

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 870  
Tuesday, August 12, 2003, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

**MEMBERS  
PRESENT**

Dunham, Vice Chair  
Stephens  
Turnbo  
White, Chair  
Perkins

**MEMBERS  
ABSENT**

**STAFF  
PRESENT**

Beach  
Butler

**OTHERS  
PRESENT**

Boulden, Legal  
Cox, Co. Inspect.

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Wednesday, August 6, 2003, at 3:12 p.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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**Case No. 19645**

**Action Requested:**

Mr. Beach announced this case needed to be stricken from the agenda. He stated it would be re-advertised for August 26, 2003.

**Board Action:**

No action was needed.

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**MINUTES**

On **MOTION** of Dunham, the Board voted 4-0-1 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; Stephens "abstained"; no "absences") to **APPROVE** the Minutes of July 22, 2003 (No. 869).

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## **UNFINISHED BUSINESS**

### **Case No. 19625**

#### **Action Requested:**

Special Exception for use as a private neighborhood practice soccer field. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located 1603 N. Wheeling Ave.

#### **Presentation:**

**David Giacomo**, 111 S. Greenwood, stated he is with the Tulsa Public Works Department, and was assigned to the Tulsa Development Authority on this project. They proposed to build a practice soccer field with park-like amenities. It is for public use. The staff has held a series of public meetings and they believe they have resolved many of the concerns of the area residents. TDA has redesigned the development. They have dropped the grading; included two to three mini-shelters with tables; a drinking fountain; a hydrant; and a trash receptacle.

#### **Comments and Questions:**

Ms. Turnbo asked about the access for public or private use; hours open for use; lights for night time; and scheduling for use. Mr. Giacomo responded that the use of the practice field is for the public, and no lighting is provided for night time use. He indicated that the Springdale Association would be responsible for scheduling practices. There is no parking provided. Ms. Turnbo asked if cars have access to the property. Mr. Giacomo replied there is one place and he suggested putting up a cable to prevent cars from driving onto the property. The access points are on Xanthus about one block north of Pine, and at the far southwest corner. Mr. Boulden asked if the grant was approved, to which Mr. Giacomo replied it was approved. He added that if it is not used it will be returned.

#### **Interested Parties:**

**Patty McGill**, 1517 N. Wheeling Ave., stated she represented the three neighborhoods directly involved in the use of this park. They are the Xanthus, Tecumseh and Wheeling neighborhoods. She added they already have problems with the Tulsa Public Works forgetting to lock the gate when they leave. She informed the Board they have to deal with people drinking, using drugs, cars and trash when it is left open. They suggested that a bird sanctuary or other such use would be better, since there are no soccer players in their neighborhood. They have recently formed the United Neighbors of Springdale Association. They are opposed to a soccer field. She stated if they put in a soccer field they should make a parking lot, because the streets are so narrow the neighbors don't have room to park. Ms. McGill stated the people supporting this do not live in this neighborhood and do not represent them. Mr. White asked about the houses that were removed from the property and the current use of the property. Ms. McGill responded there was a flood buyout of the houses on the property. She stated that people walk their dogs and take their children to play there because they feel it is safer than Springdale Park. Mr. Boulden asked about the newly formed association. She





**Presentation:**

**Georiana Brown**, 2603 S. Columbia Pl., stated her house has existing encroachments to the rear yard, front yard and the side yard, as she recently discovered. She was planning to build an addition to her home. Her driveway is a circle driveway. Drivers going north to south on Delaware use her driveway rather than turn onto 26<sup>th</sup> Street, and turn onto Columbia Pl. She informed the Board there have been two wrecks, one which caused \$22,000.00 damage to her home. Ms. Brown proposed to extend her garage to a 9.4' setback so it will be obvious that her driveway is not a city street. She stated the existing encroachments are the hardship for the variances. A site plan was provided (Exhibit C-1).

