

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 857  
Tuesday, January 28, 2003, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

**MEMBERS  
PRESENT**

Dunham, Vice Chair  
Cooper  
Turnbo  
White, Chair  
Perkins

**MEMBERS  
ABSENT**

**STAFF  
PRESENT**

Beach  
Butler

**OTHERS  
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Monday 27, 2003, at 8:48 a.m., as well as at the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

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

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Mr. Jim Beach read the rules and procedures for the Board of Adjustment Public Hearing.

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**MINUTES**

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** the Minutes of January 14, 2003 (No. 856).

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**UNFINISHED BUSINESS**

**Case No. 19500**

**Action Requested:**

Variance to allow a 1500 square foot detached accessory building in an RS-3 district. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS; and a Special Exception for church use in an AG and RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located Southeast corner of East 101<sup>st</sup> Street and Florence.

**Presentation:**

**John Keith Townsley**, 1245 W. 113<sup>th</sup> St., Jenks, Oklahoma, stated he is the Pastor of Life Tabernacle. He showed the site plan (Exhibit A-1). They propose to build a structure, designated as Phase 1, in 2003 (Exhibit A-2) on nine and one-half acres. He stated they have talked with the neighbors about the application. Rev. Townsley informed the Board that they have not decided on the materials for the exterior of the building, but it would be comparable to neighboring structures. He submitted photographs of a church built with the same basic plan (Exhibit A-3). They desire to use this property long-term for church use.

**Rollie Morrison**, 4216 Tomahawk Dr., Sand Springs, Oklahoma, stated the reasons they are asking for a 1500 square foot building. They want to protect the equipment they need to maintain the property, storage for stage props, and general storage. He added they want to keep the property clear of outside storage and to secure the building.

**Mr. Cooper arrived at 1:10 p.m.**

**Interested Parties:**

**Laurie Simmons**, 2820 E. 102<sup>nd</sup> Pl., stated she was speaking on behalf of the Delaware Pointe Neighborhood Association Board. They understood that the storage building would be 16' in height and 100% metal. They are not opposed to a church, but they are opposed to this building being constructed first, the height and that it is a metal building. They are concerned because two other properties obtained variances and now are an eyesore to the neighborhood. She submitted photographs to show the Board (Exhibit A-4). Ms. Turnbo suggested they contact Neighborhood Inspections to which Ms. Simmons replied they have been in touch with Mr. Ballentine. She added they are concerned because they have not seen any plans for lighting or structures. She submitted a petition of opposition (Exhibit A-5) to the Board. She presented a photo of an existing storage building already existing on the property that has also caused them concern because it has been poorly maintained (included in Exhibit A-4).

**Sara Tronnier**, 3220 E. 101<sup>st</sup>, stated she objected to the new storage building being directly in front of her home.

**Bill Puroff**, 10505 S. Delaware, pointed out the location of Ms. Tronnier's house on the aerial map. Ms. Tronnier expressed concern because she has a permanent temporary water line, to which the applicant could not have access. She did not think the applicant would have easier access to any of the other utilities on this portion of the property either.

**Steve Cummings**, 4513 W. 88<sup>th</sup> St., stated he owns the property at 3240 E. 101<sup>st</sup> St. He is opposed to the construction of the building directly across the street from his house. He suggested there is a better place to build such a building. There is

no easier access to utilities or the road at this location. He would be interested in talking with the applicant to work toward a more acceptable plan.

Bill Puroff was opposed for reasons stated above.

**Applicant's Rebuttal:**

Rev. Townsley showed photographs of structures similar to the proposed building (Exhibit A-3) to the Board. He mentioned that at the highest peak it would be 16' and there would be a 10' garage door and 12' sidewalls. He informed the Board the church has considered other locations on the property. There are lower elevations on the property that would be boggy and not a good location for heavy equipment.

Board discussion ensued.

**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 **APPROVE** a **Variance** to allow a 1500 square foot detached accessory building in an RS-3 district, finding the building be placed no closer to 90' of south property line, or 99' from the west property line, on conditions: the church construction be subject to approval of a detailed site plan, a building permit within one year, and the building be substantially complete within two years; and a **Special Exception** for church use in an AG and RS-3 zoning districts, finding 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:

The NE/4 NE/4 of Section 29, T-18-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

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**NEW APPLICATIONS**

**Case No. 19503**

**Action Requested:**

Variance of lot width from required 150' to 75' to permit lot split #19473 in a CS district. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 14; and a Variance of required parking to 21 spaces from 27 required. SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements; and Release of tie agreement on BOA 16868, located 1936 S. Harvard.

