

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 811
Tuesday, January 23, 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 | Turnbo | Beach | Prather, Legal |
| Cooper | | Butler | Parnell, |
| White, Chair | | | Neighborhood Insp. |
| Perkins | | | |

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Friday, January 19, 2001, at 9:55 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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MINUTES:

On **MOTION** of Dunham, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** the Minutes of January 9, 2001 (No. 810).

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CONTINUANCE REQUESTS & WITHDRAWALS

Case No. 18956

Action Requested:

Special Exception to allow a duplex in an RS-3 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 7, located W of NW/c E. 32nd Pl. & N. Lewis.

Presentation:

Mr. Beach stated that there was some confusion regarding permission of the owner for the applicant to file this application on the property. He added that the Staff recommends a Continuance to February 13, 2001. The applicant was not present.

Case No. 18956 (continued)

Interested Parties:

F.M. Carter, 2231 E. 32nd Pl. N., stated he was the owner of the property, and he was not going to sell the property to the applicant.

Comments and Questions:

Mr. Dunham explained to the owner, that applicant made application and paid the fees so the Board will hear him. He stated that since Mr. Carter was on record that he would not sell the property, then the Board would not approve the application.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **CONTINUE** Case No. 18956 to the hearing on February 13, 2001.

UNFINISHED BUSINESS

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 61st Street.

Chair White stated he would abstain from this case.

Comments and Questions:

Mr. Dunham informed the applicant and Interested Parties that there were only three Board members to vote on the case, and it would take a unanimous decision for any action.

Presentation:

Kevin Coutant, 320 S. Boston, stated he wanted to defer to momentarily to the counsel for the Livingston Park South Homeowners' Association.

Interested Parties:

Jim Goodwin, 624 E. Archer, stated he represented the homeowners' association. He stated that through negotiations and continuance of this case the majority of the association and the applicant resolved their differences and came to an agreement.

Presentation:

Kevin Coutant submitted a packet of the site plan, drawings and photographs (A-1) to the Board. Mr. Coutant stated that the applicant agreed to withdraw the

Variance for building height for the proposed community center facility. He gave a brief history of the property, that the church purchased over time in two different parcels. The first parcel was in RS-3 zoning, and the surrounding parcel was RM-1, which was acquired later. The existing facility overlaps into both parcels and a Special Exception permitted church use per plan. The applicant asked for a general Special Exception for church use for the whole property for absolute clarity. He identified the proposed structure of a community center with gymnasium, with related locker rooms, offices, and workrooms to be located on an area currently occupied primarily by parking. He then pointed out the second proposed structure, which would be a single-level parking platform, with ramps at both ends. He informed the Board that agreements with the homeowners' association included the exclusion of parking under the community center. This location has a higher elevation than the topography of the rest of the property and the homeowners objected to an obstruction of view. He noted the presence of the lower elevation for drainage into the detention pond to the east of the subject property. Mr. Coutant described the sloping topography, descending elevation, and existing retaining walls that would make this location efficient for accessibility, design and expense. He added that there would be an at-grade level of parking below the platform parking. The agreement also includes lowering the interior headroom of the structure to 7.5'. He pointed out the agreement includes landscaping with a minimum of 22 mature trees along the street frontages, with not less than one mature tree in front of each vertical structural support of the parking platform. Mr. Coutant went over the Variance of setback requested for the Board.

Comments and Questions:

Mr. Dunham asked if Mr. Coutant was simply asking for the setbacks per plan and if that was in agreement with the homeowners. He replied in the affirmative. Mr. Coutant submitted copies of the agreement between the applicant and homeowners' association (Exhibit A-3) to the Board. Mr. Coutant read the agreement that the church would not plan to construct additional parking facilities on the east of the existing church building or any structure having more than one level on the property to the west of the existing church building. Mr. Cooper asked for clarification of the hardship. Mr. Coutant responded that the hardship arises out of the topographic limitations to the use of the property, because of the extreme downgrade as the property moves away from the existing building, and the ability to find appropriate location for additional parking is very limited.

Interested Parties:

Carl Cannizzaro, 6201 S. Quebec, stated that he does not believe that the agreement signed a few minutes before the meeting and presented to the Board, represented the will of the homeowners' association. He submitted a packet of exhibits (A-2) to the Board. He stated that his biggest objection was to the Variance requested for the parking garage. Mr. Cannizzaro pointed out that the Variance would put the parking garage directly on 61st Street and Richmond. He

protested such a structure at the entrance to the Livingston Park subdivision. He stated that he had offered five alternatives for more parking as identified on page 3d in the exhibit packet submitted. He asked the Board to consider the aesthetics of the entrance to the subdivision and to deny the request for Variance.

Comments and Questions:

Mr. Dunham asked if Mr. Cannizzaro was from the same homeowners' association. He responded that he was from the same association.

Interested Parties:

David Winfrey, President of the Livingston Park South Homeowners' Association, stated that they had a meeting of all members interested in this issue and voted. The decision of the majority, with two dissenting votes was in favor of the agreement made with the applicant.

Emerson Parker, 6304 S. Richmond, stated he was not a member of the homeowners' association, and a new resident to the neighborhood. He stated his concern was that the Variance would cause too much traffic congestion if ingress and egress were on Richmond. He suggested that access be from 61st Street.

Gregory F. Pape, 6443 S. Richmond, stated he was a member of the Livingston Park South Homeowners' Association. He asked that Ms. Perkins abstain from the vote based upon her personal friendship.

Comments and Questions:

Mr. Dunham responded that if Ms. Perkins abstained there would not be a quorum to vote. Ms. Perkins stated that they used to go to church together. Legal counsel advised Ms. Perkins that if she can assure him that their friendship has no bearing on her decisions in the vote then she is allowed to vote. Mr. Cooper commented that if members abstain every time they have a relationship with someone, it would be excessive, and that is not grounds to abstain.

Bob Triplett, 4135 E. 62nd St., commented that this has been a very trying issue. He added that the homeowners' association and the architect have been very helpful. It is not fair to hold the church back from having growth.

Adell Blum, 6418n S. Sandusky, stated that she is impacted by the appearance of the proposed garage. She asked that the roof be left off of the garage.

