

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 958
Tuesday, June 12, 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
Tidwell, Secretary

**MEMBERS
ABSENT**

Stephens

**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, June 7, 2007, at 11:30 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.

MINUTES

On **MOTION** of **Tidwell**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** the Minutes of May 8, 2007 (No. 956).

On **MOTION** of **Tidwell**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** the Minutes of May 22, 2007 (No. 957).

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20513

Action Requested:

Variance of the required setback from E. 5th St. to permit industrial development (Section 903), located: 1538 East 5th Street South.

Presentation:

Mr. Henke noted that Case No. 20513 was withdrawn, regarding the following described property:

LT 1 BLK8 & ADJ VAC ALLEY, LT 2 BLK8 & ADJ VAC ALLEY, LT 3 BLK 8, LT 4
BEG NEC LT 4 TH APROX W100 APROX SE55 SW25 APROX SE55 N67.7 POB
& W10 VAC ALLEY BLK 8, HACKATHORN ADDN, City of Tulsa, Tulsa County,
State of Oklahoma

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UNFINISHED BUSINESS

Case No. 20464

Action Requested:

Special Exception to permit park use in an AG district and a modification of a previously approved plan to permit an expansion of Mohawk Park (Section 301), located: Southeast and Southwest corners of East 56th Street and Highway 75.

Presentation:

Greg Warren, 1710 West Charles Page Boulevard, stated he is the Data Resource Manager for the Tulsa Parks Department. They are planning for a soccer and sports complex, called the North Tulsa Sports Complex. They are planning a skateboard park, and a BMX track. They have changed the plans to put the soccer complex, with thirty-two fields, on the east side of Highway 75. They propose to build a skateboard park and BMX track on the west side of the highway.

Interested Parties:

Joe Cacoperdo, 3030 East 51st Street North, stated he owns 30 acres south of the park property. He wanted to know what they are going to put on the land and if it was going to change his way of life.

Mr. Warren stated the primary development would be the soccer complex on the east side of the highway. They have funds also to build a skateboard park on the northwest portion of property. They will not develop the southwest portion at this time, but when the funds are available, they will build a BMX track.

Mary Ann Hall, 2950 East 50th Street North, stated their property is directly west of the parks property. She expected the applicants to construct a fence to keep children off her property. They were concerned about the liability.

Comments and Questions:

Mr. Cuthbertson interjected that the Use Unit 5 does not have a screening requirement, but it could be a condition to approval. Mr. Warren stated they did not have a design for the park yet. He added they had not anticipated fencing. Mr. Ackermann asked for clarification of a screening fence or security fence. Mr. White

noted the property abutting the park property is AG not residential. The Board discussed the topic of fencing with the applicant, regarding materials, gated access and that this is for youth activity. Ms. Stead stressed she would not want anything less than a six-foot chain link fence. They also discussed vegetation for screening.

Mr. White asked if there were plans for lighting or an amplified sound system. Mr. Warren replied they will need lighting and he expected they would want a first-class PA system.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit park use in an AG district and a modification of a previously approved plan to permit an expansion of Mohawk Park (Section 301), with conditions on the property west of Hwy. 75 that there be a six-foot chain link fence around the proposed skateboard park; all lighting and amplified sound systems be directed away from the residential areas to the west and south; future submittal of lighting, landscape and amplified sound plans to the Board of Adjustment before final approval, 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:

TRACT #1 The Northeast Quarter (NE/4) of Section 8, Township 20 North, Range 13 East of the Indian Base and Meridian, in the County of Tulsa, Oklahoma, according to the U. S. Government Survey thereof; LESS AND EXCEPT that certain tract of land conveyed to the State of Oklahoma, as described in Deed recorded in Book 3897 at Page 1130, more particularly described by metes and bounds as follows: Beginning at a point on the South line of said NE/4 a distance of 1554.1 feet West of the SE corner of said NE/4, thence N 1°00'W a distance of 1527.8 feet, thence Northwesterly on a curve to the left having a radius of 1352.4 feet a distance of 306.6 feet, thence N 18°44'W a distance of 7.7 feet, thence N 30°03'W a distance of 204.0 feet, thence N 18°44'W a distance of 187.5 feet, thence Northwesterly on a curve to the right having a radius of 1074.9 feet a distance of 325.9 feet, thence N 1°22'W a distance of 25.0 feet, thence S 88°38'W a distance of 201.7 feet, thence N 80°03'W a distance of 153.0 feet, thence S 88°38'W a distance of 50.0 feet, thence N 1°22'W a distance of 70.0 feet to a point on the North line of said NE/4 a distance of 451.9 feet East of the NW corner of said NE/4, thence N 88° 38'E a distance of 451.9 feet, thence S 01°35'41"E a distance of 2621.83 feet, thence N 89°43'59"E a distance of 1090.07 feet to point of beginning. Containing 35.79 acres more or less of new right-of-way, the remaining area included in the above description being right-of-way occupied by the present highway, together with all abutters rights, including all rights to access from the remaining portion of grantor's land onto the LIMITED ACCESS HIGHWAY to be constructed on the above described property, including all rights to light, air or view above the surface of the property described in this instrument, except, that grantor, heirs, successors or assigns, shall have the right of access to the Section Line Road, along the North side of the above described property, beginning at a point on the North line of the NE/4 a distance of 838.1 feet West of the NE corner of Said NE/4 and extending East, except that grantor, heirs, successors or assigns, shall have the right of access to the Section Line Road, along the North side of the above described property, beginning at a point on the North line of the NE/4 a distance of 801.9 feet East of the NW corner of said NE/4 and extending West. All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings. And Less a tract of land condemned by the City of Tulsa, Oklahoma, a municipal corporation, as described in the Order Vesting Title and Order to Disburse recorded in Book 6120 at Page 1340, more particularly

