

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 918
Tuesday, September 13, 2005, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Chair
Henke, Secretary
Stead
Stephens

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Butler
Cuthbertson

**OTHERS
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, September 8, 2005, at 4:32 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. Cuthbertson read the rules and procedures for the Board of Adjustment Public Hearing.

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20096

Action Requested:

Variance of maximum allowed floor area for an accessory building in an RS-3 district to permit a 4,000 sq ft building and a 800 sq ft building (Section 402.B.1.d); Variance of maximum height of an accessory building from 18 ft to 20 ft(Section 210.B.5.a), located: 15362 East 13th Street South.

Presentation:

The applicant, **David L. Cook**, was unable to attend and requested a continuance to September 27, 2005.

Board Action:

On **Motion of Stephens**, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20096 to the meeting on September 27, 2005.

LT 3 BLK 5, RADIO HGTS, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20104

Action Requested:

Modification of site plan approved in Case No. 13184 to permit 10 ft. separation between mobile homes and a Variance to permit parking space widths of 8.5 ft. (Section 1303) in an existing mobile home park, located: 5311 East Archer Street North.

Presentation:

Mr. Cuthbertson informed the Board that the applicant wanted to modify the request and asked for a continuance to the meeting of October 11, 2005 for new notice.

Board Action:

On **Motion** of **Henke**, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20104 to the meeting on October 11, 2005.

SW SE SW LESS W30 THEREOF FOR RD SEC 34 20 13 9.55ACS, City of Tulsa, Tulsa County, State of Oklahoma

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MINUTES

On **MOTION** of **Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of August 23, 2005 (No. 917).

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UNFINISHED BUSINESS

Case No. 20094

Action Requested:

Appeal from the determination of the Neighborhood Inspector that the special exception as to parking granted in BOA-18626 on 02-22-00 was subject to a 5-year limitation, 3340 South Peoria Avenue East.

Presentation:

Roy Johnsen, 201 West 5th Street, Suite 501, stated he represented Greg Hughes and Tony Henry, operators of the nightclub known as Suede. The Board

approved the previous Case No. 18626 for parking modification with conditions offered by the applicant, not including any time limitation. The only question was whether a time limitation was imposed. Neighborhood Inspections sent the applicant a notice of the five-year time limitation expiration on the former approval in Case No. 18626. Mr. Johnsen explained that for the hearing he drafted a form with conditions to offer to the Board that included possible conditions, including a time limitation. The applicant submitted the final document of proposed conditions without a stated time limitation to the Board of Adjustment. The Board approved the submitted document. His client applied for a building permit and submitted the first draft of the conditions rather than the final form and it was approved according to the draft that included the time limit of five years. That is how this appeal became necessary. Mr. Johnson detailed his research for the origin of this issue.

Interested Parties:

Kevin Cox, 111 North Greenwood, with Neighborhood Inspections, agreed with Mr. Johnsen that there were some mistakes made during the investigation. The Certificate of Occupancy and the Zoning Clearance Permit revealed a five-year limit expiration.

Phil Marshall, P.O. Box 52011, Tulsa, Oklahoma, President of the Brookside Neighborhood Association, stated the zoning code is often confusing to the members of their association. He used the example of the request for action in Case No. 18626, with all of the alternatives. The association likes the time limitation on these types of request so there is some accountability to the Board by a specific date.

Herb Beattie, 3474 South Zunis, stated he is a member of the Board of the Brookside Neighborhood Association. He mentioned the fact that customers to different businesses park in other business parking lots. He added that the trash on the parking lots is a chronic problem.

Applicant's Rebuttal:

Mr. Johnsen noted that Mr. Cox, with Neighborhood Inspections, concurred with his findings, that the application approval did not include a five-year limit.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **UPHOLD** the Appeal from the determination of the Neighborhood Inspector that the special exception as to parking granted in BOA-18626 on 02 - 22 - 00 was subject to a 5 year limitation, finding the records do not include a time limit, on the following described property:

N49.5 LT 19 LESS E25 FOR ST BLK 1, BURGESS ACRES ADDN, PEEBLES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

And the Board asked that all pages of the exhibits be stamped for the record in future cases.

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NEW APPLICATIONS

Case No. 20107

Action Requested:

Variance of lot area from 2 acres to 1.96 acres; variance of land area from 2.2 acres to 1.98 acres and a variance of average lot width from 200 ft to 119 ft for a lot-split (L-19867) Section 303, located: 4344 North Lewis Avenue East.