**Comments and Questions:**

Mr. Beach suggested to add to that the orientation of the house on the lot and the fact that the house was built in violation of the existing required yard. Ms. Brown informed the Board that she is only the second owner of the house and she has owned it for eight years.

**Interested Parties:**

**Randy Reese**, 1935 S. Darlington, stated he is purchasing the home to the east of the subject property. He added that he had no objection to her plans as presented.

**Board Action:**

On **Motion of Turnbo**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; White "abstained"; no "absences") to **APPROVE** a **Variance** of required rear yard from 25' to 5.4'; **Variance** of required front yard from 30' to 17.9'; and a **Variance** of required side yard for garage abutting a street from 20' to 9.4', per plan, finding the hardship to be the placement of the house on the lot and the danger of public mistaking her driveway is a part of Delaware, on the following described property:

Lot 2, a Resubdivision of Lot 1, of the Resubdivision of Lots 1 and 2, Block 1, and a part of Lot 1, Block 5, Woody Crest, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19640**

**Action Requested:**

Variance of the number of signs and display surface area of signage for Saint Francis Imaging Center within PUD 435-C and within an OM district, located SE/c East 66<sup>th</sup> St. and South Yale Ave.

**Presentation:**

**Roy D. Johnsen**, 201 W. 5<sup>th</sup> St., Ste. 501, stated he represented the William K. Warren Medical Research Center, owner of the subject property, and Saint Francis Hospital, which is leasing a portion of Lot 3, Block 1, Laureatte. They proposed to

have two signs per street frontage for the Saint Francis Imaging Center within PUD 435-C and within an OM district. He withdrew the request for a variance of the display surface area because he found out he would not need it. The Planning Commission approved the amendment to the PUD to permit the signs they propose. He cited the topography and that this is a part of a major medical complex, and heavy traffic as hardships for the variance.

**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, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the number of signs for Saint Francis Imaging Center within PUD 435-C and within an OM district, for two signs per street frontage, making a total of four signs, per the amended plan submitted today, finding the hardship to be the topography and the nature of the use for directional signs, on the following described property:

Lot 3, Block 1, Laureate, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19641**

**Action Requested:**

Special Exception to allow a manufactured home in an RS-3 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Special Exception to allow it there permanently. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 3645 S. Lawton.

**Presentation:**

**Mary P. Vann**, 14343 Oklahoma Blvd., Glenpool, Oklahoma, asked someone to speak for her.

**Rick Lymon**, P.O. Box 9807, Tulsa, stated Ms. Vann proposed to place a mobile home permanently on the subject property. There are a number of mobile homes on the surrounding property. A site plan and photograph of the mobile were provided (Exhibits D-1 and D-2).

**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, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a





**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, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow Use Unit 15, foundation construction and repair, in a CS zoned district, on condition there be no construction activity on the property and no outside storage of materials, on the following described property:

Lot 2, Block 1, Butler Park Subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19647**

**Action Requested:**

Special Exception for Use Unit 20, Commercial Recreation: Intensive, for conducting Motorcycle Safety Foundation approved rider safety courses. SECTION 1220. USE UNIT 20. COMMERCIAL RECREATION: INTENSIVE – Use Unit 20, located 911 S. Hudson

**Presentation:**

**Larry Wofford**, 3637 S. Memorial, stated his request. He added there would be two structures on the property, a classroom and a covered open area.

**Comments and Questions:**

Ms. Turnbo questioned the amount of noise; hours of operation; and number of cycles to be there at one time. Mr. Wofford responded that it will be open 8:00 a.m. to 4:00 p.m. primarily on Saturdays and Sundays. They have twelve motorcycles, which have low noise, factory mufflers. They are single cylinder, 500 cc motorcycles, which have fairly small engines. It is like a driver's education course on motorcycles. They only travel 15 to 20 mph. They do not use megaphones or amplifiers. There are 11 – 12 homes in the 300' radius of the property.

