need ten feet of separation and the proposed antenna needs to be at the same height as the existing antenna. Mr. Fox stated that the need for this antenna is for adequate coverage. He submitted a grid (Exhibit E-3) showing the area coverage.

**Robert Crain**, pointed out the areas, on the grid map, lacking coverage because of the hilly topography of the area. Mr. Dunham asked about the ground facility for this antenna. Mr. Crain showed the Board where the cabinets would be located in a notched area in the fence. The cabinets would be about 5' x 6'. PSO and Sprint have a working relationship with a master lease agreement in place to collocate on an existing power pole, which fits their needs structurally, where available. Sprint proposed to put the cabinets in that spot with a privacy fence and landscaping for screening.

Mr. Fox reviewed each of the following eleven criteria, stating Sprint's response to each for this application. The height of the existing pole is 75' and with the antenna it would be no more than 85'; the proximity of the tower to residential structures would be in excess of 230' to 280', residential district boundaries abutting all sides and an existing tower is 50'; Nature of uses on adjacent and nearby properties are: a power station on north, a SWB station on south and fire station on southwest; surrounding topography is hilly and rolling; surrounding urban tree coverage and wooded in the general area; existing power pole; the antenna proposed has three sides and two antennas on each side, and the proposed pole would not accommodate collocation; the 5' x 6' cabinets would be surrounded by an 8' stockade fence around a 20' x 20' leased area; proposed ingress and egress would be off of 36<sup>th</sup> Street; the need for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area was demonstrated by maps and requirement by federal mandate to provide full coverage; the size of the tract is 453' x 135', and most likely there would be no future development other than utilities. Mr. Beach stated the landscaping requirements, and Mr. Fox replied that they do not want a variance from any of the landscaping requirements, and Sprint plans to comply. Mr. Beach asked if they would need to remove any existing trees. Mr. Fox responded that a few evergreens would be removed but they would replace them.

**Chair White out at 3:35.**

**Interested Parties:**

**Sheila Brunton**, 3507 S. Lewis, stated that she lives directly north of the PSO station. She stated that she has contacted PSO multiple times by letter, phone, and in person regarding the need for better screening and landscaping at this site. She added that the response was that they indicated it is one of the better PSO sites.

**Chair White returned at 3:37.**

Ms. Brunton stated that in 1998 AT&T proposed to put an antenna on the existing pole. She complained that the landscaping that was planted was poorly tended, and some trees died. She indicated that it is unsightly. Ms. Brunton also pointed out the elevation of the site makes it even more visible.

**Bonnie Henke**, 3449 S. Atlanta Pl., stated that she and her husband sent a letter of protest that is in the agenda packet. She complained that promises made by the prior applicant have not been kept. Ms. Henke pointed out that there are several residents within the 300' radius that did not receive notice of this case. She submitted photographs to the Board (Exhibit E-2).

**Frank Henke**, 3449 S. Atlanta Pl., stated he has been before the BOA many times regarding this site. He protested the application for reasons of safety because 36<sup>th</sup> Street as a bicycle route, and also that PSO has no information regarding the wind strength of the power pole foundations. He added that the BOA had been informed in a previous case that these poles were designed as anti-climbing poles. Mr. Henke stated that the electrical apparatus are within ten feet of the ground and can easily be climbed.

**Comments and Questions:**

Mr. Dunham commented that the power pole and equipment is an existing condition. Mr. Henke responded that it was not an existing condition, because an additional box was placed on the pole with metal bands. Mr. Henke noted that this AT & T pole is the only location in Tulsa that does not have a safety fence around it. Ms. Turnbo asked if he was going to ask PSO to remove the existing tower because he feels they are not safe. He replied that he has not contacted them, but he intends to. He stated that in his opinion this is an extension of a non-conforming use.

**Applicant's Rebuttal:**

Mr. Fox pointed out that Sprint is putting up this antenna because of the federal mandate to provide adequate coverage. He stated that the best place to put a new antenna is on an existing pole. He assured the Board that Sprint would do whatever necessary to landscape and maintain it. Mr. Fox considered the power lines to be the biggest safety issue and yet they were going to remain. He stated they are simply trying to blend in with the existing conditions.