Presentation:

Amos Adetula, 5000 East 94th Street North, Sperry Oklahoma, stated he does not own Tract A anymore. To obtain the lot-split he needs to clear the deed by approval of this application. The easement is a thirty-foot road on Tract B, which is zoned AG, with access to Lewis Avenue.

Interested Parties:

There were no interested parties who wished to speak.

Mr. Dunham noted this would not be out of character for the area.

Board Action:

On **Motion** of **Henke**, the Board voted 4-0-0 (Dunham, Henke, Stead, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of lot area from 2 acres to 1.96 acres; a **Variance** of land area from 2.2 acres to 1.98 acres and a **Variance** of average lot width from 200 ft to 119 ft for a lot-split (L-19867) Section 303, finding irregular shape with respect to the depth of the lot, and other circumstances, which are peculiar to the land that the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted 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:

BEG NEC SE NE TH S171 W768.7 N171 E768.7 POB LESSE50 THEREOF
FOR RD SEC 18 20 13 2.821ACS, City of Tulsa, Tulsa County, State of
Oklahoma

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Case No. 20108

Action Requested:

Variance to reduce sign separation from required 100 ft to 60 ft -- Section 1103.B.2.b.3 - Use Unit 12, located: 9525 East 71st Street South.

Presentation:

Jeff Levinson, 9308 South Toledo, represented the applicant and owner of the subject property. They operate a frozen custard store on the property and on either side of the property are a McDonald's and a Phillip 66 station. The original application asked for a 60 ft. variance for a sign. Since then they have discussed the application more with the staff and have decided to ask for a 68 ft. variance. They found that they could place the sign further from the street to a location he specified on the site plan (Exhibit A-1). He understood they would still have to go to the planning commission for a minor amendment to the PUD. The hardship is the proximity of the other commercial business signs on either side of the property.

Comments and Questions:

Mr. Stephens asked the height of the sign, which is 25'.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to reduce sign separation from required 100 ft to 68 ft -- Section 1103.B.2.b.3 - Use Unit 12, finding other businesses have placed signs near the subject property line, leaving insufficient room to comply with the code, per conceptual site plan submitted today, on the following described property:

PRT OF LT 5 BLK 1, SAM'S CENTER, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20109

Action Requested:

Special exception to permit a temporary construction facility - Use Unit 2 - adjacent to the Oklahoma Dept of Transportation Hwy 75 & 71st Street construction project - Section 801, located: Southeast of southeast corner of West 71st Street South and Highway 75.

Presentation:

John Moody, 1800 South Baltimore, Suite 900, represented Sherwood Construction Company. He provided a number of exhibits to the Board, including a contract, permits, and photographs (Exhibits B-1a through B-11). The construction company has constructed a temporary batch plant near the Highway

75 and West 71st Street intersection. They obtained a contract for the ODOT project and the City of Tulsa street widening project 71st Street and South Yale. He introduced Mr. John Curtis, President of the Sherwood Construction Company and Mr. Ron Egge, Chief Engineer in the Tulsa office, who could answer questions as needed.

Comments and Questions:

Ms. Stead asked for which projects the batch plant was providing concrete. She also asked if the company was limited to specific projects to make concrete from that batch plant. He replied that they were not limited to the ODOT project.

Ron Egge, 9950 East 97th Street, with Sherwood Construction, stated the application for DEQ does not state to which job sites or locations you will haul concrete. They applied for a permit for the temporary batch plant only, not the related job site.

Mr. Dunham asked if they did not know they needed a special exception to operate the batch plant. Mr. Egge replied that they have set up these plants four times in Oklahoma in the last four years and one time in Kansas. They never applied for a special exception until now. It is also the first time they have applied for a DEQ permit.

Mr. Moody continued with his presentation, stating it is a temporary construction facility, off-site, specifically for the highway project interchange and the 71st Street and Yale jobs. These are by contract with the state of Oklahoma and the City of Tulsa. They are not acting as a concrete plant for the public. They do not sell concrete to the public or anyone else. They included a deadline date of May 31, 2006, which should provide for any inclement weather. He informed the Board that the Neighborhood Inspector classified the use of the property as a Use Unit 2, Construction facilities, off-site. They did not appeal this notice because they were in agreement that it is a Use Unit 2. They complied with instructions from Neighborhood Inspections and applied for a Special Exception.

Mr. Dunham out at 2:16 p.m. and returned at 2:18 p.m.

