

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 821  
Tuesday, June 26, 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  
Parnell, Cartner, Cox,  
Zoning Officials

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600, on Thursday, June 21, 2001, at 2:26 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. 19090**

**Action Requested:**

Mr. Beach stated this case needs to be continued to the hearing on July 24, 2001 because the applicant requested additional relief.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 19090 to the meeting on July 24, 2001.

**MINUTES:**

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

**UNFINISHED BUSINESS**

**Case No. 18645**

**Action Requested:**

Approval of a site plan as a condition imposed February 8, 2000 in approval of a Special Exception for a church in an AG district. SECTION 301. PRINCIPAL USES

PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5, located N side of E. 11<sup>th</sup> St. between 129<sup>th</sup> E. Ave. & 145<sup>th</sup> E. Ave.

**Presentation:**

**Jerone Roland**, 14017 E. 11<sup>th</sup> St., Applicant did not have a site plan when the case was previously approved. The site plan (Exhibit ) was submitted.

**Interested Parties:**

**Deloris Wood**, 14101 E. 11<sup>th</sup>, stated she was opposed to the application. She was concerned about where the sewer connection would be. She had complaints of workmen trespassing on her property, large equipment use at late night hours.

**Applicant's Rebuttal:**

Mr. Roland stated they only want to provide ministry and he was not aware of any trespassing.

**Comments and Questions:**

Ms. Perkins asked what hours they plan to do the work. Mr. Roland explained that the night before they hauled in gravel and it was the only time they have done any work late and do not plan to work at night.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a site plan as a condition imposed February 8, 2000 in approval of a Special Exception for a church in an AG district, on the following described property:

The E/2 of SE of SW of SE, Section 4, T-19-N, R-14-E, of the IBM, City of Tulsa, Tulsa County, Oklahoma.

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**Case No. 16611**

**Action Requested:**

Clarification of minutes of 3/22/94 to determine impact of shared parking on neighbor and to make shared parking arrangement permanent.

**Presentation:**

**T. Michael Smith**, 3415 S. Peoria, came to present case. The Board granted a variance of required parking spaces in 1994 providing for shared parking spaces. The case never came back before the Board for determination of impact. Notice was not sent to the neighborhood. Mr. Dunham stated that they needed to hear from the neighborhood before they could decide on this case. Mr. Smith stated that that there has not been a problem with the shared parking for Sharkey's Billiards.

**Comments and Questions:**

Mr. Jackere stated that it is properly before the Board to determine the impact, but subject to giving notice to the public to property owners within 300' to give a knowledgeable determination.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 16611 to the meeting on July 24, 2001 to allow time to give proper notice.

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**Case No. 19043**

**Action Requested:**

Case 19043 was stricken from the agenda.

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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:**

**Don Haslam**, 502 W. 6<sup>th</sup> St., stated he represented The Lakes, LLC. He stated that they have determined since the last hearing that the parking spaces were 9' wide. His client is currently re-surfacing the parking lot and will re-stripe. There is a discrepancy in the counts of the parking spaces. He explained that because of the geographic layout of the property and the curb space they are concerned that they still may not be able to add seventeen more spaces.

**Mr. Cooper arrived at 1:34 p.m.**

**Comments and Questions:**

Mr. Dunham instructed the applicant that if they meet the parking requirements they can withdraw the case.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 19048 to the meeting on August 28, 2001.

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**Case No. 19056**

**Action Requested:**

Special Exception to permit a parking lot in an RM-2 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS; and a Variance of parking setbacks and screening fence requirements, located 1413 E. 15<sup>th</sup> St.

