

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 888
Tuesday, May 25, 2004, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

White, Chair
Dunham, Vice Chair
Turnbo
Perkins

**MEMBERS
ABSENT**

Stephens

**STAFF
PRESENT**

Beach
Butler
Alberty

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Friday, May 21, 2004, at 2:43 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

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

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

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 19823

Action Requested:

Special Exception to permit a bar in a CH district within 150' of an R zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 12a, located: 4142 S. Peoria.

Presentation:

Mr. Beach informed the Board that the applicant asked for a continuance to June 8, 2004.

Jeff Levinson, 35 E. 18th St., requested a continuance for the applicant to have time to discuss and resolve issues with interested parties.

Board Action:

On **Motion** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 19823 to the meeting on June 8, 2004.

* * * * *

Case No. 19826

Action Requested:

Special Exception to amend a previously approved site plan. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located: 2223 East Pine Street.

Presentation:

Mr. Beach recommended this case needs to be continued to June 8, 2004. The legal submitted with the application was incorrect.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 19826 to the meeting on June 8, 2004.

* * * * *

MINUTES

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** the Minutes of May 11, 2004 (No. 887).

* * * * *

UNFINISHED BUSINESS

Case No. 19791

Action Requested:

To Reconsider conditions of previous approval to allow greater than a 50' x 40' building and extension of time to remove existing building to allow 180 days, located: 3612 S. Sheridan.

Presentation:

David Ellis, 6901 S. Redbud Ave., Broken Arrow, Oklahoma, stated he is an agent for Best Choice Motors. He introduced the owner.

Mike Neeley, 3612 S. Sheridan, stated that the new building is to serve for two car lots, which was not mentioned at the previous hearing. The other car lot is located

at 4225 E. 11th St. The new building would allow them to work inside on cars for both car lots. There are about 100 cars altogether for the two lots. It would serve for storage also.

Comments and Questions:

Mr. Dunham noted that previous case for this property was approved with only light auto repair inside the building, no repair of vehicles from off the car lot. Mr. White thought 180 days for removal of the existing building was excessive, and suggested 30 to 60 days. Mr. Dunham suggested no outside work and no repair on cars except the owner's cars. A site plan was provided (Exhibit A-1).

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"; Stephens "absent") to **APPROVE** a request to install a 50' x 75' building, on conditions: the existing 20' x 48' building be removed within 60 days of the occupancy of the new building; no auto repair on vehicles other than those belonging to the owner, per plan, on the following described property:

N 150.00' of Lot 1, Block 1, Wilmot Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19800

Action Requested:

Reconsideration of a Variance to allow two dwelling units on one lot. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD; a Variance of allowable size of accessory building from 500 sq. ft. to 718 sq. ft. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS; a Variance of 30% coverage of required rear yard. SECTION 210.B.5.a. YARDS; PERMITTED OBSTRUCTIONS IN REQUIRED YARDS; a Variance of the required land area per dwelling unit from 8,400 square feet to 7,216 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance to expand a nonconforming structure. SECTION 1405. STRUCTURAL NONCONFORMITIES, located: 1147 S. Owasso.

Mr. White asked Mr. Beach to comment on the applicant's statement in the letter requesting reconsideration, stating some of the variances requested are unnecessary. Mr. Beach stated the land area will increase because the adjacent right-of-way has been vacated. The lot width will increase from 50' to 80'. He added that it is possible some of the requests would not be necessary. At this time the variances are necessary.

Presentation:

Pam Harris, 6442 S. 106th E. Pl., Apt. 317, stated they want to remodel an existing unit, which is ½ service quarters and ½ storage. Originally it was a carriage house. They proposed to add a 15' x 20' room on the back side. The church is sponsoring the project. She submitted a packet of exhibits with photographs (Exhibits B-1). There was a heating stove in the unit and plumbing for bathroom facilities. The vacation of 12th Street is imminent. The mail out to property owners in the 300' radius is being prepared. She was unsure if they needed the variance of 30% coverage of required rear yard. Ms. Harris stated they have plenty of open space in the rear yard, though they would not have 20' from the rear lot line. She did not believe they needed a variance of the land area per dwelling because of the square footage of the principal structure. She indicated the hardship is that 60% of the homes in the area already have second dwelling units. She added that on Owasso there are 19 out of 32 homes with second dwelling units.