Comments and Questions:

Mr. Moody went over the locations of entrance/exits and other physical aspects of the plant site. In response to questions from the Board members, he responded there were about 40 trucks moved from the plant per day during daytime hours. He covered the zoning code requirements for this use, including sound decibels, time limit, distance from residential housing, and access to an arterial street.

Mr. Alberty clarified an item of confusion regarding whether Sherwood Construction needed a special exception. If they were located on ODOT property or on the actual construction site, or in the Yale right-of-way, they would not have needed a special exception.

Interested Parties:

Steve Schuller, 100 West 5th Street, Suite 500, stated this plant is not a temporary, off-site construction facility. He indicated the DEQ approved a permit for a Use Unit 26, Moderate Manufacturing and Industry, a mobile cement or concrete batch plant. He called the heavy construction equipment storage and parking a Use Unit 25, as seen in the photographs. He added that it was injurious and detrimental to the RS-3 zoned district, and a hospital and medical facility across the street.

Randy Pickard, 1500 South Utica, Suite 400, represented Roger Hardesty and Mid-Continent Concrete Company. He submitted a zoning matrix, a photograph of the staging area and a map (Exhibits B-12-B-14). He considered this to be an IM Use, and not consistent with the Comprehensive Plan either under a low or medium corridor designation. The staging area is a typical off-site temporary construction facility that is consistent with the District 8 Comprehensive Plan. He noted that the batch plant continued to function after the notice of violation.

Tom Quinn, 7419 South Jackson, stated the detention pond has adversely affected his property. He complained that he and his neighbors did not receive proper notification of this hearing. He identified Sherwood Construction Company as the responsible party for breaking the dam on a local pond and allowing the contents to flow across his property.

Ms. Stead asked staff why he was not notified. Mr. Cuthbertson pointed to the map of the 310' radius from the subject property. If his property was within 310' he would have received notice. He is not a property owner within 310' of the batch plant subject property.

Kevin Cox, 111 North Greenwood, Neighborhood Inspections, stated that the property use is considered to be a Use Unit 2, according to the Public Works Department staff, City Legal Department, and his department. He was available for questions.

Applicant's Rebuttal:

Mr. Moody stated that Mr. Quinn was present for this hearing, and that is the purpose of legal notice. Mr. Quinn has been aware and involved in the proceedings regarding these projects. The pond and detention pond had nothing to do with the batch plant. Mr. Schuller's client does not live near this property and does not own property near the subject property. The client also had ten days to appeal the Neighborhood Inspector's decision and did not. Mr. Moody stated that the construction company did not have an order to cease and desist if they applied for a special exception. Mr. Moody pointed out that this batch plant is more economical for the City of Tulsa. The applicant has complied with instructions from the neighborhood inspector.

Board discussion ensued.

Board Action:

On **Motion** of **Henke**, the Board voted 3-1-0 (Stephens, Henke, Stead "aye"; Dunham "nay"; no "abstentions"; no "absences") to **APPROVE** a **Special exception** to permit a temporary construction facility - Use Unit 2 - adjacent to the Oklahoma Dept of Transportation Hwy 75 & 71st Street construction project - Section 801, with conditions: for the temporary batch plant to operate until May 31, 2006, limited to the 71st and Yale project, and the Highway 75 - 71st Street ODOT project, to include reclamation of the subject property with vegetation be strictly followed, per plan, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

PRT NW BEG 243.38W & 75S NEC NW TH S2565 W208.39 N TO SL R/W NELY TO PT E194.62 POB SEC 11 18 12 12.27AC, W251.46 SW NE & E243.38 NW LESS N75 THEREOF FOR RD SEC 11 18 12 21.95AC, BEG 2310W & 75S SEC NEC NE TH S1245 W330 N1245 E330 POB SEC 11 18 12 9.43AC, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20111

Action Requested:

Variance of the rear yard setback from 25 ft to 15 ft for the construction of a new dwelling - Section 403, located: 1 East 26th Place South.

Presentation:

Bill Thrutchley, 605 East Quinton Street, Broken Arrow, Oklahoma, stated he is co-owner of Alpha and Omega Homes and Restoration. They remodel or restore older homes and build new homes. He submitted a packet, including a site plan, photographs and artist sketches (Exhibits C-1 through C-3). They purchased an older home on the subject property. They determined the integrity was too poor to remodel and they removed it. They proposed to build a new home to capture the charm and beauty of the neighborhood and the view of the city. He introduced Jimmy Johnson, the designer they chose.