**Presentation:**

**Roy Johnsen**, 201 W. 5<sup>th</sup> St., Ste. 500, stated he was representing Brett Rehorn. He reminded the Board that they previously requested a reconsideration of an earlier application. Mr. Rehorn has leased the subject property and proposes to place a restaurant in the old Chimi's location. This same request for parking was made by Chimi's in 1989 and 1993, and both times this Board granted it, but they did not proceed with construction and so the approval terminated. He pointed out the mixed uses in the area, single and multi-family dwellings, commercial, and OL districts. He informed the Board that the owners of the duplex by the alley have agreed to allow Mr. Rehorn to have the screening fence repaired. He reminded the Board that off-street parking is allowed within an RM-2 district by the code. He noted the shortage of parking in the area. He reviewed the screening and landscaping that his client has offered to provide for the adjacent residences. He noted that the plans are consistent with the results of studies regarding the needs for the area and the Comprehensive Plan. He indicated that the site plan reveals that the neighborhood as a whole would be better off with off-street parking provided properly. Mr. Johnsen pointed out a revision of the screening on Rockford to move the fence back from the boundary line and place landscaping in front of it. He added that the trash area has already been improved with a new slab and screening fence. A site plan, photographs and other applicant exhibits (Exhibits A-1, A-2, A-3 and A-5) were submitted. Mr. Johnsen stated that the pub will be prefabricated in Ireland, then shipped and installed on the subject property. This includes a complete re-do of the façade of the building. The interior is very ornate and includes a kitchen that takes up about a third of the floor space, compared to the small kitchen used by Chimi's. He added that the restaurant would be licensed, to permit minors, with a full menu and no dance floor.

**Interested Parties:**

**Nelson Dean**, 1728 S. Erie Ave., stated he is in favor of the application. He added that he owns several buildings in the area and sees this application as a good solution for the parking needs.

**Patricia Dickey**, 233 E. 27<sup>th</sup> Pl., and **David Cantrell**, 5502 S. Delaware Pl., stated their support of the application to meet the parking needs of the area.

**Steven Walter**, 1428 S. Rockford, stated he lives next door to the subject property and is opposed to the application. He stated his objection to the close proximity of the lot to his house for a bar that would be open three nights per week until 2:00

a.m. He stated the eleven-foot wide alley was inadequate for inebriated drivers. He reminded the Board that the owner has not maintained the office. He indicated the use was too intense for the location. Mr. Walter referred to a letter (Exhibit A-4) that was sent to the Board by the Tulsa Preservation Commission that recommends denial of the application as an inappropriate use and endangerment to the neighborhood.

**Mark Hardy**, 1415 S. Rockford, stated as a homeowner he did not want bar patrons using his residential street late at night. He suggested that the hours of operation be changed to close at 9:00 p.m. and that community leaders find ways to balance the development and existing neighborhoods in the area.

**Bridgett Silver-Neal**, 1427 S. Rockford, stated that she did not hear a hardship given for the variance. Ms. Turnbo informed Ms. Silver-Neal that the relief for a parking lot in this case is a special exception and does not require a hardship. She objected to the parking lot stating it would isolate existing residences. She was concerned that even though Mr. Rehorn may maintain the property, the next lessee may not.

**Applicant's Rebuttal:**

Mr. Johnsen referred to the Cherry Street study in 1986, the adopted policy of the council and community. He read a portion suggesting encouragement of low intensity office parking or residential uses, abutting existing commercial zoning to establish a transitional buffer between existing commercial and single-family neighborhoods. It also called for encouraging the identification and zoning of additional off-street parking on either side of 15<sup>th</sup> Street to accommodate existing and commercial needs. The restaurant will have to stay within the code definitions to keep the non-conforming use. These ordinances were carefully written to protect the neighborhoods. Mr. Johnsen stated that the objection in the letter from the Historic Preservation Commission was not well founded. He responded regarding the argument of whether it would be a restaurant versus a bar. They will have a full menu to 11:00 p.m. and a reduced menu until close.

Board discussion ensued.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-1-0 (Dunham, Turnbo, Perkins, Cooper "aye"; White "nay"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a parking lot in an RM-2 district; and a **Variance** of parking setbacks and screening fence requirements, per plan, except fence moved back from along Rockford to allow landscape in front of the fence and the fence along Rockford is to be 4' high, on the following described property:

Lots 8, 9, 13 - 15, Block 6, Bellview Addition, 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 8,396 sq. ft. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS -- Use Unit 6; and a Variance of land area per dwelling unit from 10,875 sq. ft. to 10,271 sq. ft. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 2420 S. Owasso Pl.

**Presentation:**

**Pat Fox**, 320 S. Boston, Ste. 1710, stated they propose to split Lot 8 of Sunset Park III into two 75' lots. The lot on the southeast is slightly short of the required land area and lot area for RS-2 zoning. He pointed out that other lots have been split in this neighborhood and lots are of similar size and odd configurations. He plans to develop the properties with two residences, a single driveway on the common lot line and place garages at the rear of the property.