Comments and Questions:

Ms. Perkins asked of the 60% of homes with second dwellings, what percent are over the allowed size. Ms. Harris was not able to answer. Ms. Turnbo asked how many of those second dwellings have been vacant for more than three years. Ms. Harris did not have that information. Ms. Turnbo also wanted to know if another disabled person would live there after the first occupant. Ms. Harris was not sure what they planned to do. Mr. Boulden remembered the property is in a trust and asked if the church is the trustee. Ms. Harris replied that the church is donating labor and materials but they have no control over the property.

Interested Parties:

Elizabeth Hunt, 1144 S. Newport, stated she is the President of the Tracy Park Neighborhood Association. She asked the Board to hear her statements as a homeowner in the neighborhood. She asked the Board to uphold their decision from the previous hearing and deny this case. The neighborhood is in transition with improvement of properties; purchase of properties of absentee landlords; protection of historic heritage; and work with City Councilman Baker and other City entities. She was concerned that the non-conforming structure would be doubled in size; a structure that has been vacant for forty years; and construction has already taken place without permits. She indicated this would impact issues such as crime, traffic congestion, historical precedence and property values. She submitted a letter of opposition (see Exhibit B-4).

Mr. Dunham stated he noted eight 2nd residences along the street. He asked for the number of those that are occupied. Ms. Hunt did not have that information. Mr. Boulden asked what she meant by saying construction has already begun. Ms. Hunt replied that construction has begun and she had photographs to show it. Mr. Dunham confirmed construction has begun.

Mr. White noted the Board received eight letters of opposition (see Exhibit B-4).

Howard Hadley, 1148 S. Owasso, expressed concern for a second dwelling on the property and the future of this structure. He indicated the property had been neglected for the last twelve years.

Nicole Atchley, 1227 S. Newport Ave., stated her reasons for opposition: according to the American National Standards Institute, 400-500 sq. ft. is adequate living space for a single-resident dwelling; and the project would be a detriment to the quality of the neighborhood. She submitted photographs (Exhibit B-2) of nearby homes and garage/2nd dwellings.

Kelli Bloam, 1239 S. Owasso, stated it would require extensive plumbing to make this into a larger unit. It has not been occupied. She stated the owners and church do not have a vested interest in the neighborhood.

Applicant's Rebuttal:

Pam Harris, submitted tables and petitions (Exhibit B-3) to show support of the application.

Carla Lund, 1220 S. Owasso, stated she has lived there over 40 years. She did not consider this project to be a detriment to the neighborhood. She pointed out the specific homes with a second unit occupied or vacant on the street. She added that homeowners and renters are all long-term residents in the area. Ms. Perkins asked again how many of these units are oversized. Ms. Lund could not answer.

Dudley Linger, 1230 S. Owasso, stated she knew of four oversized 2nd dwellings on the street. She considered the project to be an asset to the neighborhood.

Mr. Dunham asked if Jennifer Grant lives in the house, since there was a reference to a non-resident owner. He was informed that Ms. Grant does live in the home.

Councilman Tom Baker, 1323 E. 19th St., stated he previously spoke against this project as it is unusual for the area; and for the strategic and historic value of the area. The uniqueness of the project may not be accurate. Historically, these would have been domestic quarters and have only evolved into secondary dwellings and rental units. He spoke of the millions of dollars being invested to promote residential housing in the downtown area, by the citizens of Tulsa, Tulsa County and the 2025 Vision funds. The residential housing needs to be preserved and promoted. This is a neighborhood in transition and a historic resource for the city with a goal of constant improvement. The question is whether this project would be a positive, negative or neutral impact to the transition.

