

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 819
Tuesday, May 22, 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

Jackere, Legal

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Friday, May 18, 2001, at 2:00 p.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. 19035

Action Requested:

Special Exception to permit an outdoor flea market in a CG district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 2, located 2626 W. Skelly Dr.

Mr. Beach announced that this case was continued from a previous meeting in order to correct a legal description. Staff received the legal description too late and notice has been given for the June 12, 2001 hearing.

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 **Continuance** to the meeting on June 12, 2001.

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Case No. 19039

Action Requested:

Special Exception to permit under Use Unit 5, private school, athletic facilities, buildings and fields in the OM and RM-1 zoning districts. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS and SECTION

601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS – Use Unit 5; a Variance to permit the minimum of 700 off-street parking spaces for the 2,800 seat capacity football, soccer and track stadium bleachers to satisfy the combined off-street parking requirements for the football, soccer and track stadium and the existing baseball and softball fields. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements; and a Variance to permit a part of the off-street parking spaces required for the football, soccer and track stadium bleachers to be located on a lot other than the lot containing the stadium. SECTION 1301.D. GENERAL REQUIREMENTS, located E side of S. Wheeling, N of E. 78th St.

Charles Norman stated that this case was continued to today to work out agreements with a developer of a residential project immediately north of the Victory Christian football/soccer complex. They have been unable to complete the written part of their negotiations. They jointly requested a continuance. There were no other interested parties at the prior hearings and there are none present today.

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 ***Continuance*** to the next meeting on June 12, 2001.

MINUTES:

On **MOTION** of **Dunham**, the Board voted 4-0-1 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; Cooper "abstained"; no "absences") to **APPROVE** the Minutes of March 27, 2001 (No. 815).

MINUTES:

On **MOTION** of **Dunham**, the Board voted 4-0-1 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; Cooper "abstained"; no "absences") to **APPROVE** the Minutes of April 10, 2001 (No. 816).

MINUTES:

On **MOTION** of **Dunham**, the Board voted 4-0-1 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; Cooper "abstained"; no "absences") to **APPROVE** the amended Minutes of Case No.18323, March 23, 1999 2001 (No. 769).

UNFINISHED BUSINESS

Case No. 18987

Action Requested:

Variance of maximum height for a fence in front yard from 4' to 6' along E. 36th St. SECTION 212.A.2. SCREENING WALL OR FENCE, Specifications – Use Unit 6, located 3458 & 3460 S. Atlanta Pl.

Presentation:

Mr. Beach stated the case was continued to today, but he has not received a site plan, and the applicant is not present. The case would be to continue it again or deny it without prejudice. A fence was erected along 36th Street in violation of the height restrictions on fences in the front yard.

Interested Parties:

There were no interested parties present who wished to speak.

Mr. Jackere advised the Board that the case is nearing the ninety-day limit for Board action

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** the **Variance** of maximum height for a fence in front yard from 4' to 6' along E. 36th St. without prejudice.

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Case No. 19043

Action Requested:

Variance of required landscaping to substitute other plantings. SECTION 1002. LANDSCAPE REQUIREMENTS and SECTION 1003. ADMINISTRATION – Use Unit 5, located 1706 N. Madison.

Presentation:

The applicant, **John Purdy**, was not present. Mr. Beach reminded the Board that since the last meeting staff has met with applicant regarding the landscaping plan. Mr. Beach believes that the applicant knows what the requirements are now. He suggested that the case be continued one more time, and stated other issues that have come up also.

Interested Parties:

There were no interested parties present 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 **Continue** Case No. 19043 to the meeting on June 12, 2001.

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Case No. 19048

Action Requested:

Variance of required number of parking spaces from 616 to 599 to permit an existing apartment complex. SECTION 1208. USE UNIT 8. MULTIFAMILY DWELLING AND SIMILAR USES – Use Unit 8, located 8028 S. Wheeling.