**Interested Parties:**

**Larry David**, 2131 E. 17<sup>th</sup> Pl., stated he is a potential owner/occupant of this property. He was in favor of the application. He submitted a letter (Exhibit B-2) from a neighbor, Chris Bumgardner, a resident on lot two, in support of the application.

**Frank Clingan**, 2404 S. Owasso Pl., stated he lives immediately adjacent to the subject property and indicated he was not in favor of the case. He stated that the neighbors on Lot 1, Block 1 were not in favor of the application.

**Deborah Grisso**, 1215 E. 24<sup>th</sup> Pl., stated the subject property gives a skyline view of her backyard and limits their privacy. She indicated that no hardship has been given. She stated that a lot-split would cause the neighborhood to lose continuity.

**Paul Gilling**, 1231 E. 24<sup>th</sup> Pl., stated his concern that the larger lots are being split and smaller homes are being built. He suggested that it would be better for the neighborhood if the existing house was enlarged or replaced with one larger home.

**Sally Davies**, 2502 Woodward Boulevard, stated if the lot were split it would be the two smallest lots on the street. She stated that the last lot split was in 1988 and there is no real history of lot-splits.

**Cathy Gilling**, 1231 E. 24<sup>th</sup> Pl., reminded the Board of previous staff comments on Case No. 19074 that a lot split would result in two lots smaller than those in the immediate area, causing an increased density that is closer to RS-3 standards.

**Applicant's Rebuttal:**

Mr. Fox noted that the split would be consistent with the underlying zoning within a small percentage. The property has not been owner occupied for several years. This would encourage residences that are more consistent with historic precedence in the neighborhood.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of lot area from 9,000 sq. ft. to 8,396 sq. ft.; and a **Variance** of land area per dwelling unit from 10,875 sq. ft. to 10,271 sq. ft, finding a lack of hardship.

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**Case No. 19103**

**Action Requested:**

Appeal of the administrative official's decision the use is a restaurant on subject tract; and If appeal is denied, a Variance of use conditions for Bed and Breakfast to allow a sandwich shop (tea room) to public. SECTION 1202.C.8. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Use Conditions, located 1819 E. 15<sup>th</sup> St.

**Presentation:**

**Darrell Brown**, 7204 E. 90<sup>th</sup> Pl., attorney, stated he represented Sheila Kay Daniels. He stated that Ms. Daniels is leasing the westerly building, owned by the Jiles Co. at 1819 E. 15<sup>th</sup> St. It is a two story building with seven bedrooms, each with a bath. The first floor has five rooms, one of which is a commercial kitchen. Ms. Daniels understood when the special exception was approved for a bed and breakfast, that the accessory use of a tearoom was an allowed use under the OL zoning. A letter of support (Exhibit C-2) was submitted to the Board.

**White out at 3:21 p.m.**

Mr. Brown stated he could not find the definition of a restaurant in the zoning code. He did not consider a tearoom the same as a restaurant.

**White returned at 3:23 p.m.**

**Comments and Questions:**

Mr. Dunham informed Mr. Brown that the Board does not have the jurisdiction to approve a use variance. He added that the letter of support indicated that someone ate at the restaurant, and was not staying at the Bed and Breakfast. Ms. Perkins noted that it has been advertised to the public, and yet the Board did not give approval and could not give approval for a restaurant. Mr. Jackere stated that this was a case for municipal court to appeal the Code Inspector. A notice

from Neighborhood Inspections and letters of opposition (Exhibits C-1 and C-3) were submitted to the Board.

**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 Uphold the administrative official's decision the use is a restaurant on subject tract; and to **DENY** a **Variance** of use conditions for Bed and Breakfast to allow a sandwich shop (tea room) to public, finding it is beyond the authority of the Board of Adjustment.

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**Case No. 19104**

**Action Requested:**

Variance of permitted rear yard coverage of 20% to permit an addition to an existing garage. SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards -- Use Unit 6, located 123 E. 25<sup>th</sup> St.