**Ms. Turnbo recused herself from Case No. 19503.**

**Presentation:**

**Brad Beasley**, 100 W. 5<sup>th</sup> St., Suite 800, stated he represented the applicant, Mr. Tankersley. He submitted a packet of information, including a site plan and photographs (Exhibit B-1 and B-2). The building has 6,000 square feet, and currently the business, Apertures Photo is a tenant. The required parking is 26.67 spaces but there are 21 existing spaces. The tenant entered into a contract to purchase the property. He pointed out a hardship, a 7'-8' retaining wall that splits lots four and five. The south half of lot five is leased to Quik Trip. He informed the Board that the actual retail area of the photo shop is 1,344 square feet. The rest of the space is for processing, framing and other functions. The topography has limited the availability of more parking spaces.

**Interested Parties:**

**Susan Johnson**, 1927 S. Gary Pl., stated she is a member of the Florence Park Neighborhood Association. She is opposed to the application because it would cause increased noise and trash. She complained that the screening fence was too low to screen the business from her property. She added that she wanted more information because they did not received notice in time to find out more about it.

**Barbara Bracken**, 19243 S. Gary Pl., expressed the concerns as mentioned above.

A letter was received from **Paula Hubbard**, 1931 S. Gary Pl., (Exhibit B-3).

**Applicant's Rebuttal:**

Mr. Beasley stated there would be no change in parking, use or retail space. He added they would be willing to do any repair needed on the screening fence.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-0-1 (White, Dunham, Perkins, Cooper "aye"; no "nays"; Turnbo "abstained"; no "absences") to **APPROVE** a **Variance** of lot frontage from required 150' to 75' to permit lot split #19473 in a CS district; a **Variance** of required parking to 21 spaces from 27 required; and a Release of tie agreement on BOA 16868, 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, with conditions for no more than 4,500 square feet of retail use, use of the rest of the building is not to generate more parking, and construction of a six-foot high solid screening fence on west side, on the following described property:

N/2 of Lot 5 and Lots 6 & 7, and the S/2 of Lot 5 and Lot 4, Block 1, Florence Park, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19504**

**Action Requested:**

Variance of the required structure setback from centerline of abutting street (East 11<sup>th</sup> Street) to permit existing improvements and a proposed masonry wall. SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS and SECTION 1104.D. BULK AND AREA REQUIREMENTS, Building Height, Setbacks and Yards – Use Unit 26, located 13521 E. 11<sup>th</sup> St.

**Presentation:**

**Roy Johnsen**, 201 W. 5<sup>th</sup>, Suite 500, stated he represented APAC Oklahoma, Inc. He submitted a packet of exhibits (Exhibit C-2). He remarked that his own exhibit marked B was submitted as part of a PUD 668, which was approved by the Planning Commission and the City Council. He explained there will be a 35' dedicated right-of-way, and another 15' will be dedicated with the right to use the area and construct a wall only. The City of Tulsa would be free to take it back if needed. The wall will be pre-cast and ten feet high. He described the use of the front property for aggregate and a turn around for the large trucks.

**Interested Parties:**

**Randy Pickard**, attorney for Tower Heights Neighborhood Association, submitted a packet of information (Exhibit C-1). He informed the Board that the wall is only blocks stacked on each other and not tied down. The neighborhood association considers the hardship to be self-imposed. In the summer, the business had to compress the usage and store sand and aggregate at the front of the property. Now that they have more than doubled the space available, provided by the court ruling, they do not need the expanded aggregate area and could move it back from the road more. He noted the safety hazard when large trucks pull out onto 11<sup>th</sup> Street into both lanes of traffic that it stops traffic from both directions. His clients suggest the wall be constructed 50' further back, and more flare to the driveway.

**Applicant Rebuttal:**

Mr. Johnsen refuted the argument that the aggregate area was expanded. Mr. Dunham asked if any of the area has been expanded or is the same as it was a year ago. Mr. Johnsen replied that they may have replaced some of the blocks but the area has not been expanded. He added that the City Traffic Engineer indicated he is satisfied and did not see a problem. Mr. Johnsen also noted that other structures along 11<sup>th</sup> Street are closer to the street than the wall would be.