Board discussed the fact that this second dwelling has been vacant for three years. Ms. Perkins expressed concern for the time when the occupant would have to have live-in help to stay there.

Board Action:

On **Motion** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **DENY** a **Variance** to allow two dwelling units on one lot; a **Variance** of allowable size of accessory building from 500 sq. ft. to 718 sq. ft.; a **Variance** of 30% coverage of required rear yard; a **Variance** of the required land area per dwelling unit from 8,400 square feet to 7,216 square feet; and a **Variance** to expand a nonconforming structure, on the following described property:

Lot 10, Block 4, Ridgewood Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19804

Action Requested:

Variance of parking requirement for fine arts center and new field house. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; OFF-STREET PARKING AND LOADING REQUIREMENTS; a Variance of building setback. SECTION 1201.C.2.c. USE UNIT 1. AREA-WIDE USES BY RIGHT; USE CONDITIONS; a Variance of height of building. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of access road setback. SECTION 1201.C.2.d. USE UNIT 1. AREA-WIDE USES BY RIGHT; USE CONDITIONS; and a Special Exception to allow new bleachers at the football field. SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS, located: 2520 S. Yorktown.

Presentation:

John W. Moody, asked if the case could be passed to the end of the agenda. Mr. White replied affirmatively.

NEW APPLICATIONS

Case No.19822

Action Requested:

Variance of business sign height from permitted 50' to 60'; and a Variance of business sign from permitted 500 sq. ft. display surface area to 762 sq. ft. in an IM District, located: 3031 North Garnett Road.

Presentation:

Mike Moydell, 1221 Charles Page Blvd., stated he is with Oil Capital Neon. The project is for the Tulsa International Speedway. He submitted photographs (Exhibit C-1). They proposed changes in the height of their sign because of the low elevation in topography at the site of the sign. They have also considered a 3' x 30' electronic message center that may or may not be placed on the bottom of the

sign. The site is in the flight path of the airport. He has verified with the FAA that the placement and height of the sign are fine.

Comments and Questions:

The Board considered the topography and height of other signs in the area. Mr. Moydell pointed out there are no residences in the area. Ms. Turnbo asked if there would be any other signs, to which he replied this would be the only sign. Mr. Beach determined the extra height would allow the sign to be 50' above the elevation of the freeway. Ms. Perkins asked for the hardship for the extra display surface. Mr. Boulden questioned the size of the sign versus the size of the lot. Mr. Beach clarified the size of the business sign is based on the linear footage of street frontage.

Interested Parties:

Daniel Gutterman, 4157 S. Harvard, Ste.100, stated he is the owner of the Tulsa Raceway Park, which is the correct name for the facility. He pointed out other properties that he owns adjacent to the subject property. One adjacent property he was going to purchase the afternoon of this meeting.

Board Action:

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a **Variance** of business sign height from permitted 50' to 60', finding the hardship is the drop of elevation between US-169 and Garnett Rd., making the effective height 50' on US-169; and a **Variance** of business sign from permitted 500 sq. ft. display surface area to 762 sq. ft. in an IM District, on condition: pending the purchase of newest property to the north, that all three tracts have a tie-agreement, or be platted as one lot, and only one sign for all three tracts, finding this would not be an excessive business sign for the size of the tract together with the adjacent two tracts to the north and would not be detrimental to the neighborhood, on the following described property:

A tract of land that is part of Lot 1, Block 1, Raceway Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof. Beg. at a point that is the NW/c of said Lot 1 and 50.00' Ely of the NW/c S/2 of Section 20, T-20-N, R-14-E of the IBM; thence N 89°54'59" E along the Nly line of said Lot 1 and the S/2 of Section 20 for 5,173.94' to the NE/c of said Lot 1 and 50.00' Wly of the NE/c S/2 of Section 20; thence S 00°06'16" W along the Ely line of said Lot 1 and parallel with the Ely line of the S/2 of Section 20 for 823.63'; thence S 88°27'02" W for 3,856.50'; thence due W for 1,3177.35' to a point on the Wly line of said Lot 1; thence due N along the Wly line of said Lot 1 and parallel with the Wly line of the S/2 of Section 20 for 920.35' to the POB of said tract of land.