Applicant's Rebuttal:

Mr. Coutant stated for clarification that the parking platform would not have a roof. He also stated he wanted to confirm just for the record, that Mr. White would be abstaining. Mr. White stated that he was correct. Mr. Coutant stated he heard that counsel advised Ms. Perkins that she could vote if it is a fact that her friendship

would have no affect on her vote. He requested a statement on the record that Ms. Perkins asserts that it would not affect her vote. Ms. Perkins stated that is what counsel advised. He noted that the functional front access is on the east where most of the parking is used, but that the architectural front is on the west. He stated they want to protect the beauty of that west entrance. He reiterated the key component to the written agreement, which was to lower the community center structure. He added that this impacted the need to create increased parking space on site. Mr. Coutant recognized that the agreement was not unanimous in the homeowners' association, but it was a decision by the majority of members.

Comments and Questions:

Mr. Cooper asked Mr. Coutant to show the portions of the parking structure that require a Variance. Mr. Beach clarified this information with the applicant and Board members.

Board discussion ensued.

Board Action:

On **Motion of Cooper**, the Board voted 3-0-1 (Dunham, Perkins, Cooper "aye"; no "nays"; White "abstained"; Turnbo "absent") to recognize the withdrawal of request for **Variance** of height limitation from 35' to 51'; to **APPROVE** a **Special Exception** for church use; and a **Variance** of setback requirements for parking and structure parking from 35' to 12' on 61st Street and from 25' to 3' on Richmond, finding the hardship to be the topography and the detention pond to the east, with the following conditions as summarized from the written agreement (see written agreement attachment to the minutes of record): the Community Center shall be lowered so that no variance for height shall be required. The maximum height of the building shall not exceed 772' above mean sea level; The parking platform planned for the northeast corner of the Kirk property shall be constructed with headroom between the surface parking and the "interior" bottom of the parking structure at seven and one-half feet instead of nine feet as originally proposed; Upon completion of the parking structure, the applicant will landscape the street frontage along 61st Street, Quebec and Richmond with not less than 22 mature trees with one mature tree in front of each vertical structure supporting the parking platform. The parties have agreed that they will select the variety of trees mutually. Kirk of the Hills agreed not to construct additional parking structures to this one shown on the plan, on the following described property:

The N 396' of the W 660' of Lot 2, Section 4, T-18-N, R13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, and all of Livingston Park Block 1, less and except the portion thereof subsequently platted as Livingston Park South.

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Case No. 18935

Action Requested:

Variance of the required setback from the freeway service road from 50' to 19'-5" to permit an addition to the existing building. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 2, located 10111 E. 45th Pl.

Comments and Questions:

Chair White asked the applicant for the roof height of the new addition. Mr. Stokely replied it is a two-story building, approximately 25'. Mr. Beach commented that this is a continuance from a previous Board of Adjustment (BOA) hearing. Mr. Dunham added that they approved a variance from 45th Pl. Mr. White stated the height would not block vision for the expressway.

Presentation:

Sam Stokely, stated he wanted to match up the height of the addition to the existing building. He indicated that the reason for the continuance was that the corner of the building comes so close to the setback line. He stated that the lot has an odd shape, and it is hard to fit a standard building on it.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of the required setback from the freeway service road from 50' to 19'-5" to permit an addition to the existing building, on the condition it not exceed the height of the existing building, and in no case exceed 35' in height, per plan, on the following described property:

A part of Lots 1 and 2, Block 1, Ideal Brick Industrial Tracts, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and an unplatted tract lying between said Lots 1 and 2, and all being more particularly described as follows, to-wit: Commencing at the SW/c of Lot 1, Block 1, Ideal Brick Industrial Tracts, according to the recorded plat thereof; thence N 89°53'07" E a distance of 176.00'; thence N 0°10'07" E a distance of 60.00' to a point, said point being on the N right-of-way line of E. 45h Pl. S.; thence N 89°53'07" E a distance of 225.86' to the POB; thence N 00°06'53" W a distance of 343.29' to a point on the S right-of-way line of the Broken Arrow Expressway (Oklahoma Highway 51); thence S 51°55'00" E, along said Sly right-of-way line a distance of 166.24' to a point; thence S 22°25'32" E along said right-of-way line a distance of 259.95' to a point on the N right-of-way line of E 45th Pl. S.; thence S 89°53'07" W along said right-of-way line a distance of 229.33' to the POB, and containing 50,000.27 square feet, or 1.1479 acres, more or less.

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Case No. 18938

Action Requested:

Variance of the maximum display surface area for a bulletin board from 32 square feet to 50 square feet. SECTION 402.B.4.a. ACCESSORY USES IN RESIDENTIAL DISTRICTS. – Use Unit 21, located 1438 S. Indianapolis Ave.

Presentation:

Ron Flanagan, 2745 E. Skelly Dr., Ste. 100, stated he was representing East Side Christian Church. He stated that they proposed to place a pole sign one block away from the church building on the parking lot. Mr. Cooper asked for an explanation of the need. He explained that they asked for an increase of display surface area because of the one block distance from the church. The additional 18 square foot space is in the name of the church, with the message space remaining the same. A site plan (Exhibit B-1) had been provided with the application.

Comments and Questions:

Mr. Beach gave clarification, stating that this might be considered a bulletin board, with the changeable copy on 35 square feet. Mr. Cooper asked if this was all fixed signage and not moveable bulletin board, how many square feet would be permitted. Mr. Beach replied the Code provides for educational, religious institutional, similar uses requiring announcements of activities; a bulletin board may be erected on each street frontage that shall not exceed 32 square feet in surface area. He added that this was under residential zoning district use conditions for special uses in residential districts. Mr. White noted that there are three street frontages on the one lot. He added that the request is for one sign of 50 square feet instead of three signs of 32 square feet.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of the maximum display surface area for a bulletin board from 32 square feet to 50 square feet, on the condition that it be limited to the pole sign, per plan, on the following described property:

Lots 3, 4, 5 and 21, Block 3; and Lots 1, 2, 3, 4, 5, and 6, Block 4, Summit Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18942

Action Requested:

Variance of the maximum display surface area for a sign from 260 SF to 303 SF. SECTION 602.B.4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS & BOA 17071, 6/13/95, located 7030 S. Yale.