**Presentation:**

**Mark Schell**, 123 E. 25<sup>th</sup> St., proposes to build an addition to an existing garage. He stated that he would remove the dog pen also. He submitted site plans concept A and concept B (Exhibit D-1 and D-2). He added that he spoke with neighbors and informed them of his plans. He submitted a petition of support (Exhibit D-3).

**Comments and Questions:**

Mr. Dunham asked what the hardship would be. Mr. Schell replied that the existing garage was not big enough to put the newer large size automobiles, and the lot size.

**Interested Parties:**

**Steven Gray**, 4530 S. Sheridan Rd., Ste 205, stated he represented a nearby property owner. They object to the application stating there is no unique hardship. A packet of items (Exhibit D-4) in opposition was submitted. Mr. Gray noted there were no easements, topography issues or problems with the size and shape of the lot. He suggested the old garage could be torn down and a new one built. He pointed out that the applicant planned to put in large garage doors on the back of the garage facing his clients' property, and they objected to that.

**Applicant's Rebuttal:**

Mr. Schell responded that he had not wanted to tear down the existing garage.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of



permitted rear yard coverage of 20% to permit an addition to an existing garage, finding a lack of hardship.

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**Case No. 19105**

**Action Requested:**

Variance of required all-weather surface for vehicles being parked or stored. SECTION 222. MOTORIZED VEHICLES and SECTION 1402.D. & E. NONCONFORMING USE OF BUILDINGS, OR BUILDINGS AND LAND IN COMBINATION -- Use Unit 17 and 23; and a Appeal of neighborhood inspector's determination that non-conforming use of buildings or land has ceased for 36 consecutive months, located 17317 E. 14<sup>th</sup> St.

**Presentation:**

**Carl Edmundson**, 17317 E. 14<sup>th</sup> St., came to appeal the neighborhood inspector's determination that the non-conforming using of his buildings and land has ceased for 36 consecutive months and to obtain a variance of requirement for all-weather surface for vehicles being parked or stored. He stated that he has stored a car there since 1953. He also indicated that he was approved to repair and store cars as a non-conforming use.

**Comments and Questions:**

Mr. Jackere stated that no approval was given to store junk cars. Mr. White asked how many cars are stored or are parked there for repair at a time. Mr. Edmundson did not state a total of cars. Mr. Jackere asked where the repairs are done. Mr. Edmundson replied they work on the southwest corner. Mr. Jackere asked if they work inside the building. Mr. Edmundson responded that they do some work inside. He asked the applicant how many buildings they have. Mr. Edmundson replied four or five. Mr. Jackere asked what jobs were done in the building prior to four months ago. Mr. Edmundson replied that they stored auto parts and used a valve-grinding machine.

**Dunham out at 4:10 p.m.**

Mr. Cooper asked for a hardship. Mr. Edmundson replied that the land won't perc because the nearby water facility made the land boggy.

**Dunham returned at 4:13 p.m.**

Mr. Jackere explained the Code regarding abandoning the repair business in one or all buildings for a period of 36 consecutive months.

**Interested Parties:**

**Candy Parnell**, Neighborhood Inspector, submitted photographs (Exhibit E-4) of the subject property to the Board. She informed the Board that the City of Tulsa

removed 49 junk abandoned vehicles and salvage from the property. She stated that there was so much vegetation in front of the building that vehicles could not be moved in and out. Ms. Parnell noted that many of the same cars had been there for several years. She pointed out that the water had been turned off there since October 1999 and remains disconnected today. The door to the building mentioned earlier would not stay open without holding it up.

**Applicant's Rebuttal:**

Mr. Edmundson made comments regarding the annexation of his property into the Tulsa city limits.

**Comments and Questions:**

Ms. Perkins suggested a continuance to allow the applicant time to submit documentation regarding junk storage. Mr. Jackere suggested the applicant needed an attorney and documents to present his case. Ms. Turnbo asked the applicant to provide proof in writing of when and where the city limits were extended.

**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 July 24, 2001.

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**Case No. 19106**

**Action Requested:**

Special Exception to permit home occupation (office). SECTION 402.B.6. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions and SECTION 404.B. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS and SECTION 1608. SPECIAL EXCEPTION -- Use Unit 6 and 11, Appeal from Zoning Violation Notice issued by Neighborhood Inspections Office on May 4, 2001, located 2218 E. 54<sup>th</sup> St.