**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 a monopole cellular tower and accessory uses in an RS-1 district, finding: height of the existing pole is 75' and with the antenna it would be no more than 85'; the proximity of the tower to residential structures would be in excess of 230' to 280', residential district boundaries abutting all sides and an existing tower is 50'; nature of uses on adjacent and nearby properties are: a PSO power station on northeast, a condominium on northwest, a SWB station on southeast and fire station on southwest, and RS-1 to the north and east; surrounding topography is hilly and rolling; surrounding urban tree coverage and wooded in the general area; existing power monopole; the antenna proposed has three sides and two antennas on each side, and the proposed pole would not accommodate collocation; the 5' x 6' cabinets would be surrounded by a well maintained 8' wood privacy fence around the 20' x 20' leased area; proposed ingress and egress would be off of 36<sup>th</sup> Street; the need for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area as demonstrated by maps and requirement by

Case No. 18949 (continued)

federal mandate to provide full coverage; the size of the tract is 453' x 135', and no future development other than utilities planned at this time; on condition that the applicant plant and maintain landscaping to obstruct view of the structure, per plan submitted, finding that the pole is existing and 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 7, Block 4, Oak View Estates, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18950**

**Action Requested:**

Special Exception to allow a multi-family use in an OL zoned district. SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS – Use Unit 8; and a Variance to allow RM-2 Bulk and Area requirements for this development. SECTION 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS, located SE/c E. 17<sup>th</sup> St. & S. Cheyenne Ave.

**Presentation:**

**Robert Raskin**, 1624 S. Peoria, stated he was asking for a Variance and zoning change to construct a three-level condominium or apartment building with 17 units and 36 parking spaces, 32 of which would be underground.

### Comments and Questions:

Mr. White stated the Board did not have anything but the underground sketch. Mr. White asked if the applicant has a larger drawing. This was the first time staff or the Board had seen the site plan. Mr. Raskin submitted a site plan, sketches and photographs (Exhibits F-, F-2, F-3).

**Interested Parties:**

**Mike Tedford**, 1628 S. Cheyenne, stated he was with the Riverview Neighborhood Association. Mr. Hull was the one who presented a letter requesting a Continuance, and he had to leave. Mr. Tedford stated he also requests a Continuance. He spoke with a homeowner in the area, Darrell Williard, who received his notification on Saturday before the hearing, and Ms. Christine Dixon, who has received memorandums from the City for the neighborhood association. The property originally appeared to be located in Mapleridge and the original notification may have gone to that association. It is actually located in the Riverview Neighborhood. He stated that they are not actually protesting, they just have some questions. His association would like to have time to see the plans and discuss them with the applicant.

**Lucky Lamons**, 205 and 209 W. 17<sup>th</sup> St., stated he was representing 13 units in the complex of the Oakshire Homeowners' Association. He stated he was not

Case No. 18950 (continued)

there to protest but to request time to see the plans, and discuss at the annual association meeting on January 26, 2001.

**Howard Raskin**, 5726 S. Delaware, stated he was working on the construction of this project. He commented that he spoke with Mr. Lamons about three weeks prior to the hearing and gave him all the information about the plans, though he did not have the completed site plan. He stated that if the Board considers they have not provided the proper information then the applicant would be willing to discuss the plans with the interested parties.

**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 **CONTINUE** Case No. 18950 to the hearing on January 23, 2001.

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**Case No.18952**

**Action Requested:**

Special Exception of allowable height for a fence in the required front yard from 4' to 8' for solid cedar privacy fence. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 8, located E of SE/c E. 61<sup>st</sup> St. & S. Yorktown.

**Presentation:**

**Sandi Ries**, 2130 E. 61<sup>st</sup>, Apt. E, stated she was representing Green Briar Apartments.

**Comments and Questions:**

Mr. White asked if the fence was to run along the creek only. Ms. Ries replied in the affirmative. Mr. Beach stated that there is a wrought iron fence along 61<sup>st</sup> Street, and the applicant wants to put up a solid fence from the front fence along the east property line to the setback line. Mr. Cooper asked about the possibility of the fence decreasing the line of sight. Mr. White assured him it would not obstruct the view of drivers.

**Interested Parties:**

No interested parties wished to speak.

**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 allowable height for a fence in the required front yard from 4' to 8' for solid cedar privacy fence, pertaining only to the east boundary line of this property, finding that it will be in harmony with the spirit and intent of the Code, and will not

Case No. 18952 (continued)

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

All of Lot 1, Block 1, Yorktown Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18953**

**Action Requested:**

Minor Variance of the required rear yard from 20' to 16'0" to construct a covered patio. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 6830 E. 81<sup>st</sup> Pl. S.

**Presentation:**

**Brian Hart**, 7734 S. Braden Ave., stated he represented Marathon Homes. He stated that they constructed and completed a home at this address about three months ago. He secured a contract about thirty days ago, with a stipulation to add a covered patio on the rear of the house. Mr. Hart stated that this would cause an encroachment of the rear building line on one corner by about four feet and decreases toward the middle of the house to about one foot.

**Comments and Questions:**

Ms. Perkins asked if the roof would be attached and just like the rest of the house. Mr. Hart replied in the affirmative. Mr. Dunham asked if it would be open-sided. Mr. Hart responded that two posts at the rear portion of the structure would support it.