*.*****.

Case No. 19824

Action Requested:

Variance to permit a business sign from the maximum 50' to 100' in height in a CH zoned district, located: 2245 Southwest Boulevard.

Presentation:

Benjamin Aguirre, 1204 SW 129th St., stated he is with the McDonald's Corporation. He submitted photographs depicting the sign in the proposal. They are responding to customer surveys that indicate the sign is not visible to traffic on the highway. He indicated trees obstruct the view of the sign even at 90' high and the trees are not on their property.

Mr. White out at 2:34 p.m. and returned at 2:37 p.m.

Comments and Questions:

There was discussion of the proposed height and the necessary setback. Mr. Beach asked how long the restaurant has been located there. Mr. Aguirre replied it has been there 30 years. He added that it has been renovated recently. Mr. White noted it is quite a distance from the highway.

Chris Fullerton, 3009 Viewmont Rd., Edmond, Oklahoma, stated she is the site acquisition manager from McDonald's Corporation. They recently decided to remodel this store, though it is a challenging area. They did sign tests and found that anything less than 100' will not help them.

Comments and Questions:

Mr. Boulden asked if they did the sign tests using the 75' setback. Ms. Fullerton replied they did the sign tests from the current location, which is 110' from the centerline of road. Mr. Beach stated the requirement is to set back one foot from the property line for each foot of height over 25' from the property line. Mr. Beach explained that the maximum height allowable on this sign, with the appropriate setback, is 40' not 50'. The 50' is allowed when the lot abuts a freeway right-of-way, and this one does not, it is two parcels away from the freeway. Mr. Aguirre showed the dimension of the sign to the property line was 67'. Mr. Beach stated the measurement is to the leading edge of the sign and not from the pole. Mr. Beach figured the parking requirement and though they might give up a parking space for the setback, they still exceed the requirement. Mr. Dunham commented that when he looked at the property he could not see the existing sign from Southwest Boulevard.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 3-1-0 (Dunham, Turnbo, Perkins, "aye"; White "nay"; no "abstentions"; Stephens "absent") to **APPROVE** a ***Variance*** to

permit a business sign from the maximum 50' to 100' in height in a CH zoned district, with a condition to meet the required setback, finding the need for visibility from Southwest Boulevard and the immediate neighborhood, on the following described property:

All of Block VII, Riverview Park Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; Plat number 3128, And Lots 19 and 20, and the E 10.00' of the vacated and condemned alley abutting said lots on the W Block 36, Amended Plat of Blocks 31 to 50 Inclusive West Tulsa Addition, And Lots 21, 22, 23, and 24, and the E 10.00' of the vacated and condemned alley abutting said lots on the W, Block 36 Amended Plat of Blocks 31 to 50 Inclusive West Tulsa Addition, The proceeding being further described as follows, to-wit: Beg. at a point, said point being the SE/c of said Block VII, Riverview Park Addition, thence S 89°24'57" a distance of 110.00' to a point, thence N 56°55'03" W a distance of 18.04' to a point, thence N 00°40'03" W a distance of 140.00' to a point, thence N 89°24'57" E a distance of 275.00' to a point, thence S 00°40'03" E a distance of 150.00' to a point, thence S 89°24'57" W a distance of 150.00' to the POB.

Case No. 19825

Action Requested:

Special Exception to allow a church and accessory uses; a Special Exception to allow a temporary manufactured home for offices; a Special Exception to waive the screening on north and south side; and a Variance of landscape requirements, located: 2545 South Yale.

