

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 897  
Tuesday, October 12, 2004, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

**MEMBERS  
PRESENT**

Dunham, Vice Chair  
Paddock  
White, Chair

**MEMBERS  
ABSENT**

Turnbo  
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 Thursday, October 7, 2004, at 10:29 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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**REQUEST TO CONTINUE AND CASES TO WITHDRAW**

**Case. No. 19926**

**Action Requested:**

A variance of the conditions requiring a solid screening fence on the west property boundary line, as required by BOA-19687 - approved 10/28/03.

**Presentation:**

Mr. Beach informed the Board this case was withdrawn.

LTS 1 THRU 4 BLK 2, MOHAWK HGTS

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**MINUTES**

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Paddock "aye"; no "nays"; no "abstentions"; Turnbo, Stevens "absent") to **APPROVE** the Minutes of September 28, 2004 (No. 896).

On **Amended MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Paddock "aye"; no "nays"; no "abstentions"; Turnbo, Stevens "absent") to **APPROVE** the Minutes of September 28, 2004 (No. 896) per an amendment regarding Case No. 19890.

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## **NEW APPLICATIONS**

### **Case No. 19921**

#### **Action Requested:**

Variance of the required setback for an accessory building from 3 ft to 6 in. and a special exception of the allowable height for a fence in the front yard from 4 ft to 5 ft 7 in. (Section 210.B.3 & 5), 114 South Xanthus Avenue.

#### **Presentation:**

**Elia Olazaba**, 114 South Xanthus Avenue, stated they requested a permit to build a carport.

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

Mr. White noted the carport is under construction and asked if they received a citation from Neighborhood Inspections. She replied it was not the result of a citation, but they were told to request a building permit. Mr. Dunham noted the fence is already built. Ms. Olazaba submitted photographs (Exhibit A-1) and stated they had a burglary before they even moved in so they built a fence. Mr. White asked if the neighbors to the south were present. She replied they could not be at the meeting but they are in favor of the project. Ms. Olazaba submitted a letter of support from the neighbor across the street (Exhibit A-2) to the Board.

#### **Interested Parties:**

**Michael Bulmar**, 110 South Xanthus, expressed his support of the application. He stated the applicants had made many good improvements. He believed the fence had increased the value of the property and those around. He stated he does remodeling for a living and he was impressed with the design of the carport.

**Catherine Sukkar**, 110 South Xanthus, stated the fence is artistic and well built. It does not block the view at all.

**Maria Barnes**, 2252 East 7<sup>th</sup> Street, stated she is the President of the Kendall-Whittier Neighborhood Association. She added it is one of the nicer houses on the street. They did not believe the carport would be a problem. They are in support of the application.

A petition (Exhibit A-3), signed by about 35 people, was submitted in support of the application. A site plan was provided (Exhibit A-4).

**Board Action:**

On **Motion of Dunham**, the Board voted 3-0-0 (White, Dunham, Paddock "aye"; no "nays"; no "abstentions"; Turnbo, Stephens "absent") to **APPROVE** a **Variance** of the required setback for an accessory building from 3 ft to 6 in.; and a **Special Exception** of the allowable height for a fence in the front yard from 4 ft to 5 ft 7 in., finding the existing conditions limit placement of the carport, and the neighbors next to it are in support, per plan, on the following described property:

LT 4 BLK 15, GILLETTE-HALL ADDN

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**Case No. 19922**

**Action Requested:**

Variance of the required setback from centerline of South Lewis Ave. for a ground sign from 50 feet to 34 feet, 5800 South Lewis Avenue East.

**Presentation:**

**Mike Moydell**, 1221 Charles Page Boulevard, stated he is with Oil Capital Neon. He stated the shopping center was built in 1960 or 1961. Since then the right-of-ways have changed. He submitted a computer enhanced photograph (Exhibit B-1). It would be a directory sign and main identifying sign. He pointed out the center entrance and stated the sign would be 34' from the centerline. The north end of the lot has trees and at the south end is a bank with a fairly large pole sign. If he had to place the sign at setback it would be in the middle of the driving lane.

**Comments and Questions:**

Mr. Dunham asked if he would agree to a removal contract. Mr. Moydell stated he told the applicant that would probably be required and they would agree to it.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 3-0-0 (White, Dunham, Paddock "aye"; no "nays"; no "abstentions"; Turnbo, Stephens "absent") to **APPROVE** a **Variance** of the required setback from centerline of South Lewis Ave. for a ground sign from 50 feet to 34 feet, subject to a removal contract, finding the hardship to be the existing center and to move the sign to the setback requirement would disrupt the flow of traffic in the center, on the following described property:

PRT NE SE BEG 543 S NEC SE TH W258 S595.62 E258 N595.50 POB LESS E50 THEREOF FOR ST SEC 31 19 13 2.84 ACS AND W53 N150 S180 E258 NE SE SEC 31-19-13 AND BEG. 30N & 80W SE COR NE SE TH W125 N150 E125 S150 TO BEG SEC 31-19-13

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