Presentation:

The applicant, **Don Haslam**, 502 W. 6th Street, stated he is the attorney for the Lakes Apartments, LLC. He stated that when they were in the process for re-financing, they received a zoning site report from the Planning and Zoning Resource Corporation in Oklahoma City. The conclusion was that there is not enough room on the property to re-stripe and add the extra seventeen parking spaces. He understood that the deficiency has been there since it was built in the early 1980's.

Comments and Questions:

Mr. Cooper asked if the applicant thought the lack of parking spaces was intentional or an oversight. Mr. Haslam felt sure it was an oversight. Mr. Jackere asked who consulted and decided that re-striping would not help. Mr. Haslam replied that the Lakes Apartment LLC is owned by Case Properties and they consulted with the on-sight manager. Mr. Jackere suggested that the spaces might be oversized, so they have too little information to know what is needed.

Interested Parties:

There were no interested parties present who wished to speak.

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 **CONTINUE** Case No. 19048 to the meeting on June 26, 2001, and bring the measurements of the parking spaces, and a plan for reconfiguration of the parking lot.

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NEW APPLICATIONS

Case No. 19071

Action Requested:

Special Exception to permit 190' high monopole communications tower for school and co-location with telecommunication companies. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -- Use Unit 4, located N & W of NW/c of E. 71st St. & Mingo.

Presentation:

John Moody, 7146 S. Canton Ave., stated he represented Union Public School and the Hemphill Corporation. He submitted the list of factors with responses

(Exhibit A-1) for a communications tower. The Union School District decided to develop their own transmission network for telephone, computers, etc. The Hemphill Corporation in exchange for a lease of the site for the tower will construct the towers at no cost to the school district. The towers will be engineered for collocation of other companies. This will be a substantial economic benefit to the Union Schools. The height of the proposed tower is 190' monopole to serve the Union School and Sprint PCS needs for collocation. The tower would be more than 250' from the nearest adjoining R district and structures. The nearest existing tower to the south of Sam's is not available or adequate for collocation. The surrounding uses are ball fields, parking and heavy retail commercial uses. The topography is level, with the only treed areas on the northwest corner of the subject tract. There will be two antennas initially with capacity for four more antennas. The utility buildings would be designed in such a way that they will not be visible behind the planned landscape screening. Ingress and egress would be provided through mutual access easement already in place. The tower is needed to provide service to Union High School and to fill a coverage gap for Sprint PCS. The site is consistent with the Comprehensive Plan, and the most likely future development of the area. The tower would be secured by a six-foot chain link security fence, one-foot barbed wire on top and Duraslat fiberglass fillerstrips, and screened by landscaping.

Comments and Questions:

Mr. White asked if there would be a need for more towers. Mr. Moody indicated there might be a need for another tower to communicate with the system, and one other tower has been approved. Mr. Moody introduced **Lee Snodgrass** with Union Public Schools. Mr. Snodgrass stated that each school has antennas on the roof for the present system. They are currently considering a redundant system with a tower at the sixth grade center, but he does not anticipate any of the other schools requiring a tower at this time. Mr. Cooper asked if the applicant had a map to show the Sprint PCS coverage and gap in the area. Mr. Moody did not have the radio frequency map. Mr. Moody stated that they did hold meetings with the neighborhood residents to discuss any concerns. Mr. Cooper expressed concern that the tower is site specific and if they had a need for another tower, it is possible that it might not be approved.

A site plan and letters from the school and Sprint were submitted to the Board (Exhibit A-2, A-3, and A-4).

Interested Parties:

There were no interested parties present 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 **Special Exception** to permit 190' high monopole communications tower for school and co-

location with telecommunication companies, per plan submitted and finding that all the required factors would be met, on the following described property:

N 400' of the SE/4 SE/4 all in Section 1, T-18-N, R-13-E, IBM, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19074

Action Requested:

Variance of lot area from 9,000 sq. ft. to 8,867.03 and 8,853.97 sq. ft. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS -- Use Unit 6; a Variance of land area per dwelling unit from 10,875 to 10,635.22 and 10,835.78 sq. ft. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of required 75' lot width to 71'4" to permit a lot split in an RS-2 district. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 2420 S. Owasso Pl.