Presentation:

John Moody, 7146 S. Canton, stated he was representing Northwestern Mutual Life Financial Network, for Gary Larsen. He gave a brief history of this case. He pointed out the steep topography at the intersection of 71st and Yale before some improvements were made. The Copper Oaks development includes this office building, which is about 800' away from Yale Avenue, under consideration in this case. He described all of the commercial development that has been built around this area. The BOA approved a 260 square feet display surface area for the original sign on the building. The original lettering was 48" in height, as it is today. Since then the company has changed their corporate name. Mr. Moody pointed out that it is important to them to have the full name to inform the public of their expanded services. They proposed to decrease the size of the lettering to 42" to stay within the approved area. He added that they are requesting this increase in display surface area to 303 square feet, and propose to leave out the word (Life), add the two new words (Financial Network), and decrease letter size, and still be large enough for good visibility.

Comments and Questions:

Mr. Cooper asked for a hardship. Mr. Moody responded that it would be the topography, and it is so far back from the street. Mr. White asked if the new sign would be in the same area as the existing sign. Mr. Dunham responded that it would be in the same location, but shorter in height and longer in width.

Interested Parties:

There were not interested parties who wished to speak.

Board discussion ensued.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-1-0 (White, Dunham, Perkins, "aye"; Cooper "nay"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of the maximum display surface area for a sign from 260 SF to 303 SF, per plan, finding the hardship to be the complexes across from commercial areas that are permitted greater amount of signage by right and finding that the building is located on an irregular shaped lot 380' from Yale Avenue with limited street exposure, on the following described property:

Beg. at the NE/c Lot 1, Block 1, Copper Oaks, an addition to the City of Tulsa, Tulsa County, State of Oklahoma; thence N 89°44'34" W a distance of 1,257.04'; thence S 0°04'22" E a distance of 330.11'; thence S 89°44'22" E a distance of 658.31'; thence S 0°02'11" E a distance of 270.14'; thence S 89°44'10" E a distance of 204.60'; thence N 0°06'40" E a distance of 52.76'; thence S 89°53'20" E a distance of 0.00'; thence a curve to the left w/ a central angle of 98°24'40", a radius of 5.00', a distance of 8.59'; thence N 00°04'55" E a distance of 13.04'; thence N 16°03'23" W a distance

Case No. 18942 (continued)

of 107.77'; thence N 01°55'43" W a distance of 52.0'; thence N 69°21'54" E a distance of 37.40'; thence N 89°42'56" E a distance of 108.79'; thence S 00°14'26" W a distance of 72.41'; thence S 89°40'10" W a distance of 18.02'; thence S 0°20'19" E a distance of 89.86'; thence N 89°34'15" E a distance of 18.05'; thence S 0°07'47" E a distance of 26.04'; thence S 89°52'13" W a distance of 4.58'; thence S 0°06'40" W a distance of 53.01'; thence S 89°44'10" E a distance of 30.60'; thence due N a distance of 270.00'; thence S 89°44'10" E a distance of 243.00'; thence due N a distance of 49.97'; thence due E a distance of 7.00'; thence due N a distance of 280.35' to the POB.

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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; 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. 17th St. & S. Cheyenne Ave.

Presentation:

Robert Raskin, 6724 S. Peoria, stated that this case was continued to give more information to interested parties in two neighborhood associations. He stated that he has not had a meeting with them, but he mailed out packets of information with elevations, site plans, sketches of proposed architecture. Mr. Raskin informed the Board that he received only one phone call regarding the application. A site plan was submitted (Exhibit D-1).

Comments and Questions:

Mr. Dunham asked Mr. Beach about the staff comment that the proper method to achieve this would be re-zoning. Mr. Beach responded that when the effort is to get a use allowed that needs multiple variances to increase density controls, it is more appropriate to re-zone the property.

Interested Parties:

Lucky Lamons, 205 and 209 W. 17th St, President of the Oakshire Homeowners' Association, stated he was not present to oppose the application. He commented that Mr. Raskin sent out a very appropriate and timely booklet to inform the neighborhood about the application. He stated that the only opposition he heard was from Judy Boyle in 209F, that there would be too many cars for the area.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to allow a multi-family use in an OL zoned district, finding that it will be

Case No. 18950 (continued)

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; and a **Variance** to allow RM-2 Bulk and Area requirements for this development, per plan, finding the density and bulk area to be consistent with other developments in the neighborhood, on the following described property:

Lots 1, 2, 3, and N/2 Lot 4, Block 10, Stonebraker Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18946

Action Requested:

REQUEST FOR RECONSIDERATION: 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. 45th St. & Columbia Ave.

Presentation:

Danny Mitchell, 4111 S. Darlington, stated he was representing the applicant and owners of the property. The owners met with ten of the twelve neighbors, and submitted seven signatures (Exhibit F-1) acknowledging they understand the intent of the application.

Comments and Questions:

Mr. Dunham noted that the signatures submitted are not the same as the interested parties present at the last hearing of this case. Mr. White asked for a show of hands of interested parties in support of the application, and those in opposition of the application.

Interested Parties:

Herman Myer, 4605 S. Columbia Ave., reminded the Board that at the last hearing he raised questions regarding the overall plan and why a four-car garage was needed for a two-bedroom house. He stated that his understanding was that the two properties owned by same owner, would effectively become as one property, the garage would be removed from the owners' residence and the garage space would be added to the house on the subject property. Mr. Myer reminded the Board that the owners' residence is in a PUD, and therefore would not be a simple matter of a variance.

Comments and Questions:

Mr. Dunham noted that none of the opposing interested parties that were present last time signed the petition or attended this hearing. Mr. Dunham, Ms. Perkins and Mr. Cooper all commented that nothing has changed.

Case No. 18946 (continued)

Board Action:

On **MOTION** of **Perkins**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **DENY** a **Request for Reconsideration** of a Variance of the required 25' rear setback to 9'0" for addition to existing garage, finding that everything was the same as when the Board decided to deny.

Lot 2, Block 10, Villa Grove Park, City of Tulsa, Tulsa County, State of Oklahoma.

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NEW APPLICATIONS

Case No. 18951

Action Requested:

Variance of all-weather surface for parking to permit existing gravel. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 10; and an Appeal from an administrative official's determination that off-street parking must be on an all-weather surface, located 1111 S. Lewis Pl.