Presentation:

Rev. Leslie Penrose, 457 S. Indianapolis, Pastor of Community of Hope, submitted a transparency and site plan (Exhibit E-1). They planned for a structure that would be appropriate in the neighborhood. They moved into the existing building in 1998. They have made extensive improvements inside and landscaped the property since then. They do not plan to expand the uses, just increase the space.

Interested Parties:

Christy Frisbee, 4629 E. 13th Pl., stated there is an 8" sewer line that prevents them from building over it. The lot size is approximately 104' x 610' deep. The new building would be about 40' x 110'. The plans take into consideration the drainage issues, by placing a swell to prevent drainage down into the neighborhood. The parking will not have an entrance from the rear or east side of the lot to prevent increased traffic through the neighborhood. Ms. Frisbee explained that the request to waive the screening fence is to allow the neighbors to use their back gates. They would be willing to build a screening fence for any neighbors that want it. She commented that most of those neighbors already have

wood fences. They did not want to put in an irrigation system but water the land with a hose.

Comments and Questions:

Mr. Boulden asked if it was just the irrigation system and not any other landscaping requirements.

Melinda Foster, 611 W. 15th, Unit B, stated they plan to build a circular drive in the front on Yale for better access and keeping traffic out of the neighborhood. On the east side of the property, they plan to have a park, jogging trail or labyrinth for the benefit of the neighborhood.

Greg Gatewood, 4936 E. 27th, stated he is a new resident to the neighborhood. He added that after the notices went out he and a number of the residents understood the requests and had no problem with them.

Patty Richardson, 4918 E. 25th Pl., stated she purchased a home on Lot 3 about 20 days ago. She has a chain-link fence and was concerned that headlights from cars would shine in her house. She wanted to be sure this would be a permanent building and match the architecture of the existing building. They appreciate the open green space and hope it won't be filled up with a building. Mr. White asked how long the temporary building would be there. The applicant responded it would be there until the new construction is built. Mr. White also asked about lighting in the parking lot. The current parking would be reconfigured to go between the existing and new building with additional parking on the south. He understood lighting needs to be directed down and away from the neighborhood.

Carol Holmes, 4921 E. 26th St., stated she has lived there for 38 years. She commented that she raised her children there and numerous grandchildren visit her there. There is traffic 24 hours per day. She complained that there is a lot of activity at the church until late some nights, and deals with headlights facing her house, which is all glass on that side. She added complaints of noise from doors opening and closing day and night, lights on at the church 24 hrs./day. She was concerned there were people living in the building and concern for flooding problems. She has used the rear access to park a boat.

Applicant's Rebuttal:

Rev. Penrose responded they are not planning any new uses. She added they have a 11:00 p.m. group for Narcotics Anonymous, but no one lives there.

Board Action:

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a **Special Exception** to allow a church and accessory uses; a ~~Special Exception to allow a temporary manufactured home for offices;~~ a **Special Exception** to waive the screening on north and south side, with condition the church will put up screening

fence as neighbors request for a period of two years; and a **Variance** of landscape requirements, only as it pertains to the sprinkler system; and further condition that all lighting be directed down and away from the neighborhood; and no access from Braden, on the following described property:

Part of the SW/4 SW/4 NW/4 of Section 15, T-19-N, R-13-E, Beg. at the SW/c of Lot 1, Block 4, Gracemont 2nd, S 164.61'; E 610.81'; N 164.67'; W 610.90' to POB, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 19827

Action Requested:

Variance to permit a detached accessory building from the required 500 sq. ft. to 2,000 sq. ft. on a 2.5 acre tract in an RS-3 district, located: 2210 West 77th.

Presentation:

James M. Smith, 2210 W. 77th, proposed to remove the existing barn and build a 50' x 40' structure for garage and storage to match the house. He submitted photographs (Exhibit F-1) to show it is consistent with the neighborhood. The neighbors on three side have garages or barns.