**Interested Parties:**

**Don Farris**, 5515 E. 9<sup>th</sup> St., stated he has lived in the same home since 1948. He added that the aesthetics of the neighborhood has decrease over the last two to three years. He complained that the public already ignores the no parking signs for the soccer field every weekend in the fall and spring. He stated that sometimes he cannot get through on his street. He was concerned about the noise and trash.

**Michael Patton**, 546 S. Darlington, stated he is a member of the neighborhood association to the west of the property and his wife is president of the association. He considered Saturday and Sunday, 8:00 a.m. to 4:00 p.m. as somewhat reasonable though it would pose a hardship for nearby residents. He stated that



**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, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required drive lane to allow 6 turn-in parking spaces along the property frontage at Baltimore; and a **Variance** to allow the 6 parking spaces along Baltimore to extend into the right-of-way by 10', per plan, finding the size of the lot makes it difficult to meet the parking requirement 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, with condition for applicant to obtain a license agreement with the City of Tulsa, on the following described property:

Lot 6, Block 2, Townley Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19649**

**Action Requested:**

Variance of required 30' frontage on a public street to 0' on Tracts 2 & 4 from 30' to 25' on Tract 1. SECTION 206. STREET FRONTAGE REQUIRED – Use Unit 6, located 3201 E. 65<sup>th</sup> St.

**Presentation:**

**Trent Gudgel**, 124 E. 4<sup>th</sup> St., Ste. 400, stated he represented Jerry Ryan, owner of Tracts 3 and 4. They desire approval of the 30' frontage on 65<sup>th</sup> St. for access. He was in agreement with staff comments that it should be subject to a perpetual mutual access agreement.

**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, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required 30' frontage on a public street to 0' on Tracts 2 & 4 from 30' to 25' on Tract 1, subject to a common drive easement being dedicated, per plan, on the following described property:

The N/2 NE/4 SW/4 SE/4 NE/4 and the N 15' S/2 NE/4 SW/4 SE/4 NE/4, of Section 5, T-18-N, R-13-E, AND the SE/4 NW/4 SE/4 NE/4, and the W 80' SW/4 NE/4 SE/4 NE/4, Section 5, T-18-N, R-13-E; AND the N/2 NE/4 SW/4 SE/4 NE/4 and the N 15' S/2 NE/4 SW/4 SE/4 NE/4, Section 5, T-18-N, R-13-E, IBM, all in the City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19650**

**Action Requested:**

Special Exception to permit a church youth facility in an IL district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS, located 10815 E. Marshall St.

**Presentation:**

**Travis Strickland**, 19717 E. 44<sup>th</sup> St., Broken Arrow, Oklahoma, stated the church is across the street from the building they propose to use for youth services.

**Comments and Questions:**

Ms. Turnbo asked about the hours of operation. Mr. Strickland replied they meet at 7:00 p.m. on Wednesday nights, and plan to have Sunday Classes at 9:00 a.m. He added they have a class once a month on Monday nights. They have occasional three-day meetings. Mr. Beach asked about the ages of youth attending there. Mr. Strickland responded the services are for 7<sup>th</sup> grade to 12<sup>th</sup> grade. He added that only a few of them drive and they have about 45 youth attending. The church leases parking space for 20 to 30 cars on that side of the street also.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Perkins**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a church youth facility in an IL district, 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:

Lot 2, Block 3, The Interchange Business Park, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19651**

**Action Requested:**

Special Exception for soil mining or extraction. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 24, located NW/c E. 131<sup>st</sup> St. & S. Sheridan Rd.

