

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 822
Tuesday, July 10, 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,
Zoning Official

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Friday, July 6, 2001, at 2:50 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.

*****.

Case No. 19091

Action Requested:

Mr. Beach stated that the applicant requested a continuance. The case was continued to today because the applicant indicated at the previous hearing that he might be acquiring more property on which he could meet the parking requirement. The owner of the other property is present and stated to Mr. Beach that he does not intend to sell to the applicant. August 14, 2001 was the soonest the case could be heard. The applicant was not present at this hearing. There were several interested parties present for the second time and they objected to the continuance. Ms. Perkins asked that Mr. Beach contact the applicant, to give him opportunity to present his case at this hearing. Mr. White tabled the case to later on the agenda.

Case No. 19125

Action Requested:

Gregg Van Wyck, 1521 E. 59th Pl, stated that Steven Pollen, the legal representative for Oxford House, Inc., was out of town at another court date. He requested a continuance to July 24, 2001.

Comments and Questions:

Mr. Dunham asked the staff member if the Board has authority to approve the variance requested. Mr. Jackere responded there is a special exception more

appropriate for this case. Mr. White urged interested parties in opposition to obtain as much of their objections in writing as possible and send them to INCOG before the hearing so the Board will have time to review them.

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. 19125 to the meeting on August 14, 2001.

MINUTES:

On **MOTION** of **Perkins**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** the Minutes of May 22, 2001 (No. 819).

UNFINISHED BUSINESS

Case No. 19100

Action Requested:

Special Exception to construct a 90' monopole cellular transmission tower on property zoned OL and within 99' of an adjoining lot line of property zoned OL. SECTION 1204.C.3. & 5. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions and SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS -- Use Unit 4, located S of SE/c of E. 45th St. & Harvard.

Ms. Perkins stated she would abstain.

Presentation:

John Brightmire, 320 S. Boston, stated U.S. Cellular requests to place an 80' laminated wooden monopole on the subject property. The nearest residential structures are more than 160' away. The closest residential district is 160' away and there are no existing towers near the site. The properties on the north, south and west are zoned OL with office buildings and on the east is an RS-1 district. The topography of the land is flat with some trees. The tower is designed to accommodate three slim line antennas at 75' and engineered for collocation of two similar antenna facilities. The building would be pre-fabricated, 12' x 20' with an aggregate rock exterior. Access would be from the existing parking lot. The tower is needed to provide cellular service where there is inadequate service and inadequate in-building service. The tract size is approximately 50' x 50' on a 2,500 square foot parent tract. The most likely development would be the Tulsa Racquetball and Athletic Club. Landscaping would be done in compliance with the zoning code. The applicant submitted a packet of exhibits to the Board (Exhibit A-1). Three letters of support were also submitted (Exhibit A-2).

Interested Parties:

Bill Liftsaw, 4621 S. Jamestown, stated he was opposed to the application. He noted the trees would lose their foliage and not provide screening seven months out of the year. He complained that the property is dilapidated. He suggested that the antennas should be placed on top of the taller buildings in the area.

Dr. Myrine Katz, 4543 S. Harvard, stated that the equipment building would be more like 15' from his property. He added that this section of Harvard is an attractive light office area and he felt this tower would detract from the aesthetics.

Mr. Cooper arrived at 1:36 p.m.

Jane Katz, was concerned that U.S. Cellular was trying to put in a pole before a proposed utility easement was approved.

Perkins out at 1:45 p.m.

Sharon Poleson, 4550 S. Harvard, stated she works in an office at this address. She was in agreement with Dr. Katz. She added that she is a U.S. Cellular customer and she wants them to have good coverage, but this is the wrong location.

Perkins returned at 1:47 p.m.

Ed Rosenheck, 4555 S. Harvard, was concerned that if the tower fell it would fall on his building. He stated that the applicant has not contacted him with any information regarding the tower. He expressed total opposition to the tower at this location.