Presentation:

Pat Fox, 320 S. Boston, Ste. 1710 withdrew the request for variance of lot width. They desire to obtain a lot-split. There has been a historical precedence for this type of lot-split in the neighborhood.

Comments and Questions:

Mr. White noted that the lot width was reduced on the northerly lot and the balance was on the southerly lot. Mr. Dunham noted that the case had been advertised incorrectly. The case could not be heard for this reason.

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 **CONTINUE** Case No. 19074 to the meeting on June 26, 2001 to allow time to re-advertise.

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Case No. 19075

Action Requested:

Variance of the allowable size of an accessory building from 750 sq. ft. to 2,064 sq. ft. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions -- Use Unit 6, located 7725 E. 25th Pl.

Presentation:

David Boley, 7725 E. 25th Pl., stated that he proposed to build an accessory building but needs relief because it exceeds the 40% of the principle residence. The permit office could not determine the square footage of his house, but he

stated it is 2,562 square feet. He has a 264 square foot pool house, and 317 square foot garage. He plans to tear down the garage if the variance is approved. The building is for a workshop, to store a boat, utility trailer, lawn and garden equipment, and wood working tools. He added that his property is one and a fourth acre. He submitted a packet with an architectural drawing, photographs and other items (Exhibit B-1, B-2). He stated it would meet zoning code requirements.

Comments and Questions:

Ms. Turnbo asked about the stairs. Mr. Boley replied the stairs are to a four-foot area for storage of furniture and boxes. Mr. Dunham noted that the plat of survey indicates the frame garage will be removed and asked if any other building would be removed. Mr. Boley responded that he didn't plan to remove any more buildings. Mr. Beach informed the Board that the applicant has not asked for enough relief. The carport was not figured into the square footage when the application was made. Mr. White informed Mr. Boley that he could reduce the square footage for which he requests relief or ask for a continuance to advertise for more relief.

Interested Parties:

Charles M. Madden, 7705 E. 25th Pl., stated he is opposed to the application because the property would have two structures the size of a home and it would detract from the neighborhood. He felt that it would set a precedent for more structures and decrease the value of the homes in the neighborhood.

Robert Peters, 15 E. 5th St., stated that he was representing several interested homeowners in the Johanson Acres. He submitted a petition of opposition (Exhibit B-3) to the application, containing approximately 60 signatures from 30 homeowners in the area. They believe it will have a negative impact and not be in harmony with the aesthetics in the neighborhood. They believe any hardship would be self-imposed.

Kurt Minnick, 7748 E. 24th, stated his backyard is adjacent to Mr. Boley's backyard. He stated the new building would be very visible to the neighbors.

Comments and Questions:

Ms. Perkins asked if the neighbors opposed the large metal barn that is located to the east of the subject property. Mr. Minnick replied that he had taken measures to communicate opposition to that structure also. Mr. Beach reminded Mr. Minnick to contact Neighborhood Inspections if he feels there are code violations.

Interested Parties:

Keith Conduff, 7735 E. 25th Pl., stated that the barn they are referring to is his and it was built with a building permit. He added that it is 750 square feet and complies with the Code.

Randy McCollum, 7724 S. Canton, asked if it would have plumbing and sewage facilities. Mr. White responded that there are no plans for plumbing or sewage.

Applicant's Rebuttal:

Mr. Boley, stated that the building would look like his residence and he does not want his property to decrease in value. He pointed out that though he has a chain-link fence, there are trees and considerable vegetation that screen his yard.

Comments and Questions:

Mr. Cooper noted if this structure were an addition to his house it would be permitted by right.

Board Action:

On **MOTION** of **Cooper**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of the allowable size of an accessory building from 750 sq. ft. to 2,064 sq. ft., finding a lack of a hardship.

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Case No. 19076

Action Requested:

Special Exception to allow a private gun club (Use Unit 2) and an indoor recreational facility (Use Unit 19) in an IL zoned district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS -- Use Unit 2/19; and a Special Exception for approval of an amended site plan (BOA 13755), located 5849 S. Garnett Rd.

