

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 953
Tuesday, March 27, 2007, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

White
Henke, Chair
Stead, Vice Chair
Stephens
Tidwell, Secretary

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Cuthbertson
Huntsinger

**OTHERS
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Friday, March 23, 2007, at 8:02 a.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Henke 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. 20458

Action Requested:

Variance of the maximum coverage of an unenclosed off street parking area in the required front yard in an RS-3 district to permit 30 ft. wide driveways for 3 car garages (Section 1303.D), located: West of South Guthrie Avenue and West 77th Street.

Presentation:

Mr. Cuthbertson informed the Board there was a mistake in the location of the property. To allow time for notice would put this case on the meeting of April 24, 2007.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Stead**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20458 to April 24, 2007, regarding the following described property:

STONEBROOKE GLENN ADDITION, City of Tulsa, Tulsa County, State of Oklahoma

* . * . * . * . * . * . *

Case No. 20467

Action Requested:

Variance of the required 75 ft. setback from adjoining R district (Section 903), located: 9723 East 61st Street South.

Presentation:

The applicant asked for a continuance to add an additional item to the list of requests. He explained that they are asking for a 75 ft. variance from an adjoining R district but they are also 75 ft. from an O district. They asked to continue this case to April 10, 2007.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **White**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20467 to April 10, 2007, regarding the following described property:

E90 S431 W/2 LT 4 LESS S50 FOR ST SEC 31 19 14, City of Tulsa, Tulsa County, State of Oklahoma

* . * . * . * . * . * . *

Case No. 20462

Action Requested:

Variance of the required front setback from 200 ft. from the centerline of S. 129th E. Ave. to 65.4 ft. to utilize an existing structure (Section 803), located: 706 South 129th Avenue East.

Presentation:

Mr. Cuthbertson informed the Board the applicant withdrew this application when staff discovered the relief requested is not necessary. Staff recommended a full refund.

Comments and Questions:

Ms. Stead asked if they were going to remove the structure, since they had previously asked for temporary use. Mr. Cuthbertson replied that the long-term plans are to build a new building to accommodate the proposed use. They intend to use the existing structure until then. Ms. Stead asked if they could build closer to 129th, in reference to the previous BOA Case, to which he replied they could not.

S/2 NE NE SE SE LESS E50 FOR ST SEC 5 19 14, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

NEW APPLICATIONS

Case No. 20456

Action Requested:

Variance of the maximum permitted square footage for a detached accessory building in an RS-3 district from 500 sq. ft. to 2,707 sq. ft. (Sec 402.B.1.d); and a Variance of the side yard requirement from 5 ft. to .5 ft. (Section 403) to permit a carport, located: 1522 West 47th Street South.

Presentation:

David Smith, 1522 West 47th Street, stated he built a carport about 80 ft. from the street on the southeast corner of the property. His neighbors came to the meeting in support of the application. He built the carport over the existing driveway. He added the two accessory buildings were on the property when he purchased it 15 years ago. He stated he did not know he needed a building permit when he built the carport. He noted there were several carports in the neighborhood. He is trying to do everything legally to correct the situation. A site plan was provided (Exhibit A-1).

Interested Parties:

Dennis Williams, 1518 West 47th, adjacent to the subject property on the east. He did not object to the carport. He stated Mr. Smith takes care of his property and does not expect the neighbors to clean up after his projects.

Jim Shaft, 1519 West 47th, stated he lives directly north of Mr. Smith. He did not object to the carport.

Nancy McClure, 4702 South Santa Fe, stated she lives two houses east of the subject property. She described the carport as enormous and looks like an airplane hanger. She considered it inappropriate in size. Ms. McClure submitted photographs (Exhibit A-2).

Ron Sewell, 1618 West 46th Place, expressed support of the carport. He considered this the finest carport in the neighborhood. He thought has a nice appearance and is structurally sound. He stated it blends in with the house and property.

Cheryl Goforth, 4705 South Tacoma, indicated it was not oversized. She did not think it looked inappropriate from her property. She noted it covers the existing driveway.