**Presentation:**

**Stephen Schuller**, 500 Oneok Plaza, 100 W. 5<sup>th</sup> St., stated that his clients asked about permission to operate a business from their home. They were misinformed, and subsequently received a zoning violation notice. He read the home occupation requirements and indicated this application meets the requirements.

**Roland Miller**, 2218 E. 54<sup>th</sup> St., a resident of the home stated that one time per month a Penske truck comes to the house. He stated that no equipment is brought to the house.

A packet of information including zoning violation notices (Exhibit F-1) was submitted to the Board.

**Interested Parties:**

(Name inaudible), an interested party, questioned if the applicants live at the residence. He found no basis for the appeal to the zoning violation notice.

**Mitchell Morale**, 2249 E. 54<sup>th</sup> St., expressed concern that the applicants were warehousing in the garage and shipping/receiving. He submitted photographs and a yellow page advertisement (Exhibit F-2 and F-3).

**Karen Smith**, 2217 E. 54<sup>th</sup> St., stated she has seen a semi-truck at the subject property other than the moving day, and four other trucks there on a daily basis. A letter of opposition was submitted (Exhibit F-4).

**Virginia Melikian**, 5423 S. Zunis Pl., expressed concerns as above.

**Applicant's Rebuttal:**

Mr. Schuller responded that there are three residents in the home.

**Comments and Questions:**

Mr. White asked about the items on the driveway shown in the photograph. Mr. Miller replied that they were validation machines, the type that they work on. Mr. Jackere asked about the frequency of these deliveries to the house. Mr. Miller stated that the photograph was of a rare occasion.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a ***Special Exception*** to permit home occupation (office); and to Uphold the determination of the Zoning Official in issuing a Zoning Violation Notice on May 4, 2001.

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**Cooper left the meeting at 5:20 p.m.**

**Perkins out at 5:20 p.m.**

**Case No. 19107**

**Action Requested:**

Special Exception use to allow a paint ball facility – Use Unit 20 Intensive Outdoor Recreation Facility in an AG zoned district. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -- Use Unit 20, and a Variance of parking requirement from one space per 800 sq. ft. site area to 0 spaces. SECTION 1220.D. USE UNIT 20 – COMMERCIAL RECREATION: INTENSIVE; Off-Street Parking and Loading Requirements, located SW/c SH-266 & N. 145<sup>th</sup> E. Ave.

Perkins returned at 5:22 p.m.

Dunham out at 5:22 p.m.

**Presentation:**

**Johnny Hollowell**, 4848 N. 145<sup>th</sup> E. Ave., described the property and layout. He stated there are no environmental issues, as the paint balls are gelatin and they are propelled by carbon dioxide. He added that the property is screened. A packet of applicant exhibits was submitted (Exhibit G-1).

Dunham returned at 5:24 p.m.

**Interested Parties:**

**Tony Foster**, P.O. Box 309, Claremore, pointed out that State Highway 266 would become a major truck route when the connection opens to I-44. He added that a limestone quarry to the north of the property would increase traffic. He concluded that these increases in traffic and the 0 parking spaces would be a dangerous situation.

**John Morrison**, 7515 S. Urbana, stated he farms 2,000 acres in the area of the subject property. He has dealt with a considerable amount of vandalism. He already also has a problem with hunters and others parking in front of his gate.

**Sharon Casey**, Owasso, expressed concern regarding the truck traffic on the Port Road. The sun impairs drivers' vision on this east/west road. The combination of these and young drivers to ball fields and paintball fields would be more dangerous.

**Orval Flannery**, P.O. Box 456, Catoosa, stated concern due to the reasons given above. He objects to the location only, not the business.

**Hank Harbaugh**, 2843 E. 39<sup>th</sup>, pointed out that the parking and traffic problems involve Rogers County also. The applicant was not present at the Rogers County BOA hearing and it has been continued to the next meeting.

**Comments and Questions:**

Mr. Jackere considered the information and suggested to this Board that the Rogers County BOA action would have a bearing on their decision.

**Board Action:**

On **MOTION of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 19107 to the meeting on July 24, 2001.