Presentation:

V.M. Piland, 1660 E. 71st St., stated he is the architect for the owner. They propose to expand the size of the firing range.

Comments and Questions:

Ms. Turnbo asked if this would include the repair of guns. Mr. Piland replied that it would include everything as before the application.

Interested Parties:

There were no interested parties present 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 **Special Exception** to allow a private gun club (Use Unit 2) and an indoor recreational facility (Use Unit 19) in an IL zoned district; **Special Exception** for approval of an amended site plan, per plan submitted today, 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:

Lots 1 and 2, Block 2, 6000 Garnett Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19077

Action Requested:

Variance of required front yard of 30' down to 24' in an RS-2 district. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS -- Use Unit 6; a Variance to allow three dwellings on one lot of record. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD; and a Special Exception to allow a mobile home in an RS-2 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, located 1201 S. 119th E. Ave.

Presentation:

William Webb, 1201 S. 119th E. Ave., stated that the existing residence has an entrance on the north side, and the address is from 119th on the west. The City of Tulsa plans to reconstruct the drainage on the north side of his house. He proposes to construct a covered entry and a two-car garage on the west side of his house. He moved a mobile home on the property in 1987.

Comments and Questions:

Ms. Turnbo asked about the one story stone and frame dwelling, if it was another home between the existing home and mobile home. Mr. Webb replied that the small house was originally the second story of the big house before it was moved from another location. He added that it was roofed as a separate dwelling.

Interested Parties:

There were no interested parties present 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** of required front yard of 30' down to 24' in an RS-2 district, per plan submitted today, finding the existing home and the City will be making drainage improvements on the north, causing owner to relocate the direction he enters his garage.

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins "aye"; Cooper "nay"; no "abstentions"; no "absences") to **DENY** a **Variance** to allow three dwellings on one lot of record, finding it would cause substantial

detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins "aye"; Cooper "nay"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to allow a mobile home in an RS-2 zoned district, finding that it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

A tract of land Beg. 355' W and 845.68' S of the NE/c NE/4 NW/4 thence W 280'; thence S 100'; thence E 280'; thence N 100' to a POB, Section 8, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19078

Action Requested:

Variance of the required side yard setback from centerline of Norfolk from 45' to 30' to construct a carport on the existing dwelling. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance to allow a detached accessory building in the front yard. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 1103 E. 35th Pl.

Presentation:

Jeff Kraemaer, 1103 E. 35th Pl., proposes to put in a two-car detached, aluminum carport in the front yard.

Comments and Questions:

Mr. Dunham noted a former one-car attached garage on the house.

Interested Parties:

David Paddock, 1101 E. 34th St., with Brookside Neighborhood Association, stated they do not have an objection to the side yard setback. They do object to an accessory building in the front yard.

Gabrielle W. Jones, 1123 E. 36th St., stated she was not clear about the Code. She wanted clarification that a detached carport is called an accessory building and requires a variance. She also questioned a single driveway and a two-car carport. Ms. Turnbo responded that he has to have all-weather surface to park his car.

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 setback from centerline of Norfolk from 45' to 30' to construct a carport on the existing dwelling, finding the size of the lot to prevent putting carport in another place; and to **APPROVE** a **Variance** to allow a detached accessory building in the front yard, for an open carport only and not to waive the all-weather surface under carport, on the following described property:

W 62½' of S/2 Lot 1, Block 2, Amended Plat of Peoria Gardens Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19079

Action Requested:

Special Exception to allow an office (Use Unit 11) in an RM-2 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 11; and a Variance of the required rear and side setbacks from 10' to 5'1" (on all). SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located W of NW/c E. 21st St. & S. Boston.

Presentation:

John Walton, 1546 Swan Drive, stated he is the architect on the project. They proposed to build a two-story office building on the rear of the property. Paul Corey wants to preserve the Leonard-Chase-Ritz house. They propose to preserve the brick and woodwork of the front façade of that house for the front façade of the new office building.

Interested Parties:

Robert Collins, 6708 S. 67th E. Ave., stated he owns the property to the east and north of the subject property, and he has no objection to the application.

