

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 906
Tuesday, March 8, 2005, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**
Dunham, Chair
Henke
Stead
Stephens

**MEMBERS
ABSENT**
Paddock

**STAFF
PRESENT**
Alberty
Butler

**OTHERS
PRESENT**
Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Friday, March 4, 2005, at 2:39 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

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

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

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20000

Action Requested:

Special Exception for Use Unit 2 use (convict pre-release center). SECTION 701. Principal Uses Permitted in Commercial Districts -- Use Unit 2; Special Exception for spacing from other similar uses, SECTION 1202.C.7.-- Use Unit 2 Area-wide Special Exception Uses, Use Conditions, 1214 South Baltimore.

Presentation:

Mr. Alberty informed the Board that the applicant, Kevin C. Coutant, requested a continuance.

Board Action:

On **Motion** of **Stephens**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **CONTINUE** Case No. 20000 to the meeting of March 22, 2005.

Case No. 2005

Action Requested:

Special Exception to permit a manufactured home in a RS-3 district (Section 401) and a Special Exception to extend the one year time limit to five years (Section 404.E.1), located: 101 North 49th Avenue West.

Presentation:

Mr. Alberty informed the Board that he received a telephone request for continuance from the applicant, Merrill Smith, but not a letter. It was his understanding they were going to change the request from a mobile home to a duplex on this property. It would need to be re-advertised. He suggested April 12, 2005 to allow time to advertise.

Board Action:

On **Motion** of **Stephens**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **CONTINUE** Case No. 20005 to the meeting of April 12, 2005.

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MINUTES

On **MOTION** of **Henke**, the Board voted 4-0-0 (Dunham, Henke, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** the Minutes of February 8, 2005 (No. 904).

On **MOTION** of **Henke**, the Board voted 4-0-0 (Dunham, Henke, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** the Minutes of February 22, 2005 (No. 905).

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NEW APPLICATIONS

Case No. 19992

Action Requested:

Variance to allow construction of an accessory building from the permitted 1,028 sq. ft. (40% of sq. feet of dwelling) to 1,500 sq. ft. in an RS-2 district, SECTION 402.B.1.d. -- Use Unit 6, located: 1221 South 105th Avenue East.

Presentation:

Robert Lee stated his customer proposed to build a larger building for hobbies, personal storage and to park a car. He stated the front of the building would be 30 ft. wide. He indicated there are other buildings in the neighborhood that are comparable in size. He stated the front is all that would be seen from the street. The difference in a 1,029 sq. ft. building and a 1,500 sq. ft. building would be a 15

ft. more in depth. He stated that a sound barrier wall and U. S. Highway 169 are behind his property.

Comments and Questions:

Mr. Dunham asked what the hobby is that his customer would have in the building. Mr. Lee replied that it is a sprint car. Mr. Dunham noted that sprint cars are loud. Ms. Stead asked for the hardship. Mr. Lee could not state one. Mr. Stephens asked if the plans included plumbing, to which Mr. Lee replied in the affirmative. Ms. Stead asked what exterior materials would be used. Mr. Lee responded it would be a painted metal building, and he was unsure of the height of the proposed building.

Interested Parties:

Carolyn Harder, 1238 South 105th East Avenue, stated she also represented Mrs. Newberry, an 89 year old neighbor. She added that she was informed that the overhead door would be ten feet high, and would expect the building to be higher. They were not in support of a metal building as it is not compatible with the masonry, brick and wood structures in the neighborhood. She submitted a petition (Exhibit A-1) signed by 30 neighbors in protest. They disapproved of the size also.

Polly Bachelor, 1222 South 105th East Avenue, provided an assessor's document, statement of the square footage and percentage compared to the size of the house (Exhibits A-2, & A-3). She complained of the size compared to the size of the dwelling. She questioned a possible business in the future. She opposed the application.

Peggy Galloway, 1240 South 101st East Avenue, stated she owns three properties in this neighborhood. She expressed the same objections mentioned above.

Al Nichols, 8525 East 16th Street, stated he did not see a hardship. He added that precedence should not be considered.

City Councilor Jim Mautino, 14628 East 12th Street, questioned that plumbing would be allowed in an accessory building. He stated the size of this building would be like building another house on the property. He added that it would make this attractive neighborhood look industrial.