Comments and Questions:

Mr. Tidwell asked if the paving was already that size. Mr. Smith replied that it was. Mr. Stephens asked for the hardship. He was unaware of the zoning codes for the accessory buildings and carport.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a Variance of the maximum permitted square footage for a detached accessory building in an RS-3 district from 500 sq. ft. to 2,707 sq. ft. (Sec 402.B.1.d); and a Variance of the side yard requirement from 5 ft. to .5 ft. (Section 403) to permit a carport, finding a lack of hardship; and finding it is incompatible with adjoining properties in the surrounding neighborhood, on the following described property:

E 100' OF N 200' LOT 2 BLK 2, SUBURBAN HIGHLANDS, City of Tulsa, Tulsa County, State of Oklahoma

*****.

Case No. 20457

Action Requested:

Variance of the minimum required street frontage in an IL district from 50 ft. to 5 ft. (Section 903); Special Exception to modify the screening requirement abutting an R district on 46th st. (Section 1225.C.2); Special Exception to permit required parking on a lot not containing the principal use (Section 1301.D); Variance of the setback for parking from the centerline of an abutting street from 50 ft. to 35 ft. (Section 1302.B), located: 6515 East 46th Street.

Mr. White informed the Chair that unlike the previous case pertaining to this application, he would not need to abstain from this case. Previously the applicant used material produced by his business.

Presentation:

Chris Heroux, 502 West 6th Street, provided a site plan and an aerial (Exhibits B-1 and B-2). He stated there are some minor changes to the survey made by the permit office. The property is zoned IL, subject to redevelopment by Air Quip, Inc. They install and repair air-conditioning units on a large-scale basis for buses,

trucks and heavy equipment. They have outgrown the current facility and selected the subject property to construct a new and expanded facility. They razed the old building, which was on the property when they purchased it, as it was found structurally unsound. He identified the area surrounding the property, developed as commercial and industrial uses. The residential district to the south is the only residential property in proximity to the subject property. He pointed out some unique circumstances that have brought the applicant to the Board. He gave a detailed description of the splitting of property, involving mutual easements. They proposed to construct the new structure in the same location of the razed building on essentially the same footprint. They anticipate the square footage to be 39,803 sq. ft. They proposed a first floor footprint of 28,923 sq. ft. and a mezzanine level, would be used mainly for part storage of 10,880 sq. ft. He described the proposal to transfer land by lot-split and move the water and sewer lines, which the owners find mutually agreeable. The applicant also plans to re-pave the entire western tract. Mr. Heroux added they plan to provide repaired or new fencing along the entire perimeter of their property and the perimeter of the access area to provide security. He asked for the approval of the required parking to be on the western tract. He pointed out that all of the homes back up to 46th Street. There is a six-foot privacy fence that runs the entire length of 46th Street. He stated there is already adequate screening for the residential property to the south of 46th Street. It would be a hardship to put up another screening fence along the northern portion of 46th Street. It would pose a visibility problem making it difficult for customers to see the business.

Comments and Questions:

Mr. Stephens asked if the business would maintain the existing six-foot privacy fence. Mr. Heroux replied that the fence was not on their property. They have not seen any indication that it needs repair. Ms. Stead noticed two or three 6 ft. by 8 ft. sections are in worse condition than some of the other sections.

Mr. Heroux introduced **Victor Hamm**, his client, to the Board. He offered to repair the fence even though it is not on their property.

Ms. Stead referring to the new utilities realignment access, she asked if it was only five feet. Mr. Heroux replied that it is five feet in fee title, owned by Grigsby's. However, the easement area is a total of 12 feet, five feet of which is fee title, the rest is easement right in favor of Grigsby's. Ms. Stead asked if the new fence they will build, would be west, south and east. Mr. Heroux responded that it would be along the entire perimeter, including both sides of the easement area, some existing fence would be repaired as needed.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the minimum required street frontage in an IL district from 50 ft. to 5 ft. (Section 903); Special Exception to modify the screening requirement abutting an R district on 46th St. (Section 1225.C.2); Special Exception to permit required parking on a lot not containing the principal use (Section 1301.D); Variance of the setback for parking from the centerline of an abutting street from 50 ft. to 35 ft. (Section 1302.B), subject to: a perpetual 12 ft. mutual access agreement on the western boundary, per plan submitted; construct and maintain sidewalks along 46th Street; Kennebunkport lighting formula; provide new asphalt or concrete on all parking areas; tie agreement between the two Air Quip east and west tracts; finding the hardship to be prior lot-splits, prior development, as well as existing sewer and water easements have caused special conditions and necessity for variances, which do not apply generally to other property in the same district; finding the variances will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and finding special exceptions 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:

The South 271.2 feet of lots four 4), Five (5), and Six (6), and the west 32.10 feet of the South 271.2 feet of lot Seven (7), Block One (1), Katy Freeway Industrial Park, Tulsa County, State of Oklahoma, According to the recorded plat thereof and a tract or parcel of land lying on Lots Seven (7), Eight (8), and Nine (9), Block One (1), Katy Freeway Industrial Park, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and being more particularly described as follows: Beginning at the Southeast corner of Lot Nine (9), Block One (1), Katy Freeway Industrial Park, according to the recorded plat thereof; thence north 0°02'05" West along the east line of lot nine (9), A distance of 362.30 feet; Thence South 89°57'55" West a distance of 105.90 feet; Thence South 0°07'30" east a distance of 362.50 feet; thence north 89°57'55" east a distance of 105.33 feet to the point of beginning; A TRACT OF LAND THAT IS PART OF LOTS FIVE (5), SIX (6) AND SEVEN (7), BLOCK ONE (1), KATY FREEWAY INDUSTRIAL PARK ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 7; THENCE NORTH 89°57'55" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 7 FOR 32.10 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE NORTH 0°02'05" WEST PARALLEL WITH AND 32.10 FEET EASTERLY OF AS MEASURED PERPENDICULARLY TO THE WESTERLY LINE OF SAID LOT 7 FOR 271.20 FEET; THENCE SOUTH 89°57'55" WEST PARALLEL WITH SAID SOUTHERLY LINE FOR 95.13 FEET; THENCE NORTH 0°02'05" WEST PARALLEL WITH THE WESTERLY LINE OF SAID LOT 5 FOR 38.50 FEET; THENCE NORTH 89°57'55" EAST PARALLEL WITH SAID SOUTHERLY LINE FOR 100.13 FEET; THENCE SOUTH 0°02'05" EAST PARALLEL WITH AND 37.10 FEET EASTERLY OF AS MEASURED PERPENDICULARLY TO SAID WESTERLY LINE OF LOT 7 FOR 309.70 FEET TO A POINT ON SAID SOUTHERLY LINE; THENCE SOUTH 89°57'55" WEST ALONG SAID SOUTHERLY LINE FOR 5.00 FEET

TO THE POINT OF BEGINNING OF SAID TRACT OF LAND, City of Tulsa, Tulsa
County, State of Oklahoma

Case No. 20459

Action Requested:

Variance of the minimum average lot width permitted in an RS-3 district from 60 ft. to 40 ft. (Section 403) to permit a lot-split, located: 4144 South Detroit.

Mr. White abstained from this case.

Presentation:

Ron Lewis, 4145 South Cincinnati, proposed a lot-split. The existing duplex has a sewer line that crosses the panhandle strip to the northeast. This is an infill-lot that is unusable without a variance. A site plan was provided (Exhibit C-1).

Interested Parties:

Bill Wiedman, 4110 South Detroit, stated to his knowledge the lot is not split. Those existing lots have a 60 ft. frontage and 220 ft. depth and are consistent all the way to 41st Street. He asked to keep the single-family neighborhood, where there are a couple of smaller properties with duplexes. He was not in support of increasing the density of the subject property. He pointed out the daycare on the east side of Detroit at the corner. He informed the Board that it opened as a daycare center for ten children and has expanded to 118 children. He approximated it drew over 200 trips per day.

Dena Wiedman, 4110 South Detroit, complained about destruction of their privacy fence by renters on the subject property. She also mentioned renters have thrown trash into their back yard. They started a neighborhood watch; and have worked to keep the single-family character of the neighborhood.