Comments and Questions:

Mr. Cooper noted the staff comments mentioned the landscape requirements. Mr. Beach pointed out that the site plan did not meet the landscape requirements. Ms. Turnbo asked about the required parking spaces. Mr. Walton replied the requirement is for ten spaces, one handicapped space. Mr. Cooper asked for the hardship. Mr. Walton responded that preserving the front façade for historic preservation. Mr. Dunham added the small size of the tract and the surrounding uses are not residential.

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 an office (Use Unit 11) in an RM-2 zoned district; and a Variance of the required rear and side setbacks from 10' to 5'1" (on all), per conceptual site plan, that all landscape requirements be met, finding the hardship

to be the size of the lot and the adjoining properties are not being used for residential purposes, on the following described property:

West 62' Lot 23 and 26, Block 1, Boston Addition, City of Tulsa, Tulsa County, Oklahoma.

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Case No. 19080

Action Requested:

Special Exception for a Use Unit 4 "utility facilities" in an OL zoned district. SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS -- Use Unit 4, and a Variance of one-story height limit in an OL zoned district to two-story for enlargement of existing building. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS, located 5303 E. 71st St. S.

Presentation:

Barbara Larson, 5929 N. Main, Oklahoma City, Oklahoma, stated she is an architect representing Southwestern Bell. They propose to expand the existing southern most building up one story for switching equipment.

Interested Parties:

There were no interested parties present 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 **Special Exception** for a Use Unit 4 "utility facilities" in an OL zoned district; and a **Variance** of one-story height limit in an OL zoned district to two-story for enlargement of existing building, on condition that the relief is only for the southern most building, finding the hardship to be the size of the lot, per plan, on the following described property:

Beg. at the SW/c SE/4 SW/4 Section 3, T-18-N, R-13-E, thence N 00°00'34" E a distance of 1,321.04'; thence S 89°50'27"E a distance of 329.98'; thence S 00°00'43" W a distance of 1,321.12' to a point on the S line of Section 3; thence N 89°49'38" W a distance of 329.93' to the POB, City of Tulsa, Tulsa County, Oklahoma.

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Case No. 19081

Action Requested:

Variance of 3' requirement from property line for an accessory building down to 17". SECTION 402.B.1.c. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions --- Use Unit 6, located 1711 W. Cameron St.

Presentation:

Frances Walker, 1711 W. Cameron St., stated that she needs the variance down to 19". They built a storage building that is less than 100 square feet in size. The existing garage needs to be torn down and replaced. The hardship is that they cannot build it toward the back because of power lines within 10'.

Comments and Questions:

Mr. White asked if they use the alley to access the garage. Ms. Walker replied that the garage is too small for a vehicle and they park in the driveway. Mr. White asked if the storage building is on blocks. Ms. Walker replied that it is on blocks.

Interested Parties:

There were no interested parties present 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** of 3' requirement from property line for an accessory building down to 19", finding the hardship to be the size of the lot and that it is consistent with the neighborhood, on the following described property:

Lot 10, Block 16, Irving Place, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19082

Action Requested:

Special Exception to permit 300' high monopole communication tower for Union Public Schools and co-location for other communication companies. SECTION 1204.C.3.g.1. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions; and a Special Exception to permit 300' tower within 25' of adjoining residential lot. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, located 600' E of SE/c E. 62nd St. & 101st E. Ave.

Presentation:

John Moody, stated he is an attorney and represented Union Public Schools and Hemphill Public Schools. They propose to place a 300' monopole behind the 6th and 7th grade center as the primary redundant backup system for the Union Schools microwave system. It would be engineered for collocation. The school system owns the subject property including a residential adjoining lot and the lot to the south. The tower would be located 358' from the nearest residential lot not owned by the Union school system. Responses to factors to be considered, site plan, and a letter (Exhibits G-1, G-2, and G-3) from Union Public School were submitted.

White out at 3:16 p.m.

Mr. Moody submitted a response to the factors to be considered that include the following information in addition to the above: There is no existing tower in the immediate vicinity that can serve the needs of the school.