Presentation:

Brooks Bearden, 5136 S. Toledo, stated his office is on the corner of 11th Street and Lewis Place. He stated that he has a private parking lot for his business that is fenced and lighted. He added that he has let Chris Nichols use it. Mr. Bearden noted that the lot has been graveled for more than 30 years. He stated he received a notice (Exhibit E-1) that he needed to surface the lot, and therefore made application to this Board. It was his opinion that he was exempt from the requirement because of an ordinance permitting gravel if it existed before July, 1970.

Comments and Questions:

Mr. Dunham responded it came to the attention of the BOA today that regarding the Board action of 1969, where this property was approved for a parking lot, it was subject to compliance with standards for parking lots on the subject property at that time. Mr. Dunham explained that meant the lot had to be paved. He pointed out that since that was never done it does not qualify under the grandfather rule. Mr. Bearden replied that he always thought he was in compliance. Mr. White read the Standards for Accessory Off-Street Parking approved by the BOA residential districts, effective in 1969 and included: one requirement for design standards was that all off-street parking areas shall be hard surfaced with an all-weather dust free material; gravel, pressed rock or chat when used without an asphaltic or concrete binder are not acceptable to meet this requirement. Mr. Cooper asked where this exemption exists in the new ordinance. Mr. Prather replied that it is under the non-conforming use provisions, Section 1407. He continued that to be a non-conforming use, there must first be a lawful use, and under Section 1407E for a

lawful use exists, then the provisions of Title 42, which require that vehicles to be parked for display or sale on an all-weather material shall not apply to any non-conforming parking space that was constructed of a material other than all-weather material prior to July 1, 1970.

Interested Parties:

Sheryl Dyer, P.O. Box 14260, Tulsa, OK 74159-1460, stated she represented the Renaissance Neighborhood Association. She submitted a petition of disagreement (Exhibit E-3) signed by 43 neighbors and members of the neighborhood association, and a list of houses removed from the neighborhood (Exhibit E-4). She stated that she lives at 1122 S. Birmingham Pl., and as a resident she recognized that Mr. Bearden has been a long time business owner in their neighborhood association, and she does not want to make a hardship on him, but she would like to see the lot surfaced with black top or something.

Applicant's Rebuttal:

Mr. Bearden stated that the business has been at this location since 1925. He informed the Board that before they acquired the business and removed the house in about 1966, there was a parking problem along the street. He stated that this was his solution to that problem. He stated that they add gravel and grade it periodically, so that it is well maintained. He indicated that he was never informed to pave the lot. He stated that the ground absorbs the rainwater, and does not cause oily run-off as asphalt lots, or have potholes from asphalt deterioration.

The Board received a letter of opposition (Exhibit E-5) to this application from Councilor Gary Watts, District 4.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **DENY** Case No. 18951, finding it was unlawful non-conforming; and to **UPHOLD** the administrative official's determination.

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Case No. 18957

Action Requested:

Special Exception to allow RV and trailer sales in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; and a Variance of the required all-weather surface parking to allow gravel parking. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 10740 E. 11th St.

Presentation:

Emmett Bean, 1880 E. 11th, stated he has owned the subject property for about 27 years, and operates his business there. He asked for more time to sell his merchandise and property, as they are in the process but it is taking longer than he would like.

Comments and Questions:

Mr. White asked what he thought would be a reasonable time to accomplish this. Mr. Bean suggested it would take about one year. Ms. Bean stated that 10880 E. 11th is the correct address.

Interested Parties:

Carolyn Harder, stated she represented the East Tulsa Mingo Valley Neighborhood Association, in support of the application, at least for a temporary variance. She indicated that Mingo Valley, Western Village, Wagon Wheel, and Magic Circle neighborhood associations were all in agreement to support this request. She suggested six months to one year.

Janet Miller, 1249 S. 105th E. Ave., stated she was also with East Tulsa Mingo Valley representation, and the Crescent Heights Neighborhood. She spoke in support of the application for the maximum time available. She informed the Board that his property was always well kept. She did not feel this variance would be a detriment to the community.

James Mautino, 14628 E. 12th St., from Tower Heights Neighborhood Association, spoke in support of the application. He considered one year to be a reasonable time limitation.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4 0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to allow RV and trailer sales in a CS 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; and a **Variance** of the required all-weather surface parking to allow gravel parking, for a period not to exceed one year from the date of this hearing, finding 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:

E/2 Lot 1 and N 20' vacated street adjacent on S, less N 40' for street, Mingo Valley Acreage, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18958

Action Requested:

Special Exception to construct a 100' monopole wireless telephone transmission tower within 110' of property zoned RS-2, located SE of E. 33rd St. S. & S. 79th E. Ave.

Presentation:

Kevin Coutant, 320 S. Boston, stated the location does not meet the 110% setback from an RS district requirement. He submitted responses to required criteria and site plan (Exhibit G-1). The tower is a 100' monopole, at a distance of greater than 1,000' from residential structures, approximately 40' from a residential district, with no existing towers within required service area. He stated that on the north and west are empty lots, a hotel on the south and on the east in an RS district, the Tulsa Technology Center. There are no residences there. The topography is generally flat; tree coverage is very limited; tower design is a galvanized steel monopole; with three slim-line 1'x 6' flat antennas near top of tower, engineered for collocation of 2 similar antenna facilities; initial building would be approximately 12' x 20'; 15' access and utility easement running west from site to S. 79th E. Ave.; necessary for required coverage; on a 35' x 40' tract with probable development of "parent" tract: commercial.

Comments and Questions:

Mr. Cooper asked if there was a plan for any landscaping. Mr. Coutant responded that the company is willing to provide landscaping or screening fence as requested, but no landscaping has been planned.

Interested Parties:

There were not interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a ***Special Exception*** to construct a 100' monopole wireless telephone transmission tower within 110' of property zoned RS-2, per plan, finding all eleven criteria are met: tower is a 100' monopole, at a distance of greater than 1,000' from residential structures, approximately 40' from a residential district, no existing towers within required service area; on the north and west are empty lots, a hotel on the south and on the east in an RS district, the Tulsa Technology Center, no residences, topography generally flat; tree coverage very limited; tower design: galvanized steel monopole; three slim-line 1'x 6' flat antennas near top of tower, engineered for collocation of 2 similar antenna facilities; initial building would be approximately 12' x 20'; 15' access and utility easement running west from site to S. 79th E. Ave.; tower necessary for required coverage; on a 35' x 40' tract with probable development of "parent" tract: commercial, on the following described property:

Lot 2, Block 1, Interchange Place, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18959

Action Requested:

Minor Special Exception to permit a 25' front setback down from 30' approved for the subdivision in BOA 17629. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 5515 E. 118th St. S.