An interested party gave his address but not his name, 10507 East 12th Street. He stated his appreciation of the sound wall, protecting the neighborhood from the highway noise. He would be opposed to anything that made a lot of noise.

Dan Hauser, 1286 South 105th East Avenue, stated concern that structures built this large could be used for a dwelling or commercial use.

Alan Farley, 1241 South 103rd East Avenue, stated the homes in this neighborhood are well-built and could last for many years. He was opposed to anything that would cause the neighborhood to deteriorate.

Applicant's Rebuttal:

Mr. Lee responded that when he went to apply for a building permit he was instructed to seek relief through the Board of Adjustment first. He determined the square footage for his building by the square footage of his home. Mr. Dunham stated the staff comments show it is figured on the square footage of the floor area, not the living area. Ms. Stead pointed out there was no hardship.

Board Action:

On **Motion** of **Stephens**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **DENY** a **Variance** to allow construction of an accessory building from the permitted 1,028 sq. ft. (40% of sq. feet of dwelling) to 1,500 sq. ft. in an RS-2 district, SECTION 402.B.1.d. -- Use Unit 6, finding lack of a hardship, on the following described property:

LT 24 BLK 2, CRESCENT HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 19993

Action Requested:

Special Exception to permit a Community Center in an IL zoned district; SECTION 9 -- Use Unit 5, located: 825 North Sheridan Road East.

Presentation:

Uberto Burkett, spoke for the applicant, as he has trouble with the English language. They proposed to use the building on the subject property as a community center, mainly inclined for the Hispanic community. It would be used for organized events, dances, weddings, receptions and private parties.

Comments and Questions:

Mr. Dunham asked if they would serve alcoholic beverages. Mr. Burkett replied they would serve beer. Mr. Dunham asked how often they would have such events. Mr. Burkett indicated it would be on weekends mainly. Ms. Stead asked if alcoholic beverages would be served there or brought in. He replied they would sell it there. She asked about plans to keep the property clean. He stated they would have a cleaning crew that cleans up the parking lot after every event. He responded to other questions, stating there will be no flashing lights, just parking lot lights, and no outside speakers.

Interested Parties:

Howard Joiner, 7015 East Haskell, stating he came to find out what were the applicant's plans. They were open to family oriented activities and advantageous to the community.

Tim Lewis, 7305 East Latimer Place, stated there has been a history of vandalism, when the bowling alley existed.

Mr. Dunham offered the applicant and interested parties time to discuss the application outside of the room to resolve any issues and be heard later in the meeting.

Board Action:

To be heard later in the meeting.

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Case No. 19994

Action Requested:

Verification of required 300 ft distance from another family day care home (Section 402.B.5.g), located: 11866 East 36th Street South.

Presentation:

Jerry Ray, 4750 Hobbyhorse Lane, stated he is the father of the applicant. He added they did a survey and did not find another home day care within 300 ft.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Stephens**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a Verification of required 300 ft distance from another family day care home (Section 402.B.5.g), on the following described property:

LT 9 BLK 6, GARNETT PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 19995

Action Requested:

Variance of front yard requirement from 35 feet to 11 feet to allow for the establishment of a single-family dwelling in the RS-3 District, SECTION 4 -- Use Unit 6, located: 1612 West Edison Street.

Presentation:

Michael Simmons, 1719 West Easton Court, the subject property has been neglected with a history of code violations. They are trying to improve the neighborhood and he bought this property to improve it also. This property is unique, being the only lot facing Edison in Owen Park that would have a structure built under the current zoning code. He submitted photographs (Exhibits B-1 and B-2) to support his presentation. He pointed out one house is close to the street and the small lots. There would be no garage and the curb cut is on Union.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Stephens**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Variance** of front yard requirement from 35 feet to 11 feet to allow for the establishment of a single-family dwelling in the RS-3 District, SECTION 4 -- Use Unit 6, finding the lot was created prior to the current zoning code and created a substandard lot, on the following described property:

W 50' OF LTS 1 2 & 3 BLK 4, PARK HILL ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 19996

Action Requested:

Special exception to allow Use Unit 5 - Community Center- in an SR zoned district (Section 851), located: 11545 East 43rd Street South.

Mr. Dunham abstained from Case No. 19996.