Joe Riddle, 4116 South Detroit, expressed concern that a lot-split would change to the character of the neighborhood.

David Hanover, 4140 South Detroit, did not understand what the lot-split would accomplish. He questioned that it would set a precedent for future lot-splits with much smaller lots than the rest of the neighborhood.

Mr. Henke offered to have Mr. Alberty explain some things. Mr. Alberty stated that if the line was drawn straight to the north property line, the applicant would not need any relief. Then both lots would exceed the minimum requirement. The city requires ownership to the main line, so they have to leave the 10 ft., which is strictly a mathematical calculation. Mr. Hanover was satisfied that it would not be a duplex but questioned the location of sewer line. He also questioned the hardship. Ms. Stead explained that the sewer line is the only reason for the application.

David Neto, 2114 East 42nd Street, stated he owns the duplex across the street from the subject property. This same process was necessary on his property a number of years ago before he purchased it. He did not have any objections.

Applicant's Rebuttal:

He did not like the daycare location either but a single-family dwelling will have off-street parking as required. He was not sure of the location of the sewer at this time but after he purchases the property, he plans to relocate it if necessary.

Ms. Stead asked Mr. Ackermann for information regarding this application. Mr. Ackermann stated that if the sewer line is in the middle of the lot, it will have to move it to have any space to build. In an RS-3 district he can build a single-family dwelling and would have a 25 ft. setback for the front yard on 46th street and 20 ft. off of the panhandle.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-1 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; White "abstained"; no "absences") to **APPROVE** the Variance of the minimum average lot width permitted in an RS-3 district from 60 ft. to 40 ft. (Section 403) to permit a lot-split, per plan, finding the existing sewer line access easement reduces the average lot width and the finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; 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:

S 73.125 LT 4 BLK 2, DEMOREST ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20460

Action Requested:

Special Exception to permit a car rental business in a CS zoned district (Section 701), located: 6111 South Sheridan Road East.

Presentation:

Steve Widener, 1185 South Aspen, Enterprise Rent-A-Car, stated the applicant proposed a car rental business in a CS district at 6111 South Sheridan Road East. They are currently located at 41st and Sheridan and share it with their car sales division. The sales division would remain at the 41st and Sheridan site. The rental division has outgrown the current facility. He stated the benefits are more parking, easier access, and an indoor wash bay to capture, filter and dispose of the water. He submitted photographs (Exhibit D-1). They plan to remove two garage doors and add walls and windows otherwise; the building would remain the same. They

intend to comply with the zoning code regarding signage. The carwash will no longer be an automatic wash but will have a manual wand.

Comments and Questions:

Ms. Stead asked if they planned to asphalt or concrete the east portion of the lot. Mr. Widener replied that they plan to asphalt it. He added that the lighting would remain the same. He stated the business hours would be Monday through Friday, 7:30 a.m. to 6:00 p.m. and Saturdays from 9:00 a.m. to noon. Ms. Stead asked if they would agree to a time limit to the approval. Mr. Widener responded that they have committed to seven years and they have two five-year options there.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a car rental business in a CS zoned district, per plan, limited to seven years approval; pave with asphalt or concrete on the entire site; construct and maintain sidewalks as needed on 61st Street and Sheridan Road; no vehicle repair on site; absolutely no car sales on site; finding the special exception 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:

LT 1 LESS BEG NWC TH E30 SW28.28 TO PT 20S & 10E NWC S130 W10
N150 POB FOR ST BLK 1, GRAVATT-TABOR CENTER, City of Tulsa, Tulsa
County, State of Oklahoma

*****.

Case No. 20461

Action Requested:

Special Exception to permit a carport in the required front yard (Section 210.B.10); and a Variance of the maximum dimensions permitted for a carport in the required front yard (Section 210.B.10.a) to permit an extension of an existing carport, located: 2655 East 26th Street South.