Presentation:

Ronnie Herron, 11608 S. Erie, stated that he currently resides in this subdivision, and act as treasurer on the Board of Directors of this neighborhood and on the Beautification Committee, and Architectural Committee. He provided a plot plan (Exhibit H-1), which shows that the east side of the property contains 37 ½ ' of easement, part of which is Oklahoma Natural Gas (ONG) and part utility. When utilities were put in that part of the property was cleared of trees. He would like to bring the front façade of the house forward and preserve the trees in the rear.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Minor Special Exception** to permit a 25' front setback down from 30' approved for the subdivision in BOA 17629, per plan, finding the hardship to be the existing trees, and the lot to the west already has a lesser setback, on the following described property:

Lot 10, Block 3, Forest Hills Estates, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18960

Action Requested:

Special Exception to allow Use Unit 25 (aircraft parts manufacturing) in a CH zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 25; a Special Exception to allow parking in an RM-2 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 10; a Variance to meet parking requirements on lot other than lot of principal use. SECTION 1301.D. OFF-STREET PARKING; GENERAL REQUIREMENTS; and a Special Exception of the screening requirements on the lot abutting an R district. SECTION 1225.C. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY, Use Conditions, located 2124 N. Sheridan.

Presentation:

Scott Pryer, 2230 N. Sheridan, stated the business is an aircraft parts manufacturer, located in an area of town in transition. He stated that the Use Unit 25 has been granted in the last three years to the building to the north adjacent to the subject property. Mr. Pryer indicated there was no other property appropriately

Case No. 18960 (continued)

zoned for parking. He stated they propose to build fences and provide an appearance that was consistent with the surrounding area. A site plan was provided (Exhibit I-1).

Comments and Questions:

Mr. White mentioned the staff recommendation for a tie agreement. Mr. Pryer responded that he had one prepared to sign. Mr. White asked if there would be access to Norwood Pl. Mr. Pryer replied that there would not be access to Norwood Pl.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to allow Use Unit 25 (aircraft parts manufacturing) in a CH zoned district; a **Special Exception** to allow parking in an RM-2 zoned district; a **Variance** to meet parking requirements on lot other than lot of principal use, subject to a tie agreement, per plan, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and a **Special Exception** of the screening requirements between the CH lot and the RM-2 lot, per plan submitted, 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:

A tract of land beginning 495' W of the SE/c of the N/2 SE/4 SE/4 NE/4 of Section 27, T-20-N, R-13-E of the IBM, thence N 264.11'; thence E 235'; thence S 264.11'; thence W 235' to the POB; and a portion of the SE/4 NE/4 Beg. at the SE/c of the N/2 SE/4 SE/4 NE/4; then N 164.11' W 260' S 164.11' E 260' to the Beg., less the E 35' thereof for street, Section 27, T-20-N, R-13-E of the IBM, all in the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18961

Action Requested:

Variance to permit a four-sided ground sign. SECTION 1221.E.4. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING; CG, CH, CBD, IL, IM, and IH Use Conditions for Business Signs; and a Variance of sign height from 40' to 56'6". SECTION 1221.E.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING; CG, CH, CBD, IL, IM, and IH Use Conditions for Business Signs, located E of N. Memorial Dr., S of Port Rd.

Presentation:

Brian Ward, 9520 E. 55th Pl., described the property conditions as unfavorable for placing a sign where it is visible to potential customers. He submitted a sign elevation (Exhibit J-1) and photographs (Exhibit J-2).

Comments and Questions:

Mr. Dunham asked if he wanted to put it on the building. Mr. Ward stated it would be on a pole next to the building.

Interested Parties:

There were not interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** to permit a four-sided ground sign; and a **Variance** of sign height from 40' to 56'6", per plan, finding the hardship to be the location, no frontage, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A tract of land lying in the SW/4 NW/4 and the NW/4 SW/4 of Section 13, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows to-wit: Commencing at the SW/c NW/4 of said Section 13, thence N 00°00'24" W along the W line of said Section 13 a distance of 401.87', thence N 89°59'36" E and perpendicular to the W line of said Section 13 a distance of 231.00' to the POB, thence N 89°59'36" E and perpendicular to the W line of said Section 13 a distance of 513.18' thence S 00°00'24" E and parallel to the W line of said Section 13 a distance of 460.00', thence S 89°59'36" W and perpendicular to the W line of said Section 23 a distance of 513.18', thence N 00°00'24" W and parallel to the W line of said Section 13 a distance of 460.00' to the POB.

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Case No. 18962

Action Requested:

Variance of minimum front setback from 25' to 17' to permit additions to a non-conforming structure in an RS-3 district. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2403 N. Quincy.

Case No. 18962 (continued)

Presentation:

Willy McHenry, 727 N. Lewis Ave., stated he requested the variance to build an addition to the house, to line up with the existing structure and setback. A site plan was provided (Exhibit K-1).

Comments and Questions:

Mr. Dunham asked about the staff comments that indicate he may need more relief. Mr. Beach replied it is required to setback from Virgin by 15'. Mr. Dunham noted that he is not advertised for this relief. Mr. Beach responded that he asked for relief on the front of the property. He added that there is time to advertise so that the case could be continued to February 13, 2001. Mr. White asked when the house was built. Mr. McHenry was unsure, but suggested in the 1950's.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of minimum front setback from 25' to 17' to permit additions to a non-conforming structure in an RS-3 district, per plan, finding the hardship is an existing home and just squaring it up; and to **CONTINUE** Case No. 18962 to the hearing on February 13, 2001 for additional relief on the south side, on the following described property:

Lots 13, 14, Block 2, Carver Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18963

Action Requested:

Special Exception under the provisions of Section 401 of the Zoning Code to permit off-street parking under Use Unit 11 in the RM-2 zoned part of the property. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 11; and a Variance of the requirements of Section 1301.D to permit a part of the required off-street parking spaces to be located on lots or parts of lots other than the lots upon which the new office building will be constructed. SECTION 1301.D. GENERAL REQUIREMENTS, located NW/c of S. Peoria Ave. & E. 8th St.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, stated he represented Family and Children Services. They are purchasing additional property, consisting of two lots fronting on south Peoria, part of the vacated alley, and half of lots facing the west, to be developed into a new office building in accord with the amended site plan

(Exhibit L-1). He stated they are requesting relief for off-street parking in the RM-2 district and required parking for the new office building in the CH district to permit parking on lots other than the primary lot where building is located. He proposed that this would be subject to a tie agreement that none of this property would be sold separately in part from any other part. He stated this results from the Urban Renewal Project Plan, and division of the property.