White returned 3:18 p.m.

The surrounding uses consist of schools, ball fields, parking commercial and scattered residential lots on septic tank systems. The surrounding topography is level and does not present any impediments to use for a communication tower. Five trees will be removed. Fifteen microwave dishes will be initially installed leaving a capacity for six more antennas. The architectural design of the utility buildings is such that they will not be visible behind the planned landscape screening. Access will be provided from E. 62nd Pl. The tower is needed to service Union High School and to fill a coverage gap in order to provide acceptable service in the area. The location is consistent with the Comprehensive Plan, most likely future development, planned infrastructure, topography and the physical facts of the area. The tower will be secured by a six-foot high chain link security fence, with one-foot barbed wire on top and will have Duraslat fiberglass fillerstrips. Landscaping will screen the security fence and tower location.

John Hemphill, 3515 Dawson Road, with Hemphill Corporation, stated that the plans are for the Union School needs with the capacity for a minimum of six collocations.

Comments and Questions:

Ms. Turnbo asked what plans the school has for the residential property they own. Mr. Snodgrass with the Union Public Schools replied they have no short-range plans but they have considered moving the education service center to that location for administrative offices. She asked if they plan to sell any of residentially zoned property. Mr. Snodgrass replied that they do not plan to sell any of it.

Interested Parties:

There were no interested parties present 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 **Special Exception** to permit 300' high monopole communication tower for Union Public Schools and co-location for other communication companies, noting the applicant's list of responses to the factors to be considered was amended by hand on item #5, and on item #12 they will provide for another six antennas; and a **Special Exception** to permit 300' tower within 25' of adjoining residential lot, finding that it will be in harmony with the spirit and intent of the Code, on condition that none of the residentially zoned property owned by Union Schools will be developed for residential purposes, and finding that it will be in harmony with the spirit and intent

of the Code, will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lots 1, 2, 7 and 8, Block 5, Union Gardens Subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19083

Action Requested:

Variance to allow a 1320 sq. ft. accessory building for RV storage. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions -- Use Unit 6, located 7727 E. 105th St.

Presentation:

Timothy Durham, 7727 E. 105th St., stated he has owned the property since 1998. He stated that the accessory building would not cover more than 20% of the rear yard, located 6' from lot lines. He added that it is too high to park in the garage. He described the area as having a rural look, the property is at the top of a hill with very little traffic. The building he proposes to build will be aluminum siding with brick like his home, screened by professional landscaping. He has discussed this project with his neighbors and found none of them objected. Mr. Durham pointed out that because of the layout of the property there is no other practical place to park the RV, and the lot size is large enough for this accessory building. Conceptual site plan (Exhibit H-1) submitted to the Board.

Comments and Questions:

Mr. White asked if there would be any commercial activities. Mr. Durham replied that there would not be any commercial activities, and added that he would park a car, trailer and an RV in the new building. Mr. Durham also mentioned that it would have a low-pitch roof and guttering.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Durham**, the Board voted 3-2-0 (White, Dunham, Turnbo "aye"; Perkins, Cooper "nay"; no "abstentions"; no "absences") to **APPROVE** a Variance to allow a 1320 sq. ft. accessory building for RV storage. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions -- Use Unit 6, located 7727 E. 105th St., per conceptual plan, with conditions for brick on front of building, no commercial activity, compliance to all City Zoning Codes, and existing storage building be removed, finding the lot to be large enough for a building of this size, 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 6, Block 4, Bridle Trail Estates, City of Tulsa, Tulsa County, State of Oklahoma.

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Mr. Cooper stated he would abstain from Case No. 19084.

Case No. 19084

Action Requested:

Special Exception to permit a 10' fence on a side or rear property line. SECTION 210.B. YARDS, Permitted Obstructions in Required Yards -- Use Unit 6, located 2407 E. 26th Pl.