Presentation:

John Carver, 2655 East 26th Street South, stated the request was to improve the functionality and appearance of the existing carport, including the extension. The house is over 75 years old and he has lived there over thirty years. He added that it has deteriorated over that time. Mr. Carver stated they are finishing a three-year renovation of the house. The garage was converted to a mother-in-law quarters before he purchased the house. He added that his truck extends out past the existing carport. The carport is not wide enough for him to enter the truck cab from

the driver's side. Mr. Carver stated the guttering drains down on the east side onto the carport. The driveway has a highpoint about eight feet south of the end of the carport.

Comments and Questions:

Mr. Stephens asked how much he intended to extend the carport. Mr. Carver replied he asked for an 11 ft. extension. Mr. Stephens asked if he was aware it is over the building line as it is. Mr. Carver was advised of that.

Interested Parties:

Numerous letters of opposition were received (Exhibit I-2).

Peter Parker, 2540 South Birmingham Place, stated his opposition to the application. He thought it was a detriment to the neighborhood. He suggested Mr. Carver enclose it as a garage.

Bryan McCracken, 2522 South Columbia Avenue, asked the Board to deny this application. He considered the extension would be unsightly. He stated it is inconsistent with the neighborhood.

Steve Soule', 2663 East 26th Street, stated there is only one other carport on the block. There are a lot of improvements being made on the properties in this neighborhood. He added it does not match the general architecture in the neighborhood. Mr. Soule' did not think it met the requirement for a special exception.

Don Sullivan, 2671 East 26th Street, was in opposition to the application. He stated it is inconsistent and unattractive. He added it blocks their view. He submitted photographs (Exhibit I-1). He was not opposed to a garage instead of a carport.

Ron Altman, 2623 East 26th Place, stated opposition to a carport. He would be in favor of a garage.

Brad Frank, 2654 East 26th Street, stated he lives directly across the street. He did not object to the proposed improvements in this application.

Linda Smith, 2844 East 26th Street, stated her opposition to the application.

Mr. Henke asked Mr. Carver for the hardship for the variance. Mr. Carver could only state the negatives they have experienced, but they are not what he considers a hardship.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a Special

Exception to permit a carport in the required front yard (Section 210.B.10); and a Variance of the maximum dimensions permitted for a carport in the required front yard (Section 210.B.10.a) to permit an extension of an existing carport, finding this action would be incompatible with the neighborhood, and no hardship was stated, on the following described property:

LT 11 BLK 1 & PRT N457.50 E/2 LT 2 J P HARTERS SUB BEG 164.70E SECR
LT 6 BLK 1 PERAGEN ADDN TH E81.95 S1.73 WLY82.30 N3.47 POB BLK 1,
PERAGEN ADDN RESUB L3-4 B1 WOODY CREST & PRT J P HARTER'S, City
of Tulsa, Tulsa County, State of Oklahoma

Case No. 20462

Action Requested:

Refund Request

Presentation:

Staff recommended a full refund.

Board Action:

On **MOTION** of **Stead**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a full refund of \$623.00, regarding the application for the following described property:

S/2 NE NE SE SE LESS E50 FOR ST SEC 5 19 14, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Tidwell out at 2:55 p.m.

Case No. 20463

Action Requested:

Special Exception to modify the fence height in the required front yard from 4 ft. to 7 ft. – 8 in. (Sect. 210.B.5.b), located: 10626 South Yale East Avenue.

Presentation:

Lynn Mitchell, 11718 South Erie Avenue, purchased the subject property to build their home. The former 6 ft. fence had deteriorated and they removed it. They proposed to build seven foot eight inch stone columns with six-foot split-rail between the columns. A site plan was provided (Exhibit E-1).

Mr. Tidwell returned and Mr. Henke out at 3:00 p.m.

Comments and Questions:

Ms. Stead asked if the columns at the gate would be compatible in height. Mr. Mitchell responded the columns at the gate would have less height than the others.

Mr. Henke returned at 3:02 p.m.

Ms. Stead informed the applicant that she would require sidewalks.

Interested Parties:

Jim Freeman, 4716 East 106th Street, stated he lives due west of the subject property. He conversed with Mr. Mitchell about the application. He is open to the height of the fence. He stated the drawings are acceptable.