Rick Jackson, 4520 S. Harvard, stated he is the landlord at this address, and is very much in opposition of the application. He stated that tenants of his building already have to see the very poorly maintained subject property.

Margaret Duncan, 4553 S. Jamestown, stated she opposes the application because it opens the door to a zoning change from OL to heavy commercial.

Terry Turner, 4501 S. Jamestown, **Linda Shaffer**, 3312 E. 45th, **Doug Powers**, 3324 E. 45th, **Philip Bayeau**, 4055 S. Harvard, **Ed Monnet, Jr.**, 3323 E. 45th St., and **Cathy Bogart**, 3331 E. 45th St. are all in opposition for all of the above reasons.

Applicant's Rebuttal:

Mr. Brightmire responded to concerns over decreased property values, stating that there are no studies that show cell towers cause a decline in property values. He stated that the applicant is willing to do whatever screening is necessary. Mr. Brightmire informed the Board that the suggested sites for a tower would not help.

He reminded the Board that they are preparing for heavier cell phone usage and peak hours not just to maintain the current usage. He pointed out that the F5 tornados of last year did not fell their cell towers. He indicated that with the advancement in technology the future towers would perhaps be shorter. He noted that the site is 200% back from the lot line, which is meeting the spirit and intent of the code.

Comments and Questions:

Mr. White noted a larger size "hole" in the coverage on the RF map. He asked how tall the pole would have to be if it were put on a site farther south. Mr. Brightmire suggested that usage and topography influence that decision. Ms. Turnbo asked how far the tower would be from Dr. Katz' office. He replied it would be 24 feet from his office. She surmised that the building would be about 15 feet from his office.

Doyle Grote, 1210 S. Detroit, stated that if they move the tower south it would not connect with the other sites that they need to off-load. He reminded the Board that even though it is called a tower it is a wood pole and slim line antennas, and they are shorter than the other type of towers. If the system is full it will not recognize if the next call is an emergency or just for a loaf of bread. The cell phone is used by the emergency services and is becoming many people's home phone. Mr. Cooper asked Mr. Grote how many more towers would it take to cover the remaining three gaps in mid-town Tulsa. Mr. Grote replied that one to two more towers should cover those gaps.

Board discussion ensued.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-1 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; Perkins "abstained"; no "absences") to **Deny** a ***Special Exception*** to construct a 90' monopole cellular transmission tower on property zoned OL and within 99' of an adjoining lot line of property zoned OL, 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. 19091

Action Requested:

Special Exception to reduce required parking for a non-conforming bar from 32 spaces to 11 spaces. SECTION 1408.B. ADULT ENTERTAINMENT ESTABLISHMENTS -- Use Unit 12a. & 13, located 716 and 720 N. Sheridan.

Presentation:

Dan Mordhurst, 2607 E. 57th St., requested a continuance for ten days. Kurt Ackerman has the parking plat and if it is approved he will not need any relief. This matter is separate from the property he tried to purchase for parking.

Comments and Questions:

The Board discussed the request for continuance.

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 request to **CONTINUE** Case No. 19091.

Mr. Mordhurst presented the need for relief to satisfy the newer code requirements for parking to obtain a new occupancy permit for the tavern on the subject property. The tavern has been in operation for 34 years. He would also like to make a retail space available that has been used for storage in the past. He has never had any complaints regarding parking. He reconfigured the parking lot to allow for 26 parking spaces.

Comments and Questions:

Mr. White inquired about parking in the rear of the building and the access to it. Mr. Mordhurst replied there are parking spaces with a mutual access easement between the strip mall and the Git N Go on the north. Mr. Mordhurst informed him that a lot of the patrons to the tavern are pedestrians from the neighborhood. Mr. Cooper asked about peak hours of operation for the tavern and beauty salon. Mr. Mordhurst stated that peak hours for the tavern start at 6:00 p.m. and are before 6:00 p.m. for the salon.