Presentation:

John-Kelly Warren, 2407 E. 26th Pl., stated he and his wife own this property. He described the proposed fence as native stone, 10' in height and 40' wide. The area is heavily wooded, with Crow Creek on the south and a ravine on the north along 26th St. It would not be clearly visible from 26th St. or 26th Pl. and would not be a negative impact on the neighborhood. He discussed plans with neighbors and they had no objections. A site plan and letter of support (Exhibits I-1, and I-2) were submitted to the Board. Mr. Warren described the topography as having a five-foot plus elevation change from the base of the fence to the finished floor elevation of his house.

Interested Parties:

There were no interested parties present who 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 10' fence on a side or rear property line, per plan submitted at the hearing, and the 10' height to apply only to the area west of the pool, and wood fence on either side to the masonry fence be limited to 8' in height, 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:

W/2 Lot 7 and beg. 93.8' W of NE/c Lot 7, thence W 80' S 141.10' E 78' N 134.35' to POB and part of Lot 8 beg. at SE/c Lot 8, thence N 367.70' W 38.66' S 371.12' curve left 25.15' to POB, Block 1, Woody-Crest Subdivision, City of Tulsa, Tulsa County, Oklahoma.

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Case No. 19085

Action Requested:

Special Exception to operate a tire shop in CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 17; and a Variance to permit open-air storage or display of merchandise offered for sale within 300' of an R district. SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions, located 1823 & 1831 N. Lewis Ave.

Presentation:

Carol Cherry stated she was one of the partners involved in tenant, and she brought the property owner. She stated that they do not need any open-air storage, the buildings are plenty large enough for storage. She informed the Board there is an eight-foot fence on all sides, with a gate on Lewis and one on Virgin. There are plenty of parking spaces on the property and plenty of trees for screening. Currently the property is vacant and is an eyesore, but it is well suited for the proposed business.

Comments and Questions:

Mr. Dunham asked if there would be no storage of merchandise outside. She replied there would be no outside storage. She stated that tires would be changed outside in the bay areas.

Cooper out at 3:52.

Ms. Cherry mentioned that a trailer would be put inside the building for old tires to be removed nightly.

James Beasley, 1831 N. Lewis Pl., stated he is opposed to the application. He was concerned that the property is already an eyesore, they have problems with traffic and speeders, and they have five other tire stores in the area. He also did not want the added noise of air guns, and late hours of operation. He stated there are houses just the other side of the six foot fence, which has been scaled for burglaries in the past. Mr. White informed him that only a six-foot fence is required by the zoning code. He indicated the gas tanks might still be in the ground on the subject property. He complained that an eight-foot fence on the corner of Tecumseh and Lewis Ave. would block the view of traffic

Larry Beasley, 1910 N. Lewis Pl., was in agreement with the previously stated objections. He was concerned about security and objected to the sight of that type of work at that location.

Leon McCord, 7321 S. Yale, Condo 120, stated he is with Core Painting and Remodeling. He spoke in support of the application as a good service for the community. He stated since he has been cleaning the property up, that people stopped dumping things there.

Dunham out at 4:02 p.m.

Grace Martin, 6217 E. King St., stated that she and her husband own the subject property. She added that they helped a previous tenant to get relief for a flea market. They did not keep the condition for their relief.

Dunham returned at 4:05 p.m.

Applicant's Rebuttal:

The only opposition was the previous tenant who did not comply with the zoning code. Mr. Cooper asked about the hours of operation. Ms. Cherry responded that hours of operation would be 9:00 a.m. to 7:00 p.m., seven days per week. Ms. Cherry stated they did not have plans for open-air storage and withdrew the request for the variance. Mr. Cooper asked if they would use power tools to remove lug nuts. Ms. Cherry replied that they would be using power tools. She acknowledged that it would be noisy but that the property was large and the two neighbors behind and next door do not object to the application. Ms. Perkins questioned Ms. Cherry about the service being done inside a building. Ms. Cherry responded that it would limit the number of tires they could store.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Cooper**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a ***Special Exception*** to operate a tire shop in CS zoned district, finding that it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare; and the Board acknowledged that the Variance was withdrawn by the applicant.