Restrictive covenants were provided (Exhibit E-2). Mr. White commented the covenants are beyond the purview of this Board.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to modify the fence height in the required front yard from 4 ft. to 7 ft. – 8 in., per plan, with condition for sidewalk along Yale sometime during construction, finding the special exception 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:

E 385.85 N 330.5 NE SE SEC 28-18-13, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Case No. 20465

Action Requested:

Special Exception to permit an open air farmer's market (Use Unit 2) in an RM-2 district, located: Southwest corner of 6th Street and South Peoria Avenue.

Presentation:

Jack Bubenik, Landscape Architect for the City of Tulsa Parks, stated they were contacted about a farmers' market at Central Park. They were agreeable to the proposal. They did not feel it would have any negative impact on the senior center and would be an enhancement to the park.

Interested Parties:

Rita Scott, President of Sustainable Green Country, stated they are the sponsors of the Farmers' Market. She stated she is the President of the Pearl Farmers' Market Association. She wanted to introduce Ms. Barnes, City Councilor.

Maria Barnes, City Councilor for District 4, expressed support of the application.

Ms. Stead expressed the need to limit approval of this type of special exception and asked for a number of years to return for further approval.

Rita Scott, 16523 East 171st Street South, Bixby, Oklahoma, also introduced the Neighborhood Association President.

Christine Booth, 2332 South Evanston Avenue, stated she is President of the Pearl District Neighborhood Association. She letters of support (Exhibit F-1) for this application. They have received no opposition of which she was aware.

Ms. Scott stated they have some temporary signage and banners. The Market would be open 4:00 p.m. to 8:00 p.m. on Thursdays. The area businesses agree to allow parking on their lots, including the Indian Health Resource Center. She noted approximately 351 spaces.

Jamie Jamison, 427 South Boston, was agreeable to Ms. Stead's suggestion to allow the market two days per week if it succeeds.

Mr. Bubenik was agreeable to two days per week and an expansion of the hours.

Russell Burkhardt, 550 South Peoria, Indian Health Resource Center, was in favor of the application. He was agreeable to more hours and an added day per week.

Montel Clark, 2730 East 4th Street, expressed support for the application.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit an open air farmer's market (Use Unit 2) in an RM-2 district, subject to a five-year limit from March 27, 2007 for approval; per the Pearl's Farmers' Market information sheet page 9.6 in the agenda packet for the general location and the specific site plan it refers to; amended hours of operation, as acceptable to the Park's Department to no more than two days per week; number of vendors up to 25 only; no constructed lighting, existing lighting adequate; the only electrical work shall be outlets; short-term, temporary signage as agreed with the Park's Department and Park's Board, 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:

S414.3 OF NE SE SEC 1 19 12 12, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20466

Action Requested:

Minor Variance of the rear yard requirement from 25 ft. to 20 ft. to permit a small addition (Section 403), located: 2131 East 27th Street South.

Ms. Stead asked if this case could be considered as a modification of a previously approved site plan. Mr. Ackermann stated a modification is less intensive and would be more than adequately advertised.

Mr. White abstained from this case.

Presentation:

Alan Madewell, 5314 South Yale, represented the owners of the property, Dan and Kimberly Jordan. They are adding an open, covered porch to the back of an existing structure, which was the original garage to this 1930's house. It is in a historic neighborhood. Previously the garage connected to the original house with an addition.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-1 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; White "abstained"; no "absences") to **APPROVE** a Modification to a previously approved site plan to permit an addition, per plan dated 02-09-07, on the following described property:

LT 12 & PRT LT 11 BEG SECR LT 1 TH W50 N TO PT 48W NEC LT 11 E48 S138.15 POB & PRT LT 13 BEG SWC THN TO NWC TH E40 S TO PT 40E SWC TH W40 POB BLK 4 , FOREST HILLS, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Case No. 20468

Action Requested:

Variance of the maximum square footage permitted for detached accessory buildings in the RS-1 district from 750 sq. ft. to 1325 sq. ft. (Sect. 402.B.1.d), located: 8929 East 13th Street South.