Interested Parties:

Bob Painter, 1151 N. 56th E. Ave., stated he is involved in the neighborhood watch. They are concerned about the crime on N. Sheridan. He mentioned a shooting at a bar across the street from the subject property and two grocery stores robberies. Mr. Cooper asked him if in his opinion the bar causes parking problems for the neighborhood. Mr. Painter replied that he has seen a line of parked cars down Sheridan for two or three blocks, but he does not know which bar they go to. He considered parking adequate and not a problem on the residential streets.

Hal Joiner, 715 E. Haskell, stated he coordinates the McKinley-Mitchell Neighborhood Watch. He expressed concern for the close proximity of the bars in the area. He also pointed out that the police are called to the area frequently.

Red Garrison, 6700 block E. Independence, stated the bar patrons park on other business parking lots and walk to the bars. One of the neighbors frequently

Al Crystal, 708 N. Oxford, stated he owns property at 711 N. Oxford next to the subject property. He stated that bar patrons once used his yard like a public park for barbecuing, have torn down his fence, and often park on Oxford.

Mr. Mordhurst stated he has tried to reach all of the neighbors and wants their input. He stated he would put in screening. Mr. Jackere suggested he talk with Mr. Ackerman because he will be making a decision regarding the parking and it will be final and binding.

On **MOTION** of **Turnbo**, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins "aye"; Cooper "nay"; no "abstentions"; no "absences") to **DENY** a ***Special Exception*** to reduce required parking for a non-conforming bar from 32 spaces to 11 spaces, 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 **MOTION** of **Dunham**, the Board voted 3-0-2 (Dunham, Turnbo, Perkins "aye"; no "nays"; White, Cooper "abstained"; no "absences") to **APPROVE** the Minutes of June 12, 2001 (No. 820).

REQUEST FOR RECONSIDERATION of a 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, located 2218 E. 54th St.

Steve Schuller, 500 ONEOK PLAZA, 100 W 5th St., stated the client would be willing to move the storage to another site and use the home for office use only in one room. He added that there would be no deliveries to the home.

Comments and Questions:

Mr. Jackere stated that notice must be given for another hearing of this case, in consideration of interested parties. Mr. Dunham noted that the objections in the previous meeting were all about the deliveries. Mr. Jackere responded that there is no way to enforce a condition for no deliveries because they may receive personal deliveries but no one is going to know when it is personal or business. Mr. Cooper asked Mr. Schuller for the nature of the office business. Mr. Schuller replied they sell and service game machines for casino type operations. The office work would be phone paper work, and bookkeeping.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-1-0 (White, Turnbo, Perkins, Cooper "aye"; Dunham "nay"; no "abstentions"; no "absences") to **DENY** a ***REQUEST FOR RECONSIDERATION*** of a Special Exception to permit home occupation (office), 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. 19114

Action Requested:

Special Exception to reduce the required number of parking spaces from 25 to 16.
SECTION 1212.D. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN
DRIVE-INS, Off-Street Parking and Loading Requirements and SECTION 1408.
ADULT ENTERTAINMENT ESTABLISHMENTS -- Use Unit 12A, located 3307-
3309 S. Peoria.

Presentation:

Jeffrey Levinson, 35 E. 18th, presented for the Brookside Bar. He informed the Board that this applicant has been in close contact with the neighborhood and their association. The bar has been considered a good neighbor.

Interested Parties:

Randall Duncan, 1924 S. Utica, stated he was representing Ed Kallay, requested a continuance. He stated that Mr. Kallay only received his notice the day before the meeting and would like to discuss the case with the applicant. Mr. Duncan stated that the special exception might not be necessary, as Mr. Kallay owns several properties in the area and may be able to offer the applicant a satisfactory alternative.

Mr. Levinson responded that he is not in favor of a continuance. He informed the Board that he has already spoken with Mr. Kallay and he is not in agreement with his proposal.

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 request to **CONTINUE** Case No. 19114.