Mr. Stephens out at 3:10 p.m.

Comments and Questions:

Mr. Dunham asked for a hardship that was not self-imposed. Mr. Thrutchley replied the hardship is due to the irregular shape of the lot and the setbacks on all three sides. They are having difficulty building a structure that would adequately replace the old structure.

Mr. Thrutchley continued his presentation stating they attempted to contact all the neighbors in a 300' radius. They found support from the neighbors and some officers of the neighborhood association.

Mr. Stephens returned and Mr. Henke stepped out at 3:14 p.m.

Mr. Thrutchley stated they would rebuild the privacy fence but they had not decided on the materials. They proposed to face the house on Riverside and change the driveway to enter from 26th Place.

Mr. Henke returned at 3:17 p.m.

Mr. Thrutchley reiterated that this is a large corner lot with an irregular shape and unusual setbacks for a City corner lot.

Interested Parties:

Greg Jennings, 2260 South Troost, objected to the scale of this house. He showed photographs (Exhibit C-4) that show the inappropriateness of this proposed house compared to the smaller homes surrounding it. He pointed out the drawings cut into the site distance triangle. He stated that they bought the property with the current setbacks and this is a self-imposed hardship. He spoke with some of the neighbors and some did not care for it.

Applicant's Rebuttal:

The applicant had provided new plans showing 5,400 square feet. The original house plan had 6,000 square feet. The house that was removed from the property was 4,800 square feet.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of the rear yard setback from 25 ft to 15 ft for the construction of a new dwelling - Section 403, finding a lack of hardship, on the following described property:

LT 8 BLK 13, RIVERSIDE DRIVE ADDN THIRD AMD, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20112

Action Requested:

Special Exception to permit tent sales not to exceed 180 days per calendar year for a period of five years -- Section 1202.B. -- Use Unit 2, located: 4909 East 41st Street South.

Presentation:

Kelly Jones, 8998 South Sheridan, submitted a copy of the building permit (Exhibit D-1).

Comments and Questions:

Mr. Dunham noted they were asking for a maximum of 179 days within a 228 day window from March 1 to July 15; and September 1 to November 30.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit tent sales not to exceed ~~480~~ [sic] 179 days, per the zoning code, per calendar year for a period of five years -- Section 1202.B. -- Use Unit 2, subject to the 228 day window from March 1 to July 15 and September 1st to November 30th; the applicant must demonstrate to the permit office that the proposed tent will not occupy any required parking for the permanent commercial uses located within the shopping center; according to the attached site plan the proposed tent will be located outside the required setback of 100 ft. from the centerline of 41st St., on the following described property:

ALL LT 1 & E150 S129.5 LT 2 & BEG 80S NWC LT 2 THE440 N80 E35 S159.5 W471 N34.89 W4 N44.61 POB & LT 3 LESS W165 E215 S210 BLK 1, SOUTHROADS MALL, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20113

Action Requested:

Variance to add an electronic changing message display to the existing sign -- Section 302.B.2.a. -- Use Unit 5, located: 6767 South Mingo Road.

Presentation:

Larry Waid, 4714 South 69th East Avenue, represented Asbury United Methodist Church. They proposed to replace the service panel of the existing sign with a changing message sign. This is to announce the services, activities, classes and special events the church provides.

Comments and Questions:

Mr. Dunham went over the code requirements and Mr. Waid replied that they meet all of those requirements.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to add

an electronic changing message display to the existing sign -- Section 302.B.2.a. -- Use Unit 5, which sign was approved in BOA Case No. 18822, finding the property is zoned AG instead of commercial; and finding extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; finding the intent of the code is to protect AG areas; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and this is subject to: no such sign shall be located within 50 ft. of the driving surface of a signalized intersection; no such sign shall be located within 20 ft. of the driving surface of a street; no such sign, if visible from an R district other than a street, highway, or freeway right-of-way, or if visible from a designated residential development area, shall be located within 200 ft. of such district or area; no such sign shall exceed an illumination of 70 foot candles measured at a 2-foot distance, as explained to the representative, on the following described property:

LT 1 BLK 1, ASBURY UNITED METHODIST CHURCH, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20114

Action Requested:

Variance of street frontage on S. 41st Street from 150 ft. to 125 ft. for a lot split L-19877; Section 903. -- Use Unit 25, located: 7025 East 41st Street South.

Presentation:

Michael Marrara, attended to present the case.