Comments and Questions:

Mr. Dunham asked about the landscaping requirements to be met. Mr. Norman responded that he discussed this with the architects, and they assured him that the five feet of street frontage landscaping could be provided. He added that there is no requirement for street frontage in the CH district because there is no required front yard on the Peoria side. Mr. Dunham mentioned the staff comments that indicate a screening fence would be required along the property line abutting the RM-2 district. He asked Mr. Beach if that is for the west property line of the project. Mr. Beach replied that on a portion of the west side and a portion of the north side, according to the site plan it is where the parking lot is within the RM-2 portion. Mr. Norman stated that there would be a screening wall that is being jointly developed by the Family and Children Services and the developer of the property to the west. He described it as a masonry wall along the west and north boundary of the parking lot.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** under the provisions of Section 401 of the Zoning Code to permit off-street parking under Use Unit 11 in the RM-2 zoned part of the property; and a **Variance** of the requirements of Section 1301.D to permit a part of the required off-street parking spaces to be located on lots or parts of lots other than the lots upon which the new office building will be constructed, subject to a tie agreement, subject to the amended site plan, and that it will meet the required landscape and screening requirements, on the following described property:

A tract of land that is part of Lots 9 through 13, part of Lots 18 through 26, and part of the vacated alley, adjacent thereto, Block 1, Oaklawn Addition, said tract being more particularly described as follows: Commencing at the NE/c of Lot 1, Block 1; thence S 89°17'08" W along the Nly line of Block 1, for a distance of 5.00'; thence S 0°00'00" E and parallel with the Ely line of Block 1, for a distance of 228.00' to the POB; thence S 89°17'08" W and parallel with said Nly line, for a distance of 223.14' to a point; thence S 0°42'52" E for a distance of 211.98' to a point on the Sly line of Block 1; thence N 89°17'08" E along said Sly line, for a distance of 85.50' to a point,

Case No. 18963 (continued)

said point being the SW/c of Lot 17, Block 1; thence N 0°00'00" W along the Wly lines of Lots 14, Block 1 through said Lot 17, for a distance of 100.00' to a point, said point being the NW/c said Lot 14; thence N 89°17'08" E along the Nly line of Lot 14, for a distance of 135.00' to a point located 5.00' W, as measured along said Nly line, of the NE/c of Lot 14; thence N 0°00'00" W and parallel with the Ely line of Block 1, for a distance of 112.00' to the POB; And Lots 14, 15, 16, and 17, Block 1, Oaklawn Addition, less and except the E 5' thereof, and part of the vacated alley adjacent thereto, all located in the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18964

Action Requested:

Variance of side yard setback of 20' down to 10'-2" for construction of a carport.
SECTION 403.A.5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts – Use Unit 6, located 5546 S. Newport Ave.

Presentation:

Craig Rychner, stated there was not enough room to build a carport with a 20' setback. A site plan (Exhibit M-1) was provided.

Comments and Questions:

Mr. Dunham noted the staff comments asked how many square feet in the existing garage. Mr. Rychner replied there are 400 square feet. **Lee Wilson**, 5546 S. Newport, the owner, stated that the problem was it was built around 1949, and is too small for newer vehicles. He added that the carport would match the existing house in architecture and finish. Mr. Dunham commented that he noticed a number of carports in the neighborhood. Mr. Dunham asked if it would be open-sided. Mr. Wilson replied in the affirmative. Mr. White asked if it would be attached to the garage. Mr. Wilson stated that it would be. Mr. Rychner stated that there were 43' from the curb to the existing garage. Mr. Cooper stated that the Board does not know if the other carports in the neighborhood were built with permits.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-1-0 (White, Dunham, Perkins "aye"; Cooper "nay"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of side yard setback of 20' down to 10'-2" for construction of an open-sided carport, per plan, finding there are other numerous carports in the area and that it would be a hardship on this lot to deny the same privilege, on the following described property:

Case No. 18964 (continued)

Lots 13 and 14, Houstonia Home Sites, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18965

Action Requested:

Special Exception to allow a single-family dwelling in a CS zoned district for minister interns to live, for security and maintenance purposes. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6, located 6532 E. 71st St. S.

Presentation:

There were no applicants or interested parties present. The case was tabled, to follow the last case.

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Case No. 18966

Action Requested:

Special Exception for Use Unit 15 Other Trades and Services. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 13; and a Variance of the parking ratio requirement from 1 parking space to 400 square feet for non-office accessory space to 1 space to 250 square feet for office use and 1 space to 5000 square feet for accessory storage use per conceptual site plan. SECTION 1215.D. USE UNIT 15. OTHER TRADES AND SERVICES, Off-Street Parking and Loading Requirements, located SE of E. 21st St. & 129th E. Ave.

Mr. White stated that Mr. Dunham would abstain from this case.

Presentation:

Mr. Beach stated that the applicant withdrew the request for a variance.