Interested Parties:

Mr. Duncan expressed their concern that Mr. Kallay went to a lot of trouble and spent a lot of money to comply with the code and now this applicant is trying to get the same thing with a special exception.

David Paddock, 1101 E. 34th St., stated he is the Vice-President of the Brookside Neighborhood Association. He indicated that Mr. Kallay would not meet with the Infill Task Force and had not shown interest in the neighborhood. He added that the bar has been established since the 1940's, is small and does not draw crowds.

Nancy Apgar, 3914 S. Norfolk, stated she is the President of the Brookside Neighborhood Association. She stated she had talked with Mr. Kallay the day before and she is in agreement with Mr. Paddock that the bar should not be put out of business.

Applicant's Rebuttal:

Mr. Levinson stated that there is no guarantee for parking spaces shared with other businesses.

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 reduce the required number of parking spaces from 25 to 16, 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.

..*.*.*.*.*.*.*.*

Case No. 19115

Action Requested:

Special Exception to permit duplex use in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 7, located N of NW/c E. 35th St. & S. Hudson.

Presentation:

Bobby Griffin, 2702 E. 56th Pl., stated his family has owned the property and there are now five duplexes built on there.

Interested Parties:

Robert McCallum, 5535 E. 35th St., stated his concern of inadequate access for emergency vehicles. He stated that the street does not have access to Hudson

Avenue. He indicated that one resident complained that she has trouble just driving to her home because of all the residents' cars on that one city block.

Applicant's Rebuttal:

Mr. Griffin responded that no one parks in the street because they all have two-car garages. He mentioned two ambulance trips to their street and they had no problems getting through.

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 duplex use in an RS-3 district, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

N 83.5' of Lot 9, Block 7, Yorkshire Estates, the Resubdivision of Lots 2-4, Block 3, and all of Block 4-13, Yorkshire Estates, City of Tulsa, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*.

Case No. 19116

Action Requested:

Special Exception to allow storage (Use Unit 23) in a CG zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 23; a Special Exception to permit parking and storage on a surface other than all-weather material. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS; and a Special Exception to allow manufactured home and auto repair (Use Unit 17) in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 17, located 8936 E. Admiral Pl.

Presentation:

Sam Daniel, III, 1756 S. Utica, stated he was representing Henry Harper. Mr. Harper owns a mobile home park on Admiral between Mingo and Garnett. He submitted an amended legal description, included in the applicant's packet of exhibits (Exhibit B-1). The mobile home park is a non-conforming use, opened in the late 1950's. He mentioned the maintenance trailer, number 18, on exhibit sketch that contains items for repairing older trailers. He added that Mr. McCombs in trailer number 27 does auto repair across from his home in the CG district. There are seven old mobile homes used to store parts and materials. Three of these homes will be repair and placed on lots in the park for rent.

Comments and Questions:

Mr. Jackere asked what they are storing in the mobile homes. Mr. Daniel referred him to a hand written list of items as part of Exhibit B-1. Mr. Daniel pointed out that

the storage area is fenced. Things that are too big to store in a trailer are behind the fence, such as axles.

Henry Harper, 13005 E. 28th, stated that almost everything stored in the outside area is used to maintain or repair the mobile homes. Mr. Cooper questioned the applicant regarding cars in the photographs (Exhibit B-2) provided by Neighborhood Inspections, which appeared to be inoperable. Mr. Harper stated they were all operable, tagged and can be moved. Mr. Harper stated that the tenants own these cars.

Interested Parties:

Candy Parnell, stated that Mr. Harper has cleaned up the park some since the photographs were taken around May 25, 2001. She stated that they have a work order that is being turned in to clean out the rest of the junk and debris on this property. It is taking longer because Mr. Harper filed an appeal to the abatement notice. The appeal was denied. Mr. Daniel stated that Mr. Harper is trying to clean up the property and meet the deadline from Neighborhood Inspections.