**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 **APPROVE** a **Variance** of the required structure setback from centerline of abutting street (East 11<sup>th</sup> Street) to permit existing improvements and a proposed masonry wall, per plan, with conditions for a ten-foot wall height, and subject to the approval of Public Works and Legal Department of the right-of-way dedication, finding that literal

enforcement of the Code would be injurious and a hardship to the property owner, on the following described property:

The W 330.16' of the E/2 E/2 SE/4 SW/4 and the W/2 E/2 SE/4 SW/4, Section 4, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, and being located in an RS-2/IL/IM/PUD 668.

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**Case No. 19506**

**Action Requested:**

Amendment to site plan previously approved by Board of Adjustment in Case No. 18902, to permit addition of small storage building adjacent to trash enclosure, located 16505 E. Admiral Pl.

**Presentation:**

**Stephen A. Schuller**, stated he is an attorney for Quik Trip Corporation, and stated the request for approval of a small storage building adjacent to the trash enclosure. A site plan was provided (Exhibit D-1).

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** an Amendment to site plan previously approved by Board of Adjustment in Case No. 18902, to permit addition of small storage building adjacent to trash enclosure, per plan, on the following described property:

Lot 1, Block 1, Dixie Hill Center Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19507**

**Action Requested:**

Special Exception to allow a day care center in an OL district. SECTION 602.B. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions – Use Unit 5, located 2240 E. Apache.

**Presentation:**

**Terry McGee**, 585 Country Club Dr., was present for his case. A site plan was provided (Exhibit E-1).

**Comments and Questions:**

Mr. Dunham confirmed with Mr. McGee that he would agree to the approval being limited to the OL portion of the property.

**Interested Parties:**

**David Patrick**, City Councilman, stated he was present in support of the case. He felt it would encourage development in the area and found it appropriate.

**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 day care center in an OL district, per plan, with condition that any day care activity be confined to the OL area, on the following described property:

E/2 E/2 NW NE NE, Section 30, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

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**Mr. White abstained from Case No. 19508.**

**Case No. 19508**

**Action Requested:**

Variance to permit a detached accessory building in the front yard in an RS-3 district. SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6, located 420 W. 36<sup>th</sup> St. S.

**Presentation:**

**Bob Gibson**, 4641 S. Braden Ave., stated he is the contractor for the owner. They just finished a wrap around add-on to the existing residence. They made application for a 30' X 50' four-car garage in the front yard. He described numerous industry and business around the property. He stated they plan to remove two old storage buildings. He added it would match the existing structure. A site plan was provided (Exhibit F-1).

**Comments and Questions:**

Ms. Perkins asked if there would be any commercial use of the building. Mr. Gibson assured the Board there would not be any commercial activity.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; White "abstained"; no "absences") to **APPROVE** a **Variance** to permit a detached accessory building in the front yard in an RS-3 district, per plan,

on condition there is no commercial activity, and finding the hardship to be there is no other place to locate the garage, following described property:

Lot 2, Block 1, Garden City, less and except a tract of land described as follows Commencing at the SW/c of Lot 2, Block 1, Garden City Addition, thence E 43.00', thence N 104.00', thence E 57.00', thence S 104.00', thence W 57.00' to the POB, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19509**

**Action Requested:**

Special Exception to allow duplexes in an RS-3 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 7, located Nogales between Oklahoma & Newton.

**Presentation:**

**Jerry Ledford, Jr.**, Tulsa Engineering and Planning, stated he represented Michael's Development for the Tulsa Housing Authority on the development of the Hope 6 Project. Tulsa Housing Authority is revitalizing part of the property south of Newton. He mentioned that Projects 1 and 2 are under construction. They are trying to improve the infrastructure in the area. A site plan and aerials were provided (Exhibit G-1 and G-2).

**Interested Parties:**

**Myra Conner**, 2239 N. Main, owns nearby property. She indicated she is planning improvements for her own properties that should be comparable to the new development. She indicated her support for the application.