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Case No. 19086

Action Requested:

Special Exception to construct a 100' monopole tower in property zoned AG. SECTION 1204.C. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions; and a Special Exception for a monopole tower to be within 110' of an adjoining lot line of an AG zoned lot. SECTION 1204.C. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions, located S of W. 61st St. & E of US-75.

Presentation:

Kevin Coutant, 320 S. Boston, presented the case for U.S. Cellular for a 100' monopole tower. Mr. Coutant submitted the response to the list of 12 factors

(Exhibit J-1) to consider. The responses included: the tower would be located in an area with no residential structures nearby, no R district in area and no existing towers. The surrounding uses are undeveloped land zoned AG on the north, east, south and west. U.S. Highway 75 is on the west. The topography of the land is sloping, and partially treed. There would be three antennas and capacity for two similar antenna facilities. There would be a 12' X 20' building with an aggregate rock exterior at the base of the tower. Access would be by a 25' access and utility easement running north from the site to W. 61st St. The tower is necessary to provide coverage in this area of town so as to avoid unavailability of service. The tract is approximately 2,500 square feet on 1.25 acres. Landscaping would be provided as per the zoning code requirements. The applicant submitted a site plan and an exhibit packet (Exhibits J-2 and J-3).

Interested Parties:

There were no interested parties present 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 ***Special Exception*** to construct a 100' monopole tower in property zoned AG; and a ***Special Exception*** for a monopole tower to be within 110' of an adjoining lot line of an AG zoned lot, with the conditions as per the response to the twelve factors to be considered, per plan, 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 parcel of land described as follows: commencing at the NE/c NW/4 of Section 2, T-18-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma, thence N 89°52'09" W, a distance of 561.49" along N line of said Section 2 to the POB; thence S 01°09'51" W, a distance of 239.39'; thence N 89°52'09" W, a distance of 230.00'; thence N 01°09'51" E, a distance of 239.39'; thence S 89°52'09" E, a distance of 230.00' to the POB.

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Case No. 19088

Action Requested:

Special Exception for a public park and improvements to the park to include trails, playgrounds, parking lot, restrooms, and lighting. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -- Use Unit 2, located SE of W. 23rd St. & Jackson.

Presentation:

Randy Nicholson, 1710 Charles Page Boulevard, with the City of Tulsa Parks and Recreation Department stated they propose to build a skate park in an old public park south of the 23rd St. Bridge. He described the 60' X 60' steel structure on a

concrete foundation. A sports lighting system would be installed by provision of a private donor. The park hours are from 5:00 a.m. to 11:00 p.m.

Comments and Questions:

Ms. Turnbo asked if he would come back with the site plan, showing the lighting system. He replied that he would, but the department wanted to get Board approval before they went any further with plans.

Interested Parties:

Frank Keith, 3903 Riverside Dr., stated he has been the levy commissioner for the last twenty years. He stated that the project would be in a flood control area. He contended that the park consisted only of a trail and did not crowd the levy. He was concerned that this would cause damage to the levy and was a danger to the public.

Ray McCollum, 7724 S. Canton, state he is the vice-president of the Dawson Neighborhood Association. He came in support of the application. He indicated this was a healthier activity for the young people than drugs and crime. He was in favor of this site for such a park.

Bonnie Henke, 3449 s. Atlanta Pl, **Mark Sweeny**, and **David Holloway**, 3503 S. Yorktown all spoke in favor of the application for similar reasons as above.

Applicant's Rebuttal:

Mr. Nicholson recognized that the technicalities would need to be worked out. The integrity of the levy and any future needs to repair will have to be considered when they prepare and approve the plans.

Board Action:

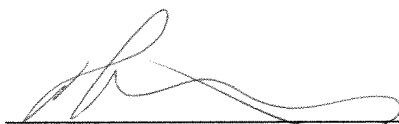
On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** for a public park and improvements to the park to include trails, playgrounds, parking lot, restrooms, and lighting, finding 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:

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

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There being no further business, the meeting was adjourned at 5:00 p.m.

Date approved: July 10, 2001



Chair