Tim Cartner, stated that Neighborhood Inspections recognizes the park as non-conforming. The lot that he is concerned about was a vacant lot until they moved dilapidated mobile homes on it for storage and auto repair. It is south and separate, not connected from the mobile home park and has different zoning.

Sue Culbert, 8817 E. 2nd St., submitted a petition (Exhibit B-3) of opposition. She stated that they believe the street should have an all-weather surface. She said there were holes in the street that allow water to stand. She added the current condition of the street degrades the neighborhood. She added that the tenants keep up their yards, but the landlord does not do as well around his own house.

Ann Graham, 8821 E. 2nd St., submitted photographs included in Exhibit B-3. She expressed her concern that Admiral and 2nd Street dead ends at this location and heavy traffic could prevent emergency vehicles from getting through.

Don Culbert, 8817 E. 2nd St., complained that Mr. Harper started to put in a driveway that is not up to code and did not complete it. He is concerned that if he obtains more special exceptions he will continue to break the ordinances.

Gene Graham, 8821 E. 2nd St., stated he objects to the outside storage, and is concerned that it will be abused.

Billy Cole, 249 S. 89th E. Ave., submitted a photograph that is included in Exhibit B-3. He pointed out that a mobile home is not on wheels, and only 12 to 14 inches off the ground. He was concerned that it provides a habitat for animals. He also noted that old trailer chassis are scattered around and are not in condition to repair other trailers, just salvage.

Tom McBay, 1636 S. 117th E. Ave., stated he is the President of the East Tulsa Mingo Valley Association of Districts 5 and 6. They support east Tulsa businesses and insist they be good neighbors. He stated that the special exceptions would discourage compliance with the code.

Troy Williams, 402 S. 105th E. Pl., Vice-President of the Wagonwheel Association, called the subject property a junk yard.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to allow storage (Use Unit 23) in a CG zoned district; a **Special Exception** to permit parking and storage on a surface other than all-weather material; and a **Special Exception** to allow manufactured home and auto repair (Use Unit 17) in a 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.

..*.*.*.*.*.*.

Case No. 19117

Action Requested:

Amendment to an approved site plan to permit an addition to a church in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 5, located 1714 W. 40th St. S.

Presentation:

Maurice Clyma, 610 S. Main, stated he is an architect representing Trinity Baptist Church, for an amendment to the site plan.

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** an Amendment to an approved site plan to permit an addition to a church in an RS-3 district, subject to the applicant meeting all requirements of setbacks, landscaping, screening and other requirements of the zoning code, on the following described property:

Lots 1-8 25, and 26, Block 6, Clinton Homesites Addition, City of Tulsa, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*.

Case No. 19118

Action Requested:

Special Exception to exceed 4' limit to height of fence in required front yard. SECTION 210. YARDS -- Use Unit 6, located 1385 E. 29th St.

Presentation:

Patrick Fox, 320 S. Boston, Ste. 1710, stated the request for special exception.

Comments and Questions:

Mr. Dunham called Mr. Fox's attention to the staff comments, stating he will need more relief. Mr. White determined that it is a wall and not a fence. Mr. Fox agreed it is an eight-foot wall with ten-foot columns. Mr. Fox pointed out other properties in the area with similar walls and columns. Mr. Fox also offered to move the whole wall back five feet to comply with the requirement of 25 feet from the centerline of 29th Street.

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 **Special Exception** to exceed 4' limit to height of fence in required front yard, with condition that the fence be no closer than 25' from the centerline, 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:

Beg. at a point 1335' N and 982.5' E SW/c of Section 18, T-19-N, R-13-E, thence N 315', thence E 157.5', thence S 315', thence W 157.5' to the POB, City of Tulsa, Tulsa County, State of Oklahoma

..*.*.*.*.*.*.

Case No. 19119

Action Requested:

Special Exception to permit a manufactured home (doublewide) in an RM-1 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9; and a Special Exception of time limit to permit on a permanent basis. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located SW/c Oklahoma St. & St. Louis Ave.