Presentation:

Josh Fowler, stated he is the Executive Vice-President of the Home Builders Association of Greater Tulsa, 11545 East 43rd Street. They were not adding onto the structure or changing the use from what they have done for years. It was found that they were originally approved for office space, but they need a special exception to have the members meetings there and comply with the code.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 3-0-1 (Stephens, Stead, Henke "aye"; no "nays"; Dunham "abstained"; Paddock "absent") to **APPROVE** a **Special Exception** to allow Use Unit 5 - Community Center- in an SR zoned district (Section 851), on the following described property:

LT 6 BLK 1, SOUTHPARK CENTER, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 19997

Action Requested:

Variance to permit a 72 sq ft ground sign with changing message board from the permitted 32 sq ft for church announcements in a RS-1 district, SECTION 402.B.4.a. -- Use Unit 5, located: 1200 Lynn Lane.

Presentation:

Gary Venable, (no address given) stated he represented Lynn Lane Baptist Church, as a trustee. The sanctuary is on Lynn Lane and there is no room to put a sign in front of the building. He pointed out the wooded area that will not be used for residential. They proposed to place a larger sign because it would be set back farther. The area is mostly commercial. The nearest houses are on 179th East Avenue and over on 12th Street. They do not plan for any flashing messages, but it will be lighted and they can change the sign per a computer.

Comments and Questions:

Mr. Dunham noted the nearby commercial property and that the residential area is not the typical residential property.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Stephens**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Variance** to permit a 72 sq. ft. ground sign with changing message board from the permitted 32 sq. ft. for church announcements in a RS-1 district, SECTION 402.B.4.a. -- Use Unit 5, finding the setbacks and two arterial streets, 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:

LT 1- 8 BLK 3, LYNN LANE DRIVE SUB TR 1-3&5 B1, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 19993

Action Requested:

Special Exception to permit a Community Center in an IL zoned district; SECTION 9 -- Use Unit 5, located: 825 North Sheridan Road East.

Presentation:

The applicant and interested parties returned to the meeting room.

Interested Parties:

Mr. Joiner informed the Board that it appeared to be something he could support if it is maintained as it was presented to them. He understood it is to be a community center for scheduled, controlled events; and that ample security would be provided.

Comments and Questions:

Mr. Dunham asked if they discussed days and hours of operation and frequency of events. Mr. Joiner replied they would be renting the building so he questioned restriction of the frequency and the applicant informed the interested parties that events would end by 1:00 – 1:30 a.m. on any night and cleaned up and closed by 2:00 a.m. Mr. Joiner asked what recourse they have if it is not operated as it has been presented. Mr. Dunham suggested a limited time for approval, subject to returning to the Board. Mr. Ackermann also commented that the neighbors can contact Neighborhood Inspections if there are problems that arise if approved.

Interested Parties:

Megan Burngart, 1408 North 66th East Avenue, expressed concern that she has observed when the tenant lives outside of this area that the property they use in this neighborhood is neglected. She also mentioned the proximity to an elementary school and wondered about the use of the center during the week for events or if the events would just be on the weekends.

Tim Lewis, stated one of his concerns was vandalism. He discussed the construction of a fence to discourage crime.

Applicant's Rebuttal:

Mr. Burkett stated they have discussed the application with the interested parties and were willing to put up a fence and provide security for events. Mr. Dunham stated he was searching for a compromise of the hours of operation to end earlier during the week nights so as not to interfere with the school activities.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Special Exception** to permit a Community Center in an IL zoned district; SECTION 9 -- Use Unit 5, subject to the following conditions: security at all events; trash pick up at all events; on construction of 8' fence on the south, midnight closing for weekday events and 2:00 a.m. closing for Friday and Saturday events; for this operator only; approved for a three-year time period only; acceptable decible level per the city ordinances, on the following described property:

LTS 3 & 4 LESS W 5' TO CITY, POLSTON SECOND SUB, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 19998

Action Requested:

Special exception to allow Use Unit 17 - Automotive & Allied Activities - for automobile sales in a CS zoned district (Section 701); and a Variance of the required 300 ft distance from an R district for outside display of merchandise for sale (Section 1217.C.2), 1720 South Memorial Drive East.

Presentation:

Calvin Shwiyat, 1720 South Memorial Drive East, proposed to open a used car lot on the subject property, which they purchased. He stated they built a 7' 6" high fence of sheet metal with wood posts.