Ricky Jones, 5323 S. Lewis Ave., with Tanner Consulting, stated he represented the buyers and sellers in this application. He submitted a site plan (Exhibit N-1) to the Board. The original plan shows three lots being developed, each with a 5,000 square foot building. He added that they are asking for Use Unit 15 uses in a CS zoned district, and both allow a number of uses. Mr. Jones stated they are willing to specifically restrict them to contract construction services. Mr. Jones pointed out the Code includes such services as plumbing, electrical contractors, and general contractors. Use Unit 15 also allows such things as flea markets, but they do not intend to use the property for this. He indicated that approximately 750 square feet per building would be used for office space, and the majority of the building would be used for storage. Mr. Jones pointed out that the preliminary landscape drawings have not been prepared yet, and the conceptual plan (drawing, Exhibit N-

4) was all that he had. He stated that they have met with Mr. and Mrs. Silver that reside immediately across the street and Mr. and Mrs. Myers that own property across the street, as well as others in the neighborhood. He described the buildings as metal with pitched roof, with a minimum of 30% of the front of the building and the sides (east of the screening fence) would have masonry to soften the affect of a metal building. Mr. Jones stated that they intend to exceed the required landscaping with trees, bushes and/or shrubs to minimize any negative impact and buffer the area between the center and the residential district. He stated that only vehicles that are customary with the business, licensed to operate on a public street, and can fit in a standard parking space, would be permitted in front of the building. Mr. Jones pointed out that they plan screening on all four sides. The property abutting to the west is commercial, and there is no requirement that it be screened. This plan proposes a six-foot solid screening fence, even to the north that abuts a carwash and other similar property.

Comments and Questions:

Mr. White asked if the applicant had a list of the conditions he just covered in his presentation. Mr. Jones replied that he and the attorney have a list of those conditions, which he submitted (Exhibit N-2).

Interested Parties:

Gentra Sorem, 3700 First Place Tower, with Conner and Winters, stated she represented the Silvers and Myers. She stated they have met with the developer and covered her clients' concerns, which are mainly aesthetic. She pointed out that 130th E. Ave. is inadequate, and though nothing can be done about it at this hearing, it could become a problem in the future. She stated that the developer has complied with their requests. She mentioned that her clients were concerned that outside storage be kept within a screened area; and landscaping on the east and south have a screened affect. She spoke for her clients that they would agree to the Special Exception, with the site plan and specific conditions, including: Use Unit 15, limited to contract construction services per site plan; screening fence around perimeter of the property with setback for the security gates; minimum masonry of 30% along eastern side between security fence and screening fence; landscaping along eastern and southern boundaries; limitation of three 5,000 square foot buildings, of one story; parking configuration as shown in the site plan; no inoperable vehicles, or vehicles that cannot fit in the parking spaces; and no outside storage in the front.

Comments and Questions:

Mr. White asked for a copy of those conditions. Ms. Sorem submitted them (Exhibit N-3) to the Board.

Interested Parties:

Calvin McClendon, 2205 S. 130th E. Ave., stated that he lives 100' south of the south building, in the cul de sac. He indicated his own personal pride in his own home and property and the aesthetics of the neighborhood. He expressed his concern that metal buildings would overwhelm the view, and be detrimental to the business community and to the value of residential property. He indicated that if they were bricked buildings it would be an asset.

Comments and Questions:

Mr. White consulted staff regarding jurisdiction over type of construction materials used. Mr. Beach replied that the ordinance does not address aesthetic design or construction materials. Mr. Beach added that the interested parties could suggest any conditions they think are appropriate to mitigate any harm that might otherwise come to a neighborhood, and the Board may impose them if they agree.

Interested Parties:

Mr. McClendon continued that he objected to industrial buildings between commercial retail and residential. He also pointed out the one lane street is too narrow, only has a one inch overlay surface, and is not conducive to truck traffic.

James Mautino, stated that the proposed structures are non-conforming. He pointed out the Arby's, QuikTrip, car wash, a new church, which are bricked, a commercial business in a metal building that is fully bricked, and brick homes behind the Silvers' and Myers' homes. He stated that metal buildings would be injurious to this neighborhood. He expressed his concern with the appearance of this area, because it has been difficult to attract quality businesses. Mr. Mautino mentioned that the developers for this project own property to the west of the subject property. He suggested that they might plan to develop that property in a similar way.

Comments and Questions:

Mr. Prather named the businesses allowed under Use Unit 15. He stated that the Board has the power in granting a Special Exception to prescribe appropriate conditions and safe guards. They may limit it to a specified period of time and may require such evidence in guarantee or bond, as it may deem necessary to enforce compliance with the conditions attached.

Interested Parties:

Carolyn Harder, stated she represented East Tulsa Mingo Valley Association. She stated that they looked at the project and thought it was excellent. She and another member drove the lot and thought it would be a good fit for the area. She added that she was also a business owner on 129th E. Ave., with a Use Unit 15, and it has worked well for her and her neighbors. Ms. Harder expressed her

expectations that the property would be better maintained by the owners than if the buildings were leased. She stated that they were in support of the application.

Janet Miller, 1249 S. 105th E. Ave., stated she was a member of the East Tulsa Mingo Valley Association. She drove the area and talked with neighbors in support and opposition to the application. She expressed her concern that there were too many vacant lots in the area, and her preference for non-metal buildings. Ms. Miller suggested that landscaping be placed also on 21st Pl. S. by the time they sell or develop the property that faces 129th E. Ave. She also suggested a condition that the businesses' storage be limited to supply materials and not equipment.

Comments and Questions:

Mr. Beach commented that screening is required along the property line that abuts 130th E. Ave., except at points of vehicular access. The sections of screening fence shown on the plan between the buildings do not meet that requirement. Mr. White asked about 21st Pl. S. Mr. Beach replied screening fence is required everywhere the property abuts residential zoning.

Applicant's Rebuttal:

Mr. Jones stated that they are willing to limit no outside storage of materials behind the screening fence, materials would be stored inside. He requested that the businesses be permitted to park trailers for transporting supplies/equipment within the screening fence as needed. He informed the Board that they have talked with the City of Tulsa Transportation Engineering Department. The City has plans to widen 21st Pl. S., with curbs and guttering, brought up to City standards. He pointed out that this is not for industrial use. He illustrated that putting a shopping center in this location, facing north or east would leave the backs of the buildings with dumpsters and semi-trucks facing the residential homes. He proposed that this project would serve as a nice buffer between the residential and commercial districts.

Comments and Questions:

Mr. White commented that 130th E. Ave. has a 50' right-of-way, but a narrow paved surface, and asked if there were any plans to be re-paved. Mr. Tanner replied there were no plans, but they had suggested to the neighbors to contact the City of Tulsa. Mr. Tanner reminded the Board that the street serves only two houses and indicated that the developers were responsible to put in the street when the area was platted. He stated that he expects the City will see the need in the future but did not know when that would be. He pointed out that at this time that is a City issue.