Presentation:

Mike Cox, 8968 East 13th Street, represented his son, Jeff Cox, who is purchasing his house. It is almost a one-acre lot. They propose to add on two rooms, as the family is growing. You need lawn equipment for this size of a lot and a place to store it. After the garage was built, he discovered there was no building permit. A site plan, photographs and a petition were provided (Exhibit H-1, H-2 and H-3).

Jeff Cox, 8929 East 13th Street, stated there is one garage door on the front and another on the northwest corner making it a drive-through garage.

Comments and Questions:

Ms. Stead informed them that they would need a paved drive. She advised them that the Board usually specifies that it never be for living quarters or a business. Mr. Cox read a letter from Joan Hess, a neighbor who had to leave the meeting, in support of the application, she noted that the neighbors to Jeff Cox also have large accessory buildings.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum square footage permitted for detached accessory buildings in the RS-1 district from 750 sq. ft. to 1,325 sq. ft., subject to the entire driving surface being constructed of asphalt or concrete, including any driveway going to the northwest entrance, per plan, by reason of 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:

BEG AT PT 1296.69S & 660E OF NWC NW NE FOR BEG THN305.425 W82.5 S305.425 E82.5 POB SEC 12 19 13, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Case No. 20471

Action Requested:

Modification of conditions from a previous approval (BOA-20373) to permit flexibility in the location of up to 5,000 sq. ft. of restaurant space within the subject property, located: Northwest corner of 35th Place and South Peoria Avenue and the Southwest corner of 34th Street and Peoria.

Mr. Cuthbertson noted that a protest letter was regarding additional square footage. This application is not for additional square footage but to move the previously approved square footage around on the subject property.

Mr. Stephens recused himself, out at 3:51 p.m.

Presentation:

Mr. Grimm sought a modification a self-imposed condition the applicant placed on themselves in Case No. 20373. He asked to allow the approved 5,000 sq. ft. for restaurant space at one end or the other instead of separating them into two different restaurants as previously suggested.

Board Action:

On **MOTION** of **Stead**, the Board voted 4-0-1 (White, Henke, Stead, Tidwell "aye"; no "nays"; Stephens "abstained"; no "absences") to **APPROVE** a Modification of conditions from a previous approval (BOA-20373) to permit flexibility in the location of up to 5,000 sq. ft. of restaurant space within the subject property, on the following described property:

A tract of land that is part of Lt 55 of 'Burgess Acres Addition', starting at NE/c of Lt 55; TH W alng Nthly ln of Lt 55 25.50 ft. to POB, TH S 00° 00' 20" E and parallel w/ Estrly ln of Lt 55 for 71.75 ft. to pt on Sthly ln of Lt 55, TH W alng Sthly ln 124.95 ft. to pt that is 24.55 ft. Estly of the Wstly ln of Lt 55; TH N 00° 00' 20" W and parallel with said Wstly ln 71.75 ft. to pt on Nthly ln of Lt 55; TH E alng Nthly ln 124.95 ft. to POB; W170 of the S34.92 LT 6 & LT 7 LESS E10 FOR ST BLK 2, PEORIA GARDENS ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Stephens returned 3:56 p.m.

* * * * *

OTHER BUSINESS

City of Tulsa Development Services

Presentation:

Mr. Cuthbertson announced the request for an interpretation from the COT Development Services for an interpretation of the tattoo classification.

Ms. Stead understood the applicant was recommending Use Unit 13, and the parking ratio of 1 space per 225 sq. ft.

Dustin Wright, Permit Office, 111 South Greenwood, was present before the Board. He agreed this is the recommendation of Development Services.

Board Action:

On **MOTION** of **Stead**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **INTERPRETS** the Zoning Code to place tattoo parlors in Use Unit 13 for tattoo parlors, under Convenience, goods and services, with hard surface parking required at a ratio of one per 225 sq. ft.

* * * * *

There being no further business, the meeting adjourned at 4:00 p.m.

Date approved: 5/22/07

Frank X. [Signature]
Chair