Comments and Questions:

Mr. Dunham called the applicant's attention to the staff comments, suggesting conditions to approval. Ms. Stead asked why he only built the fence 300' deep and asked for a special exception for 361'. Mr. Shwiyat replied that he didn't think he needed that much. He was unclear of where the measurement begins on Memorial. She noted the clearing of trees on the rear lot and access to 79th East Avenue. She asked if he owns that property also. Mr. Shwiyat replied that he does own it. He explained that he put in a gate at the access just to be able to get in to mow and not to provide access for the business.

Interested Parties:

Shirley Hammonds, 1723 South 79th East Avenue, stated she lives directly behind the subject property. She expressed concern that there would not be any business activity between the fence and her property. She also asked if it would devalue her property to have a car lot that close. Mr. Dunham noted she already has a car lot next door.

Frances Cervantes, 1736 South 79th East Avenue, stated she was concerned about a gate that would allow a lot of vehicles through to the property. She was opposed to more commercial encroachment near them that will bring more traffic to 17th Street and 79th East Avenue. She opposed car repairs, storage of inoperable vehicle, used tires or dead batteries. The neighboring lot has old cars and trucks for sale, not the antique relics as promised. There are also old campers that can be seen over the fence. Ms. Cervantes indicated she should not have to continually contact Neighborhood Inspections regarding neighboring properties being out of compliance to the zoning code.

Comments and Questions:

Ms. Stead noted that on a previous BOA approval there was a condition limiting cars in front of the structure only. He intended to do the car lot on the front. Mr. Shwiyat stated he contacted his neighbors and found they were in support. Ms. Stead asked what he plans to asphalt. He responded that he plans to pave the first fifty feet, but he has to prepare for stormwater drainage before he paves. He stated the engineer is helping him to do first things first so they do not have to go back later and undo something they have already constructed. Kurt Ackermann confirmed that the applicant cannot sell cars until he paves the property and he has to get the building permit to construct asphalt and stormwater review, landscaping, and setbacks to open the business. Mr. Stephens asked if he would agree to approval, limited to one point of access from Memorial. Mr. Shwiyat replied that he would agree.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Special Exception** to allow Use Unit 17 - Automotive & Allied Activities - for automobile sales in a CS zoned district (Section 701); and a **Variance** of the required 300 ft distance from an R district for outside display of merchandise for sale (Section 1217.C.2), subject to conditions: for use of the east 300' from Memorial to the newly constructed fence; a sturdy gate and lock on the new fence and kept locked except for occasional access; no inoperable vehicles stored on site; no outside storage of parts or materials; all repair service restricted to the inside of a building; one existing curb cut only; no access from adjacent car lots; 3' maximum height of fence along Memorial; restrict vehicular traffic from 79th E. Ave., on the following described property:

E396 S/2 N/2 NE SE SE LESS E35 THEREOF FOR ST SEC11 19 13 1.37ACS,
City of Tulsa, Tulsa County, State of Oklahoma

Case No. 19999

Action Requested:

Variance of required front setback from 30 feet to 23 feet to permit a garage addition in an RS-2 district, Section 403.A - Use Unit 6, located: 2621 South Trenton Avenue East.

Presentation:

Elizabeth Green, 2621 South Trenton Avenue, stated her request for relief to permit a garage addition. The house did not have a garage when they bought it. The original house had one at the rear and it was made into a storage building at that time as an addition to the house blocked the garage. She identified the mature trees and a stone archway that would have to be removed to put a garage in the back yard. There is also a steep grade going into the back yard. The

architect stated that would not be advisable. She added that the exterior materials would be the same as the house. She provided photographs (Exhibit C-1 and C-2) to show the curved street that would prevent blocking the view to the north or south. A site plan was provided (Exhibit C-3).

Comments and Questions:

Mr. Dunham suggested the applicant take a look at the staff comments. He also mentioned the need for a hardship.

Interested Parties:

Greg James, 2216 South Troost, submitted photographs (Exhibit C-4). He stated there are no other houses with front setbacks this close to the street. He added that the house is too large for the lots. He expressed concern that this case would set a precedent.