Mr. Cooper asked Mr. Jones to speak to the Board regarding the noise from carpentry and similar businesses. Mr. Jones responded that the businesses would be construction related. The actual activities would probably not be conducted

there. He described an example of an electrical contractor. They would load the supplies onto a truck, go off-site to work, and return at the end of the day. He indicated that a table saw might be used inside occasionally, but it is not like they would be doing actual construction activities on site. This would be more of a staging, and storage area. He stated that they could have sought BOA approval, and obtained a building permit to construct a metal building, but they did not want to do that. Mr. Jones offered that from the beginning it has been their concern to soften the appearance for the sake of the residential neighbors. He stated that it is not practical to brick the whole building because no one would see it behind a screening fence. Mr. Cooper commented that Mr. Jones indicated that there probably would not be any construction going on in these buildings. Mr. Jones responded that he did not want to mislead them, because he could not tell them all of the uses that will or will not occur there. He urged the Board to place conditions and limitations in the action that make it compatible. He reminded them that Neighborhood Inspections was a mechanism in place for dealing with Code enforcement, and would follow up on any complaints that are made in the future. Mr. Cooper stated he was very concerned about the possibility of noise pollution because of the nature of the construction businesses.

Joe Westervelt, 1630 S. Boston, asked to speak to Mr. Cooper's concerns. He stated that the three purchasers of these buildings are a general contractor and two electrical subcontractors. The general contractor needs an office to meet with his clients and store supplies. The electrical subcontractors, to his knowledge would not do any particular on-site assembly or work. He also mentioned the distance of over 300' and the buffer of their insulated buildings, landscaping and screening fence.

Mr. Prather cited the Tulsa Zoning Code, Section 1215 concerning the provisions permitted.

Mr. Cooper asked if there would be a large door on the south side of the building. Mr. Westervelt replied that the east end of the property would be the gable end, with a retail look, small canopies, and office doors. The roll-up door will be on the south behind the screening fence with a solid security gate. Ms. Perkins stated that she does not expect the labor jobs to be done at this location but out at the job sites.

Board discussion ensued, regarding the suggested conditions and the issues.

Board Action:

A **MOTION** was made by **Cooper** to **CONTINUE** Case No. 18966 to the hearing on February 13, 2001. **Motion died** for lack of a second to the motion.

Case No. 18966 (continued)

On **MOTION** of **Cooper**, the Board voted 3-0-1 (White, Perkins, Cooper "aye"; no "nays"; Dunham "abstained"; Turnbo "absent") to **APPROVE** a **Special Exception** for Use Unit 15 Other Trades and Services, with the following conditions: a minimum of 30% masonry on the building outside the screened area and in addition non-metal siding on the south side of the south building above the six foot fence; outside storage per Code; storage cannot rise above six foot fence; no storage of trailers or materials outside screened area; only vehicles which are licensed for travel on public streets and typically found in conjunction with businesses such as cars, vans, and pickup trucks, and can fit in a standard parking space are allowed to be parked outside of screened area; landscaping per Code, and in addition a three foot tall continuous hedge in front of the east facing parking spaces; uses will be limited to those Use Unit 15 uses which are included in the Contract Construction Services, Section 1215.B.4, prohibiting fabricating, processing, installation and or repair, incidental or otherwise; screening fence per Code and security fence per plan not to be less than six feet in height; limited to three 5,000 square foot buildings of one story in height.

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Case No. 18965

Action Requested:

Special Exception to allow a single-family dwelling in a CS zoned district for minister interns to live, for security and maintenance purposes. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6, located 6532 E. 71st St. S.

Presentation:

The applicant was not present.

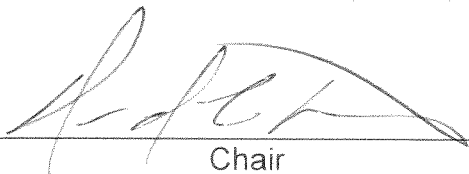
Board Action:

On **MOTION** of **Perkins**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absences") to **CONTINUE** Case No. 18965 to February 13, 2001.

*****.

There being no further business, the meeting was adjourned at 6:01 p.m.

Date approved: FEBRUARY 13, 2001


Chair

AGREEMENT

City of Tulsa Board of Adjustment Case Number 18923
Kirk of the Hills Presbyterian Church

By signing below, Kirk of the Hills Presbyterian Church ("Kirk") and Livingston Park Neighborhood Association ("Association") agree as follows:

1. Subject to the conditions stated in Paragraphs 2 and 3 below, Association will support The Application of Kirk for Special Exception and Variances designated as Case Number 18923 of the City of Tulsa Board of Adjustment ("Application"). *setback* *will be requested* *no height variance*
2. The approval of the Application by the City of Tulsa Board of Adjustment shall be expressly conditioned upon the following:
 - A. The Community Center shall be lowered so that no variance for height shall be required. The maximum height of the building shall not exceed 772 feet MSL.
 - B. The parking platform planned for the northeast corner of the Kirk property shall be constructed with headroom between the surface parking and the "interior" bottom of the parking structure at seven and one-half feet instead of nine feet as originally proposed and as shown on preliminary plans.
 - C. Upon completion of said parking structure, Kirk will landscape the street frontage along 61st Street, Quebec and Richmond with not less than one mature tree (variety to be subject to mutual agreement) in front of each vertical structural support of the parking platform. *not less than 22 trees*
3. Kirk agrees that it does not plan to construct additional parking structures (in addition to the parking structure subject to the Application) on the Kirk property to the East of the existing church building or any parking structure having more than one level on the Kirk property to the West of the existing church building. Kirk represents and agrees that any such structure would not be architecturally appropriate and would have a detrimental impact on the neighborhoods surrounding the Kirk property.

Dated this 23 day of January, 2001.

Kirk of the Hills Presbyterian Church

By *[Signature]*
Sr. Pastor

Livingston Park Neighborhood Association

By *[Signature]*
PRESIDENT

CASE NO. 18923
OFFICIAL RECORDS EXHIBIT A-3
ENTERED IN THE 1-23-01
MINUTES OF THE TULSA BOARD OF
ADJUSTMENT.

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TIBEX BURGER JACQUE
1977 W. 1000
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