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**Case No. 19108**

**Action Requested:**

Variance to allow two signs per street frontage. SECTION 602.B.4.b. & c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions -- Use Unit 21 (11); and a Variance of allowable display surface area allowed in an OM zoned district from 62.2 sq. ft. to 104 sq. ft. total for two signs. SECTION 602.B.4.b. & c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions, located 2121 E. 15<sup>th</sup> St.

**Presentation:**

**Neal Krueger**, 2121 E. 15<sup>th</sup> St., stated he was represented AAA of Oklahoma. He stated that they have changed their name and propose to change two existing signs on the subject property. He submitted a site plan and photographs (Exhibits H-1, H-2a and b).

**Interested Parties:**

**Maria Barnes**, 1319 s. Terrace Dr., expressed understanding that signs on the building have backlighting. She had no objections.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** to allow two signs per street frontage; and a **Variance** of allowable display surface area allowed in an OM zoned district from 62.2 sq. ft. to 104 sq. ft. total for two signs, per plan, finding it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lots 4 and 5, Block 6, Subdivision of a part of Block 5; AND all that part of Lot 26, in Block 5, particularly described as follows: beg. at a point on the S line of said Lot 26, which point is 75' E of the SW/c of said Lot 26; thence E along the S line of said lot for a distance of 45' to a point of curve; thence around a curve to the left radius of which is 150' and along the Sly line of said Lot 26, for a distance of 40' to a point; thence in a NWly direction on a straight line to the N line of said lot at a point 125' W of the NE/c of said lot; thence W on the N line of said Lot 26 for a distance of 70' to a point which is 75' E of the NW/c of said lot; thence S a distance of 151.1' to the S line of said lot, the POB; AND W 75' of Lot 26, Block 5, all in Terrace Drive Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19109**

**Action Requested:**

Appeal from the decision of the Neighborhood Inspector that the use consists of wrecker service and vehicle storage, located 12135 E. 11<sup>th</sup> St.

**Presentation:**

**Ed Crockett**, 6380 E. 31<sup>st</sup> St., stated he represented Allied Towing. He stated their appeal of the zoning violation notice, concerning this company at 11 Trade Center. The business has been present there since 1993 under Use Unit 15 and 17. This is the dispatch and corporate office and does not involve storage of vehicles. He stated on rare occasions there may be a truck or vehicle at the location and sometimes overnight. He submitted photographs, the plat (Exhibits I-2, I-3). The company chooses to be in compliance and will abide with the Board's decision.

**Harold Gible**, 121315 E. 11<sup>th</sup>, stated that they do bookkeeping and dispatch trucks from this location. The truck drivers come by to turn in turn in tickets and other brief office business. He stated that they store the trucks in two yards at other locations.

**Interested Parties:**

**Roy Ballentine**, Neighborhood Inspections, submitted exhibits (Exhibits I-1, I-4).

**James Mautino**, 14628 E. 12<sup>th</sup>, submitted a photograph of a truck hauler with vehicles on it parked overnight at this location. He has observed cars being dropped off and picked up at this location. He stated opposition to the application.

**Dunham left meeting at 6:15.**

**Al Nichols**, 8525 E. 16<sup>th</sup> St., stated he represented Mingo Valley Neighborhood Association and they are in agreement with Mr. Mautino's objections.

**Applicant's Rebuttal:**

Mr. Crockett stated that the trucks on photographs do not belong to Allied Towing. He asked for a Use Unit 15 or 17.

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (White, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Dunham, Cooper "absent") to Uphold the decision of the Neighborhood Inspector, finding this to be a Use Unit 23.

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

**Case No. 19110**

**Action Requested:**

Special Exception to permit a home occupation (teaching martial arts and teaching of painting and sculpting) in an RS-3 district. SECTION 402.B.6. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Uses Conditions -- Use Unit 6, located 1037 E. 34<sup>th</sup> St.

**Presentation:**

**John Patton**, 406 S. Boulder, Ste. 10, stated he represented the applicant, Carter Hargrave. He stated that martial arts are an exemption in the Code. He instructs no more than eight students at a time, three days per week. The students all park in his driveway.

**Comments and Questions:**

Ms. Turnbo asked if any of the students were children and were dropped off and picked up there.