Presentation:

Booker T. Chambers, 922 E. 61st St., proposes to put a new doublewide mobile home on the subject property. He showed photographs (Exhibit C-2) of surrounding properties.

Interested Parties:

Jacquelyn Chadwick, stated that she has lived next door to the subject property for fifteen years. She submitted a petition of opposition (Exhibit C-1). She stated that the property was not large enough for a doublewide. She complained that she would have to see the back of the mobile from her door. Ms. Chadwick expressed concern that the mobile home would decrease property values.

Applicant's Rebuttal:

Mr. Chambers responded that he has plenty of land for the home. He reviewed the locations of salvage yards, railroad tracks. He did not think that a new mobile home would decrease property value any more than those sites. He plans to make his home look more like a stick built home and on a permanent foundation.

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 **DENY** a **Special Exception** to permit a manufactured home (doublewide) in an RM-1 district; and a **Special Exception** of time limit to permit on a permanent basis, 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. 19120

Action Requested:

Variance to utilize a 50' x 100' non-all-weather surface for vehicular parking. SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 2840 E. 101st St.

Presentation:

Jeff Levinson, 35 E. 18th St., stated this case is unusual, having a small area unpaved. The use of this parking area is not required by the office next door, as there is plenty of parking. The City of Tulsa Public Works Department Inspections personnel requested a gravel surface so they would not track mud through during construction of a mini-storage. The applicant put in a no parking sign on that site but in isolated instances people have parked there anyway, which caused the applicant to be cited. He has complied with the City of Tulsa, but continues to get cited and would like to resolve the issue. The hardship is that he does not need the space for parking and if he removes the gravel then the City of Tulsa will want him to put it back down when he begins construction again.

Interested Parties:

Dewayne Griffin, 10217 S. Evanston Pl, in Delaware Pointe, stated he is the homeowner association president. He submitted a petition (Exhibit D-1) signed by 91 members in opposition to the application. They do not object to the business that is coming into the area. They do want businesses to comply with the zoning

Presentation:

Charles Norman, 2900 Mid-Continent Tower, stated he was representing the University of Tulsa in the redevelopment of South Delaware Avenue. He submitted a site plan and erosion control plan (Exhibits G-1 and G-5). The application is regarding the re-design of the soccer/track complex on the west part of the property. There were some problems with the geometrical problems with the curves of the track, therefore the track has been slightly widened and the curves softened, which increased the width. He described the changes in the grandstands.

Comments and Questions:

Mr. Cooper asked about the hardships for this case. Mr. Norman responded that the hardships are configuration of the land at this site, the curvature of the tract and the elevation of the property affecting drainage. Mr. Norman anticipated some of the objections and asked the Board to note the plans for erosion control to prevent dust blowing into the residential neighborhood. He also mentioned an eight-foot wall they plan to build with the permission of the property owners to protect them further, along with plans to sod five feet on the residential side of the lot line.

Perkins out at 5:23 p.m.

Interested Parties:

Maria Barnes, 2252 E. 7th St., stated the neighbors are concerned about the dust problem from the construction site on the residential neighborhood. She added there are signs marked, "parking by permit only" that would cause the spectators to park in the neighborhood. She asked that something be changed so it will not apply to the time during events.

Perkins returned at 5:25 p.m.

Margaret Duncan, 4553 S. Jamestown, stated she is a member at College Hill Presbyterian Church, across the street from the subject property. She stated she was there as an interested party and did not have any objection.

Two letters and photographs (Exhibits G-2, G-3, and G-4) were submitted to the Board regarding Case No. 19123.

Applicant's Rebuttal:

Mr. Norman responded that the signs would be worded or covered to allow parking during events. He reminded the Board of the 1900 parking spaces that would be available a short walking distance on the campus for events.