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"; Stephens "absent") to **APPROVE** a **Variance** to permit a detached accessory building from the required 500 sq. ft. to 2,000 sq. ft. on a 2.5 acre tract in an RS-3 district, per plan, with conditions: that the existing barn be torn down, and no commercial activity on the premises; finding a number of other tracts in the area approved for similar variances; and the size of the tract would not cause a density problem, on the following described property:

SW NE NW SE, Less N 25.00' thereof, Section 10, T-18-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 19828

Action Requested:

Variance of required parking from 38 to 31 spaces, located: 1340 East 71st Street

Presentation:

Henry Penix, 1340 E. 71st St., stated they actually have 37 spaces on the parking lot and want a variance for 31 spaces. Mr. Eshelman with Traffic Engineering Consultants did a study informed him they could expect at least a 15% reduction in

required parking spaces. This building would have two drive-through windows rather than one.

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"; Stephens "absent") to **APPROVE** a **Variance** of required parking from 38 to 31 spaces, per plan, finding the facility will have two drive-through windows, and based on the traffic study the parking spaces would be more than adequate, on the following described property:

Lots 1 through 4, less N 25.00'; Lots 1 through 3, Pelton Sub Lot 5, Valley Bend, subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19829

Action Requested:

Variance of required rear yard from 25' to 16.2', located: 4822 E. 112th St.

Presentation:

John Larr, 1513 S. Boston, Ste. 200, stated he is the architect for the owners, William and Judy Banner. They have lived there ten years. It is zoned RS-1 and is 100' x 140' like most of the properties in the neighborhood. This variance would allow construction of an accessory use addition for a hobby workshop and in-slab storm shelter. It would match the style of the existing residence. The neighborhood architectural review committee has reviewed the plans and approved per letter (see Exhibit H-1). Mr. Larr stated that the existing setbacks are close to the residence; easements on the front and rear restrict any permanent structures; the in-ground pool with extensive patio and landscaping rules out expansion to the south and southwest; the driveway is on the east side of the property; the existing internal arrangement of the house limits access to the workshop except off of the garage; and the restrictive covenants hinder a detached utility structure. They asked to attach it to the house to make it more compatible to the neighborhood. The owners have talked with the neighbors and found no objections.

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"; Stephens "absent") to **APPROVE** a **Variance** of required rear yard from 25' to 16.2', per plan, finding it has been approved by the architectural committee of the neighborhood; it would not be detrimental to the

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a \$25.00 refund as recommended by the staff.

* * * * *

Case No. 19804

Action Requested:

Variance of parking requirement for fine arts center and new field house. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; OFF-STREET PARKING AND LOADING REQUIREMENTS; a Variance of building setback. SECTION 1201.C.2.c. USE UNIT 1. AREA-WIDE USES BY RIGHT; USE CONDITIONS; a Variance of height of building. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of access road setback. SECTION 1201.C.2.d. USE UNIT 1. AREA-WIDE USES BY RIGHT; USE CONDITIONS; and a Special Exception to allow new bleachers at the football field. SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS, located: 2520 S. Yorktown.

Presentation:

John W. Moody, 1800 S. Baltimore, Ste. 900, informed the Board that he has been in strenuous negotiations with the abutting property owner on the north. They were very close to reaching an agreement. He asked for a five minute recess to complete negotiations.

Mr. White called a recess at 3:37 p.m.

The Hearing reconvened at 3:49 p.m.

Ms. Turnbo recused herself at 3:51 p.m.

Mr. Moody informed the Board that there are a couple of pieces of information that were not available today.

Board Action:

On **Motion** of **Perkins**, the Board voted 3-0-1 (White, Dunham, Perkins "aye"; no "nays"; Turnbo "abstained"; Stephens "absent") to **CONTINUE** Case No. 19804 to the meeting on June 8, 2004.

SW/4 of the NE/4 of Section 18, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

* * * * *

There being no further business, the meeting was adjourned at 3:58 p.m.

Date approved: _____

Chair