Applicant's Rebuttal:

Ms. Green stated the architect told them there was not enough room to place the garage on the side. She found that the neighbors were in support.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **DENY** a **Variance** of required front setback from 30 feet to 23 feet to permit a garage addition in an RS-2 district, Section 403.A - Use Unit 6, finding a lack of hardship; and finding it would 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:

LTS 5 6 BK 15, TERWILLEGER HGTS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20001

Action Requested:

Special Exception to allow required off-street parking on a lot other than the lot containing the principal use (Section 1301.D), located: 1643 South Boulder Avenue.

Presentation:

Kurt Bowlinbach, 10325 Greenbriar Place, stated he was representing the applicant. Molly Properties, LLC, is the current owner of the subject property. They propose to open a Use Unit 12 eating establishment. The existing building has 5,700 sq. ft. of floor space, and would require 57 parking spaces.

Interested Parties:

William B. Jones, 15 East 5th, Ste. 3800, stated he represented Mapco Plaza High-rise office building. He listed two issues with the application. The first is that they are not asking for relief for enough parking spaces for the whole building. He asked if an applicant only has to provide parking for the portion of the building they are going to use. Mr. Ackermann commented that the applicant would have to provide parking spaces for the other half of the building even if it is just used for storage, according to the code. He suggested that he may need a variance also. His clients are concerned that this could be a change from the previous request for a bar with loud musical entertainment to a restaurant with loud musical entertainment. They questioned if this would be a typical family restaurant. He noted the need for substantial changes to the exterior of the building, especially the north and the back entrance. Photographs were submitted (Exhibit D-1).

Greg Alberty, 502 West 6th Street, stated he represented the property owners at 1646 South Boulder, Riggs-Abney Law Firm. They were also concerned about the parking and the Use Unit 12, whether it is a restaurant or a bar. He stated they share in Mr. Jones arguments.

Applicant's Rebuttal:

Mr. **Bowlinbach** responded that the applicants for this case are different people than those that applied a month or so previously regarding this property. He stated this is going to be a restaurant not a bar. It will be in compliance with the zoning code and all other applicable ordinance. He added there is a general lack of parking in this area. He understood the area could not withstand a restaurant of 11, 800 square feet in the beginning. They limited it to 5,700 square feet because that is the most they could serve with the hours of operation: 11:00 a.m. to 2:30 p.m. and 5:00 p.m. to about 10:00 p.m. They would be open to renting it out for wedding receptions or school reunions, which might last a little later at night.

Mr. Dunham asked the staff about limiting the amount of space the applicant can use in the building. Mr. Alberty replied they would need to declare all of the square footage and what it would be used for, when they apply for a permit. Mr. Dunham summarized that even if the applicant declared the use of the rest of the square footage for storage they would not meet the parking requirement.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **CONTINUE** Case No. 20001 to the meeting of April 12, 2005 to give time for advertising for more relief, regarding the following described property:

LT 8 BLK 2, LT 9 BLK 2, LT 10 BLK 2, LT 11 BLK 2, HARBOUR ADDITION ,City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20002

Action Requested:

Variance of minimum lot width from 50 feet to 45 feet to allow a subdivision plat for residential development (Section 403), located: 3603 South New Haven Avenue East.

Presentation:

John Moody, 320 South Boston, Suite 900, represented Sheree Bass, the owner of the 130' subject property. The 1,000 sq. ft. house was built in 1920 prior to the time it was platted. Ms. Bass proposed to remove the existing house and use for infill development. The planning commission has approved R-4 zoning and it has been transmitted to the City Council for final approval. The City Public Works Department required his client to build berms for drainage control for the drainage issues on the east border of the property. This eliminates the division of the lots in a north/south direction. The City also advised them not to have two lots facing East 36th Street, as it is a collector street. The zoning code requires a dedication of the corner of the lot and a setback from East 36th Street of 15'. Mr. Moody stated this request for variance seemed to be the most appropriate. He stated that the hardship is created by the drainage areas and the 80+ year changes in the lots and the zoning code. He suggested that the literal enforcement of the code would make a hardship also. He added that the plat has been approved by the planning commission subject to the Board of Adjustment approval of this application.