**Interested Parties:**

There were no interested parties that wished to speak.

**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 **Minor Variance** of the required rear yard from 20' to 16'0" to construct a covered patio, with the condition that the sides remain open, finding the hardship to be the size of the lot, and that it 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:

Lot 16, Block 12, The Crescent Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18954**

**Action Requested:**

Variance from required 20' front yard to 8' front yard. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance from required 20' rear yard to 18' rear yard. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 601 – 617 N. Cheyenne.

**Presentation:**

**David Giacomo**, for Hurst Swiggart, stated the request. He explained the hardship of the fall and depth of the lot, and the need to maintain the character and style of the neighboring houses.

**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** from required 20' front yard to 8' front yard; and a **Variance** from required 20' rear yard to 18' rear yard, per plan, finding the hardship to be the unique character of the neighborhood, the HP zoning, lot configuration and similar variances approved previously in this neighborhood, on the following described property:

Tract "A", A part of Lot 5 and Lot 6, Block 4, North Tulsa, more particularly described as follows: The S 10' of the W 101.1' of Lot 5, Block 4 of said Addition and the N 40' of the W 101.1' of Lot 6, Block 4, and the S 25' of the N 65' of the W 111' of Lot 6, Block 4; Tract "B", A part of Lot 6 and Lot 7, Block 4, North Tulsa, more particularly described as follows: The S 25' of the W 111' of Lot 6, Block 4, and part of Lot 7 described as follows: Beg. at the NW/c of said Lot 7; thence S along the W line of said Lot 7 a distance of 49.15'; thence SEly along a curve to the left, said curve having a radius of 7.00' (tangent bears due S) and a central angle of 6°56'07" for an arc length of 0.85'; thence E parallel with the N line of said Lot 7 a distance of 110.95'; thence N parallel to the W line of Lot 7 a distance of 50.00' to the N line of said Lot 7; thence W along the N line of said Lot 7 a distance of 111.00' to the POB; and Tract "C", A part of Lot 7 and Lot 8, Block 4, North Tulsa, more particularly described as follows: Beg. at the SW/c of said Lot 8; thence N along the W line of said Lot 8 a distance of 19.80'; thence NEly along a curve to the left, said curve having a radius of 56.00', (tangent bears N 64°37'23" E) and a central angle of 125°08'48" for an arc length of 122.32' to a point of reverse curve; thence continuing NWly on a curve to right, said curve having a radius of 7.00' (tangent bears N 60°30'25" W) having a central angle of 53°35'18" for an arc length of 6.55'; thence E parallel to the N line of said Lot 8 a distance of 110.95'; thence S parallel to the W line of said Lot 8 a distance of 134.61' to the S line of said Lot 8; thence NWly along the S line of said Lot 8 a distance of 111.47' to the POB, all in the City of Tulsa, Tulsa County, Oklahoma.

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**Case No. 18955**

**Action Requested:**

Special Exception to allow Use Unit 15 in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15, located NW/c E. 51<sup>st</sup> St. & S. Mingo Rd.

**Presentation:**

**Lou Reynolds**, 2727 E. 21<sup>st</sup> St., stated he represents the applicant, 21<sup>st</sup> Properties. They are designing a new building to construct on this site to accommodate for Use Unit 15.

**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 Use Unit 15 in a CS zoned district, finding it to be consistent with other uses in the area, on the following described property:

Part of Lot 2, Block 1, Amended Plat of Regency Center, City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Beg. at the NE/c of said Lot 2, Block 1; thence S 0°08'44" E along an E line of said Lot 2 a distance of 319.90'; thence S 89°55'25" W parallel to and 65' perpendicular distant from the S line of said Lot 2, Block 1 and the N line of Lot 3, Block 1 of said Amended Plat of Regency Center, a distance of 291.81'; thence due N a distance of 295.28'; thence due W parallel to and 25' perpendicularly distant from the N line of said Lot 2, Block 1, a distance of 249.00'; thence due N a distance of 25.00' to a point on the N line of said Lot 2, Block 1; thence due E along the N line of said Lot 2, Block 1, a distance of 540.00' to the POB.

\*\*\*\*\*.

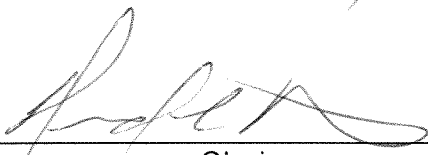
**Election of Officers:**

On **MOTION** of **Perkins**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **REINSTATE** the current officers in their same offices for the upcoming year.

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There being no further business, the meeting was adjourned at 4:44 p.m.

Date approved: JANUARY 23, 2001

  
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Chair