**Carter Hargrave**, 1037 E. 34<sup>th</sup> St., replied that some students are dropped off and picked up at his home. Ms. Turnbo asked how many are dropped off and what days. He replied four students on Tuesdays, Thursdays and on Sundays. He also teaches calligraphy with karate classes. His wife will teach sculpting when he quits teaching. Mr. White asked who resides there and how many vehicles they have. He replied that he and his wife live there and they have four vehicles.

**Interested Parties:**

**Jan Zoledek**, 1035 E. 34<sup>th</sup> St., expressed objections to traffic and noise from the subject property. She made a written complaint to Mr. Ballentine. She stated that the students walk across her property going to and from his classes. She complained that they park on the street and some of the classes are held in the back yard.

**Reagis O'Donnell**, 1021 E. 34<sup>th</sup> St, stated concern for the longevity of the special exception, since it would stay with the land.

**Nancy Apgar**, 3914 S. Norfolk, stated she is the President of the Brookside Neighborhood Association. She expressed concerns for the traffic and on-street parking. She suggested that this type of business should be located in a commercial district.

**Applicant's Rebuttal:**

Mr. Patton indicated that many of the pedestrians who cross the neighbors' yards are not there for the classes. He stated the applicants are the only teachers at the residence. He indicated there are a lot of activities in the neighborhood bringing traffic and pedestrians.

Board discussion ensued.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 3-0-0 (White, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Dunham, Cooper "absent") to **DENY** a **Special Exception** to permit a home occupation (teaching martial arts and teaching of painting and sculpting) in an RS-3 district, finding that it would not be in harmony

with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare.

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

**Case No. 19111**

**Action Requested:**

Special Exception to allow automobile repair in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 17, located 4510 N. Peoria

**Presentation:**

**Suzie Hux**, 2025 W. Xyler, propose to open an auto repair in a former filling station.

**Interested Parties:**

**Kevin Cox**, Neighborhood Inspector, stated they had received multiple complaints regarding junk vehicles, trash, and outside work on this property. There have been nine citations to municipal court, and two prosecution reports, October 27, 2000, and March 13, 2001.

**Comments and Questions:**

Ms. Turnbo asked if conditions for all-weather surface, no inoperable vehicles, and no outside storage would be a problem for the business. Ms. Hux replied that would not be a problem.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 3-0-0 (White, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Dunham, Cooper "absent") to **APPROVE** a **Special Exception** to allow automobile repair in a CS zoned district, with conditions for all parking to be on all-weather surface, no parking inoperable vehicles more than one week, all work to be done inside, all storage inside, no outside storage or display of sales items or tools, 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:

Part of the NE/4 NE/4 of Section 13, T-20-N, R-12-E, of the IBM City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Beg. at the NE/c of the S 313' of the N 733' NE/4 NE/4 lying E of the Ely line of the Midland Valley Railroad of said Section 13; thence W 50'; thence S 25' to the POB; thence W 200'; thence S 235'; thence E 200'; thence N 235' to the POB.

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



**Case No. 19112**

**Action Requested:**

Review and approval of amended site plan, previously approved under BOA 18799, located E of SW/c Latimer & 129<sup>th</sup> E. Ave.

**Presentation:**

Wallace Wozencraft presented the amended site plan.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 3-0-0 (White, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Dunham, Cooper "absent") to **APPROVE** an amended site plan, previously approved under BOA 18799, on the following described property:

Trinity Park, A Resubdivision in City of Tulsa, Tulsa County, Oklahoma.

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**Case No. 19113**

**Action Requested:**

Variance of required setback from an R district from 75' to 36' to permit expansion of existing building. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS -- Use Unit 15, located 7240 E. 46<sup>th</sup> St.

**Presentation:**

**Dana Hutson**, 1909 N. Yellowwood, stated the request with the hardship being a 15' severe slope on the property.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

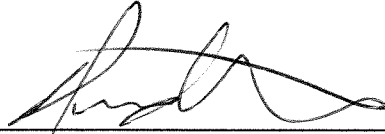
On **MOTION** of **Perkins**, the Board voted 3-0-0 (White, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Dunham, Cooper "absent") to **APPROVE** a **Variance** of required setback from an R district from 75' to 36' to permit expansion of existing building, per plan, finding the hardship to be the topography, on the following described property:

Lot 1, Block 2, Industrial Equipment Center 3<sup>rd</sup> Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 7:25 p.m.

Date approved: August 28, 2009

  
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Chair