Comments and Questions:

Ms. Stead asked if they would build garages. Mr. Moody replied that they would have two-car garages for each lot with access to New Haven.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Stephens**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Variance** of minimum lot width from 50 feet to 45 feet to allow a subdivision plat for residential development (Section 403), pending R-4 zoning, finding the hardship to be limited access on 36th Street; and literal enforcement of the code would be a hardship to this property, on the following described property:

W.130'OF N.115'LESS N.15'ST. BK 16, 36TH STREET SUBURB, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20003

Action Requested:

Variance of 150 foot minimum lot frontage to 80 feet to permit a lot split in a CS district (Section 703), located: 4501 North Peoria Avenue East.

Presentation:

John Moody, 320 South Boston, Suite 900, explained to the Board that he made an error in the presentation of an application for this property in a previous case. He thought Mr. Hux owned the property immediately to the south, but he does not. His business is located on the property to the south. Mr. Moody identified the property owned by Mr. Hux and the part he leases. The Board approved the application with a tie agreement of the 120' lot to the 80' lot. Mr. Moody asked that the Board remove the condition and require the 80' lot be attached to the property at the rear, which is used for a driveway. They would agree to a condition for no construction of a building improvement on the 80' portion of property.

Comments and Questions:

Ms. Stead asked Mr. Moody for a hardship. Mr. Moody stated the odd-shaped lot. Mr. Dunham noted that they are not changing anything or creating a lot on which to build.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Variance** of 150 foot minimum lot frontage to 80 feet to permit a lot split in a CS district (Section 703), with condition that the 80' be used for access only, finding the configuration of the front lot to be the hardship, on the following described property:

PRT NW NW OR GOV LT 1 BEG 350S & 50E NWC NW TH E250 N64 E159.45 S615.26 W219.45 N351.26 W190 N200 POB SEC 18 20 13 3.884ACS, , City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20004

Action Requested:

Variance of the required number of parking spaces for retail center from 805 spaces to 611- (existing spaces) (Section 1214.D), located: 7104 South Sheridan Road East.

Presentation:

Roy Johnsen, 201 West 5th Street, Suite 501, represented GBR Properties, for the owner of the Summit Square Shopping Center. He stated the center has a total of 163,160 sq. ft. of floor area and was constructed about 1986. They proposed to open a women's weight loss center to be named, Inches Away. It would be by appointment only, which would limit the number of customers at any given time.

Mr. Dunham out at 4:18 p.m.

Mr. Johnsen pointed out the changes in cars from compact to larger vehicles. They filed the application thinking they had 611 parking spaces but a 2004 survey and the owner did a new count and found there are 626 spaces.

Mr. Dunham returned at 4:21 p.m.

He added there are available paved areas that could be striped to provide 38 more spaces. The history of use on this property has shown sufficient parking. He pointed out that Lakewood is an existing paved street on the west that would provide extra parking if it were ever needed for an event, as there are no restrictions on parking there. He also noted there are no neighborhoods in the immediate area that would be disturbed. He submitted a traffic engineering study and some photographs to show the current peak uses of the parking lot (Exhibits E-1 and E-2). Mr. Johnsen concluded this would be a very modest use of the parking.

Comments and Questions:

Ms. Stead asked if the new business would be upstairs. Mr. Moody did not have the plans and was not sure if it would be upstairs.

Interested Parties:

John Moody, 320 South Boston, Suite 900, was not opposed. He stated he goes there several times per week and finds there is more than adequate parking in the center. He considered it a reasonable request.

Mr. Henke asked about the type of equipment. Mr. Johnsen indicated it was electronic pressure resistant style toning beds. He added the space is 2,200 sq. ft. It is set up for a maximum of seven customers at a time with two instructors.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Variance** of the required number of parking spaces for retail center from 805 spaces to 626 (existing spaces) (Section 1214.D), limited to the existing square footage used by restaurants; no more intense use by clubs or bars, finding adequate parking spaces, on the following described property:

LT 1 BLK 1, SUMMIT SQUARE, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Case No. 20015

Action Requested:

Request for partial refund.

Presentation:

Mr. Alberty stated the staff recommends a partial refund of \$101.00.

Board Action:

On **Motion** of **Stephens**, the Board voted 5-0-0 (Dunham, Stephens, Paddock, Stead, Henke "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a partial refund of \$101.00 per staff recommendation to the applicant, Donna Gainey.

There being no further business, the meeting was adjourned at 4:44 p.m.

Date approved:_____

Chair