Board Action:

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

Variance to permit the west side grandstand in an RM-2 district abutting a residential street to be 27' from the centerline of the right-of-way of South Columbia Avenue for a distance of approximately 120' rather than 35'; and a **Variance** of the off-street parking requirements for university stadium bleachers to permit the off-street parking spaces required for the athletic fields and the student health and fitness center in excess of 125 spaces to be provided off-site, but within the South Delaware Avenue, the South Florence Avenue, the East 8th Street and the northern boundaries of the university campus, per plan, finding the hardship to be the configuration of the land versus the configuration of the proposed structures, including the erosion control plan, and the parking requirements would be part of this action, on the following described property:

A tract of land that is all of Lots 12 thru 21 in Block 5, and all of Blocks 6, 7 and 8 of Highlands 2nd Addition, City of Tulsa, Tulsa County, State of Oklahoma, and also that part of vacated 4th Pl. between Blocks 5 and 6, vacated 5th St. between Blocks 6 and 7, vacated 5th Pl. between Blocks 7 and 8, and also part of vacated S. Columbia Ave., said tract of land being more particularly described as follows, to-wit: Beg. at a point that is the SW/c of said Block 8 of Highlands 2nd Addition; thence N 00°03'00" E along the Wly line of said Block 8 and the Nly extension thereof for 350.00' to the SW/c of said Block 7; thence S 89°40'27" W along the Wly extension of the Sly line of Block 7 for 25.00' to a point on the centerline of vacated Columbia Ave.; thence N 00°03'00" E along the centerline of said vacated S. Columbia Ave. for 820.49' to a point on the Nly line of Lot 11, Block 5; thence N 89°46'00" E along the Nly line of Block 5 for 635.96' to the NE/c of said Block 5; thence S 00°02'58" E along the Ely line of Blocks 5 thru 8 and the Wly right-of-way line of S. Delaware Ave. for 1169.45' to the SE/c of said Block 8; thence S 89°40'27" W along the Sly line of Block 8 for 613.00' to the POB of said tract of land.

..*.*.*.*.*.*.*.*.

Case No. 19124

Action Requested:

Modify condition of Special Exception for Use Unit 17 imposed in BOA 18323 to permit autos to remain on lot for five days instead of two days. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 17, located 215 S. Lewis Ave.

Presentation:

John Moody, 7146 S. Canton, for Lester Springer, the owner of the subject property, stated the Board previously approved a special exception for Use Unit 17 in BOA Case No. 18323, allowing autos to stay on the lot for two days. The tenant has moved out since this application was filed but Mr. Springer would like to find a use for this property that would be acceptable to the neighborhood. Mr. Moody asked for a continuance to give Mr. Springer time to meet with the task force of the Kendall-Whittier neighborhood regarding screening and other issues.

Interested Parties:

Maria Barnes, 2252 E. 7th St., stated she opposes because she came to the previous case in 1999 to support the applicant on the special exception. He has not complied with the decision, and has not put in screening or landscaping.

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. 19124 to the meeting on August 14, 2001.

..*.*.*.*.*.*.

Case No. 19126

Action Requested:

Special Exception to allow automobile sales in a CS zoned district (Use Unit 17).
SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS --
Use Unit 17, located N of NW/c E. 21st St. & 129th E. Ave.

Presentation:

Steve Coder, 4111 E. 51st, stated he owns the subject property that fronts 129th Street and some land around it. He proposes to put a car lot on the lot, which is currently used for storage of boats, RV's and cars. The lot already has an all-weather surface, part of the building was a Napa Auto Parts store, and the back is currently used for automotive motor rebuilding. The front of the building would be used for offices. He pointed out that the property next door is used for auto sales and repair.

Comments and Questions:

Mr. Beach noted that the property on which he wants to display cars is less than 300' from an abutting R district, and he would need relief from that requirement. Mr. Dunham noted that he already stores recreational vehicles and cars on part of the property. Mr. Coder replied that he is in compliance for that property, according to Kurt Ackerman. Mr. Coder stated that the north lot was approved for boat and RV parking, subject to having a six-foot screening fence and an all-weather surface.