**Presentation:**

**John W. Moody**, 1924 S. Utica, Ste. 700, stated he represented 131<sup>st</sup> and Sheridan, LLC, which is purchasing the subject property. His client is purchasing the property for long-term residential development. It involves dealing with the

flood plain issues. He submitted a site plan (Exhibit I-1). He explained the process of compensatory storage to raise the forty acres out of the flood plain. He pointed out the areas involved on the site plan. Mr. Moody stated the mining operation will be conducted in accordance with all requirements of the Department of Mines; all permit requirements of the Corps of Engineers and any other city, state or federal regulatory agencies. They have discussed the details with interested parties to ensure consideration of their properties. The hours of operation would be limited to sunrise to sunset Monday through Friday, and one-half day on Saturdays. The land would not be used for landfill. They are not seeking any variances of regulations from any authority with the exception, that the applicant is not sure if a special exception or variance is needed for placement of a compensatory storage.

**Comments and Questions:**

Mr. Boulden asked if it would be limited to soil mining or if there would be any explosives used. Mr. Moody stated there will not be any explosives used.

**Interested Parties:**

**Larry Seas**, 9314 S. Darlington, stated he is the manager of field operations for One Oak Gas Transportation, a sister company of ONG. He added they own and operate the pipe line at this location. They are concerned about this application, since the notice for this meeting was the first they knew of this project. He expressed concern for anything that could cause flooding in the area; and heavy trucks traveling over the pipeline. He stated that if they are using 131<sup>st</sup> Street it would be no problem because they have heavy walled pipe at that location. He indicated that drainage ditches on the paralleling street and the one coming back from the north to the south and a 30' pond would affect the pipeline. He informed the Board he was not there as an opponent but to share necessary information. Mr. White asked the size of the easement. Mr. Seas replied he thought it was a fifty-foot easement, about 20' off the west side of the property.

**Jeffrey Levinson**, 35 E. 18<sup>th</sup> St., stated he is satisfied with the application to include the conditions offered by the applicant.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a ***Special Exception*** for soil mining or extraction, with conditions: operations Monday through Friday, sunrise to sunset, and ½ day on Saturdays; no landfill in the excavation area; compliance with all requirements by Department of Mines and all other governmental regulations, including obtaining all licenses and permits; no explosives to be used; per plan, on the following described property:

The W/2 S/2 SE/4 of Section 3, T-17-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19652**

**Action Requested:**

Special Exception to permit auto repair in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located 1712 E. 2<sup>nd</sup> St.

**Presentation:**

**Greg Farrar**, P.O. Box 8922, stated he is an attorney and represented John Zito. He proposed to purchase the subject property where he has been a long-term tenant. They obtained CS zoning for auto repair. There would be no change or increase in traffic. They would maintain the same hours of operation, 8:00 a.m. to 5:30 p.m. He stated there would be no outside display or storage. He agrees to construct a screening fence on the east and south.

**Comments and Questions:**

Ms. Turnbo questioned the boundaries.

**John Zito**, 1913 W. Nashville St., Broken Arrow, Oklahoma, helped identify the boundaries of the property.

**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, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit auto repair in a CS district, with conditions 8:00 a.m. to 5:30 p.m. Monday through Friday; no outside merchandise display; no inoperable cars stored more than thirty days, 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:

Lot 8, Block 9, Gillette Hall Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19646**

**Action Requested:**

Variance of 20' required rear yard to 9'4" to permit an addition in RS-3 district. The property is located: 1616 East 45<sup>th</sup> Street.

**Presentation:**

Mr. Beach informed Board the applicant filed for refund after they filed for application. The staff recommended a refund of \$315.00.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Refund** of \$315.00, regarding application on the following described property:

Lot 14, Block 3, Forest Grove Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19653**

**Action Requested:**

Variance to allow parking requirements being met by parking on a lot other than where the principle use is located. The property is located: 1015 East 6<sup>th</sup> Street.

**Presentation:**

Mr. Beach stated the applicant, Louis Moffatt, withdrew the application and requested a refund. The staff recommended a refund of \$420.00.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Refund** of \$420.00, regarding the application on the following described property:

Lots 9 and 10, Central Park Place Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 4:07 p.m.

Date approved: \_\_\_\_\_

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Chair