Comments and Questions:

Mr. Dunham asked if they proposed to take the back .4 acres from the rear part of an existing lot and tie to another existing lot, each having 125 ft. of frontage. Mr. Marrara replied yes, they want to take back the .4 acres. Ms. Stead asked what intentions they have for this property. Mr. Marrara responded that the client was inclined to sell the tracts and they were willing to execute a tie agreement.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of street frontage on S. 41st Street from 150 ft to 125 ft for a lot split L-19877; Section 903. -- Use Unit 25; subject to a tie agreement with the lot adjacent to the south of Tract 2, finding the extraordinary or exceptional conditions or

circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted 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 16 LESS A TR BEG SEC TH N100 W125 S100 E125 TOBEG BLK 2,
EXPRESSWAY INDUSTRIAL AND COMMERCIAL CENTER ADDN, City of
Tulsa, Tulsa County, State of Oklahoma

Case No. 20115

Action Requested:

Special Exception to permit parking on a lot other than the lot containing the use (Section 1301.D), located: 2929 North Florence Avenue.

Presentation:

Dean Shaw, Project Manager with Anheuser-Busch out of St. Louis, Missouri, introduced **Scott Dryesdale**, the General Manager. They proposed to expand for 30,000 square feet of warehouse storage. He added they wanted to move employee parking to the designated lot across the street. They were open to a tie agreement. A site plan was provided (Exhibit E-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Henke**, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit parking on a lot other than the lot containing the use (Section 1301.D); subject to a tie agreement of all the subject property, per plan, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

S. 327' LT 8 BLK 2, LT 9 BLK 2, LT 1 LESS S230 THEREOF BLK 4, LT 2 BLK 4,
SANTA FE INDUSTRIAL DISTRICT, City of Tulsa, Tulsa County, State of
Oklahoma

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Refund** on the Case No. 20115 of \$120.00 for a sign that was not necessary.

Case No. 20116

Action Requested:

Special exception to allow an auto wash in a CS zoned district. Section 701, located: 6750 South Lewis Avenue East.

Presentation:

Tim Terrell, 6737 South 81st East Avenue, stated he is with Tulsa Engineering and Planning Associates. He submitted a packet of information, including a memo with conditions, site plan, and elevations (Exhibits G-1, G-2 and G-3). He reviewed the issues addressed when they met with the homeowners' association, including noise, drainage, screening, landscaping, and hours of operation. He indicated two access points on the conceptual site plan but they were willing to make changes the Board.

Interested Parties:

Bob Wackenhuth, 6740 South Lewis, stated he owns the property to the north of the subject property. He did not come to oppose the application but to remind the Board there is already a flooding problem. Mr. Cuthbertson commented that the proposed site plan would drastically reduce the impervious surface that exists.

Sharon Gaither, 6720 South Lewis, stated she is an owner of Hearthstone Village Condos. The applicant addressed most of her questions. She asked if he would provide a copy of the acoustic engineering study to everyone. She was in support of the silencers mentioned by the applicant.

Cathy Finucane, 6732 South Lewis, expressed concern regarding whether the acoustics would help people living on the second floor of the apartment building nearby. She stated that otherwise she had no objection to the application.

Comments and Questions:

The Board members discussed the hours of operation and asked the applicant about setting specific hours. The applicant was agreeable to 8:00 a.m. to 8:00 p.m.

Board Action:

On **Motion of Henke**, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special exception** to allow an auto wash in a CS zoned district. Section 701, per conceptual plan, subject to the conditions A-G, as submitted by the applicant and modified by the Board: a decibel sound test in order to determine the best type of design for a sound wall that will be constructed at the north end of the property abutting the Heatherstone Village property; trees planted on the south side of the sound wall to help diminish the site line to the development and help defuse sound; the existing drainage ditch at the north end of the property will be cleaned and re-cut to aid in storm water run-off to the west, subject to any city requirements or limits; the wood fence on the Heatherstone Village property along the common

property line will be replaced to match the existing fence as close as reasonable; additional landscaping on the over all site will be installed in order to make our site attractive to our customers; hours of operation not to exceed from 8:00 a.m. to 8:00 p.m; the car wash dryers are to have silencers installed to aid in reduction of sound; 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

LT 1 BLK 1, LEWIS VILLAGE, SOUTHERN CROSS ADDN B1, City of Tulsa,
Tulsa County, State of Oklahoma

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There being no further business, the meeting adjourned at 4:10 p.m.

Date approved: _____

Chair