**Janie Bustos**, 1326 N. Nogales, stated her support of the application.

**Janie Botello**, 6039 N. Owasso, stated she was concerned she would have to move off of her property. She expressed her relief to understand the application, and she is encouraged to improve her own property.

**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 duplexes in an RS-3 zoned district, per new plan, finding 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 7, 10, 11 and 12, Block 1, Osage Place Addition, and Lots 1 - 6, Richray Addition, less the L. L. Tisdale right-of-way and an unplatted tract being a part of the W/3 of the SE/4 of the NE/4 of the SE/4 of the SE/4 of Section 34, T-20-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma.



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**Case No.19510**

**Action Requested:**

Special Exception to allow multi-family in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 8, located N. Nogales Ave. & W. Newton St.

**Presentation:**

**Jerry Ledford, Jr.**, Tulsa Engineering and Planning, was present regarding six-plexes on the subject property, in a CS zoned district.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow multi-family in a CS zoned district, per plan, with condition to conform to RM-2 Bulk and Area Requirements, finding 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, 2 and 3, Block 2, and Lots 1, 2, 3, and 4, Block 1, Osage Place Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19511**

**Action Requested:**

Special Exception under Section 1608.A to permit the renovation and expansion of the University of Tulsa Sharp Chapel under Use Unit 5 in an RM-2 zoning district according to a site plan approved by the Board, located ¼ mile N of E. 8<sup>th</sup> St. & College Ave.

**Presentation:**

**Charles E. Norman**, 2900 Mid-Continent Tower, stated he was representing the University of Tulsa. They request to remove a portion of the accessory facilities for the existing Sharp Chapel, and add a substantially larger supporting facility per the plan submitted (Exhibit I-1). It will not change the existing chapel or the number of seats within it. They would be removing some office space.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** under Section 1608.A to permit the renovation and expansion of the University of Tulsa Sharp Chapel under Use Unit 5 in an RM-2 zoning district according to a site plan approved by the Board, per plan, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

A tract of land that is part of Blocks 14 and 16 in College Addition, City of Tulsa, Tulsa County, State of Oklahoma, and part of vacated College Ave., said tract of land being more particularly described as follows, to-wit: The Ely 72.00' of Lots 1-6, inclusive, Block 16, and vacated College Ave. adjacent to Block 16 and the Wly 23.00' of the Sly 300.00' of said Block 14.

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**Case No. 19498**

**Action Requested:**

Request to Reconsider Special Exception for church use in RM-1 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS; a Variance of required one acre minimum lot size to 33,000 square feet. SECTION 1205.B.1.a. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; and a Variance of 25' setback from residential area. SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 4635 South Madison Place.

**Presentation:**

**Linda Martin**, with the Doerner-Saunders Law Firm, 320 S. Boston, stated she represented Hamilton Okotie, the applicant. She reminded the Board that he presented his case at the last hearing. Ms. Martin indicated there was a great deal of factual and legal information that was not available to the Board when it was presented. She mentioned a federal law, the Religious Land Use and Institutionalized Persons Act, they would like to discuss with Mr. Boulden. She suggested there are plenty of parking spaces with the school nearby.

**Comments and Questions:**

Mr. Boulden responded that he and Ms. Turnbo were aware of the law Ms. Martin mentioned. He did not know of anything the Board would violate by denying the application. Ms. Turnbo asked for detailed information regarding the law that Ms. Martin mentioned because she considered everything that Ms. Martin presented when they considered the application before.

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 3-2-0 (White, Dunham, Perkins, "aye"; Turnbo, Cooper "nay"; no "abstentions"; no "absences") to **Reconsider** a **Special**

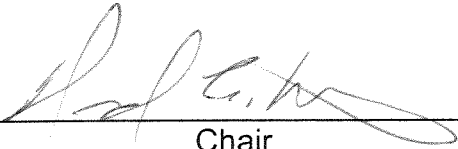
**Exception** for church use in RM-1 district; a **Variance** of required one acre minimum lot size to 33,000 square feet; and a **Variance** of 25' setback from residential area, and City Legal will furnish the Board a copy of the new federal law and analysis of it, for the Board hearing on February 25, 2003, regarding the following described property:

Lot 2, Block 1, Evergreen Subdivision, Tracts 8-10, City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 3:44 p.m.

Date approved: FEBRUARY 11, 2003

  
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Chair