Dunham out at 5:42 p.m.

Interested Parties:

Dunham returned at 5:44 p.m.

John Aighner, 12644 E. 19th St., submitted a petition of opposition (Exhibit H-2). They object to auto sales, additional storage buildings, and outside storage. They have complaints regarding weeds and grass that have grown almost as tall as the fence. He pointed out the land erosion, no landscaping, and construction debris.

Tom McBay, 1636 S. 117th E. Ave., stated he opposes the application for special exception and would oppose a variance.

James Mautino, 14628 E. 12th St., with Tower Heights Neighborhood Association, stated that in his opinion the applicant should be trying to get re-zoning, not an exception or variance. He stated his opposition to this case.

A letter of opposition (Exhibit H-1) was submitted to the Board.

Applicant's Rebuttal:

Mr. Coder stated he has spoken with the owner of the property and was encouraged to apply for the exception.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to allow automobile sales in a CS zoned district (Use Unit 17), 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. 19128

Action Requested:

Variance to permit linear parking for funeral home per plan. SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS and SECTION 1301. GENERAL REQUIREMENTS -- Use Unit 11, located E of NE/c E. 41st St. & S. Harvard.

Presentation:

John Moody, 7146 S. Canton, stated he was representing the property owner, the applicant in this case. A Planned Unit Development (PUD) was approved for this property to permit the use of the former church building for a funeral home. The parking requirements are met on this property. The lineal parking used by a funeral home for escorting the family after services does not comply with the zoning code.

Comments and Questions:

Dunham asked for the square footage of assembly floor area and the number of parking spaces. Mr. Moody replied there are 164 parking spaces and possibly 7,000 square feet of chapel area.

Interested Parties:

Jean Heidinger, 4123 S. Jamestown, stated she was verifying this as the same plan provided to the Tulsa Metropolitan Area Planning Commission.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to permit linear parking for funeral home, as depicted on the site plan submitted, finding it to be the standard for the industry, 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:

The E 140' of the W 482.6' of the S 313.28' of the SW/4, SW/4, SW/4, Section 21, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*.

Case No. 19131

Action Requested:

Appeal from the decision of the administrative official that the subject property contains an unlawful auto salvage/auto repair/junk business in a residentially zoned district, located NE/c E. Apache & N. Toledo.

Presentation:

Steve Boles, 212, N. Main, Sand Springs, a retirement/estate-planning consultant, stated he was representing Menzola Evans-Jackson. The property is in a trust and they have engaged an attorney, Larry J. Smith. Mr. Smith could not attend this hearing. Mr. Boles stated that they are in agreement with the administrative official and with the attorney's assistance will submit a written plan for putting the property in compliance with the code. The property is being zoned residential.

Comments and Questions:

Mr. Cooper asked Mr. Jackere if the Board has jurisdiction to take action on the appeal since the time limitation is expired. Mr. Jackere replied the Board does not have jurisdiction. Mr. Boles asked if he could seek a variance. Mr. Jackere responded that they could seek a variance or re-zoning at a future date.

Interested Parties:

Lorraine Haynes, 1416 N. Boston, co-trustee, stated they would like to save the property and bring it into compliance.

Board Action:

Mr. Dunham stated that they recognize the City of Tulsa Board of Adjustment has no jurisdiction in this case. Case No. 19131 was **Stricken** from the agenda.

Other Business

Case No. 16640

Action Requested:

Modification of tie agreement imposed as a condition of approval.

Presentation:

Mr. Beach stated that the Board having reviewed the case, needed only to make a decision, whether or not modifying the tie agreement would be consistent with the previous approval.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Modification of the agreement imposed as a condition of approval to free the most easterly portion so it can be sold in the lot-split, per plan submitted today, on the following described property:

Lot 16, Block 3, Timbercrest Addition, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

There being no further business, the meeting was adjourned at 6:12 p.m.

Date approved: NOVEMBER 27, 2001

Chair