described as: A tract of land containing 36.91 acres, more or less, located in the NE/4 of Section 8, Township 20 North, Range 13 East of the Indian Base and Meridian, according to the U.S. Government Survey thereof, Tulsa County, State of Oklahoma; being more particularly described by metes and bounds as follows, to wit: Commencing at the NE corner of the NE/4 of Section 8, Township 20 North, Range 13 East of the Indian Base and Meridian, thence SOO °31'41" E along the east line of said NE/4 a distance of 2642.37 feet to the SE corner of said NE/4; thence S89°41'43" W along the south line of said NE/4 a distance of 154.07 feet to the Point of Beginning; thence S89°41'43" W along the south line of said NE/4 a distance of 1100.03 feet to a point on the easterly right-of-way U.S. Highway 75; thence N00°06'44" E along said highway right-of-way a distance of 965.40 feet; thence N11 °25'44" E along said highway right-of-way a distance of 153.00 feet; thence NOO °06'44" E along said highway right-of-way a distance of 800.63 feet; thence N11° 12'16" W along said highway right-of-way a distance of 153.00 feet; thence NOO °06'44" E along said highway right-of-way a distance of 484.30 feet to a point on the southerly right-of-way of 56th Street North; thence N89°36'00" E along the said southerly right-of-way a distance of 100.00 feet; thence S00°06'44" W a distance of 1165.55 feet; thence S89°53'16"E a distance of 1000.00 feet; thence S00°06'44"W a distance of 1377.72 feet to the Point of Beginning, and containing 36.91 acres, more or less; TRACT #1 containing 98.94 acres, more or less. TRACT #2 The Northwest Quarter (NW/4) of Section 9, Township 20 North, Range 13 East of the Indian Base and Meridian, in the County of Tulsa, Oklahoma, according to the U.S. Government Survey thereof; and that certain land conveyed to the City of Tulsa as described in the Deed recorded in Book 454 at Page 549 more particularly described as follows: A tract of land in the Southwest Quarter (SW/4) of Section Nine (9), beginning at a point eighteen hundred ninety and four tenths feet (1890.4') north of Section Sixteen (16) and three hundred sixty two feet (362') east of Section Eight (8), thence North eleven degrees, no minutes (11°00 ') east, a distance of four hundred fifty eight feet (458'), thence North seventy two degrees thirty minutes (72° 30') east, a distance of two hundred thirty feet (230'), thence south seventeen degrees, thirty minutes (17°30')east, a distance of two hundred forty eight (248') feet, thence south forty five degrees eighteen minutes (45°18') west, a distance of four hundred eighty three and nine tenths feet (483.9'), thence north twenty six degrees, fifty five minutes (26° 55') west, a distance of seventy four feet (74'), to the point of beginning, containing two and seven tenths (2.7) acres more or less; and, A strip of land in the Southwest Quarter (SW/4) of Section Nine (9), beginning at a point twenty six forty six feet (2646') north of Section Sixteen (16) and fourteen hundred seventeen and seven tenths feet (1417.7') east of Section Eight (8), thence East along the North line of said quarter section a distance of eight hundred fifteen and seven tenths feet (815.7'), thence south eighteen degrees, no minutes (18°00') west a distance of fifteen hundred fifty eight and eight tenths feet (1558.8') thence north seventeen degrees, thirty minutes (17°30') west a distance of two hundred forty eight feet (248'), thence north seventy two degrees, no minutes (72°00') east a distance of seven hundred seventy six and seven tenths feet (776.7') to the point of beginning, and containing 6.62 acres, more or less.

TRACT #3 The West half of the Northeast Quarter (W/2 NE/4) of Section 9, Township 20 North, Range 13 East of the Indian Base and Meridian, in the County of Tulsa, Oklahoma according to the U.S. Government Survey thereof; except that certain land conveyed to the City of Tulsa, as described in the Deed recorded in Book 3848 at Page 607 more particularly described as: A tract of land in the Northwest Quarter, of the Northeast Quarter of Section 9, Township 20 North, Range 13 East of the Indian Base and Meridian in Tulsa County, Oklahoma, more particularly described as follows: The East 989.97 feet of the North 50.00 feet, and the East 400 feet of the South 140.00 feet of the North 190.00, and the Northeast Diagonal Half of the West 170.00 feet of the East 570.00 feet of the South 50.00 feet of the North 100.00 feet, and the East 150.00 feet of the South 110.00 feet of the North 300.00 feet, and the Northeast Diagonal Half of the West 250.00 feet of the East 400.00 feet of the North 110.00 feet of the North 300.00 feet of the said Northwest Quarter, of the Northeast Quarter of said Section 9, Township 20 North, Range 13 East, containing 2.46 acres, more or less. The remaining area included in the above description being the original 16.5 feet section line right-of-way. TRACT #4 Part of the Northwest Quarter of the Southwest Quarter (NW/4 SW/4) of Section 9, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey

thereof, and being more particularly described as follows, to-wit: Beginning at the Northwest Corner of the Southwest Quarter (SW/4) of said Section 9, thence South along the West line of said Section 9 a distance of 628.5 feet to the center line of Flat Rock Creek; thence Southeasterly along the Center Line of Flat Rock Creek to a point 420 feet East of 641 feet South of the Northwest Corner of the Southwest Quarter (SW/4) of said Section 9, thence North 11° East, 338 feet to a point; thence North 72° 30' East a distance of 994.32 feet to a point; thence West along the North line of the Southwest Quarter (SW/4) of Section 9, a distance of 1395 feet to the point of beginning.

LESS AND EXCEPT That certain tract of land described in General Warranty Deed recorded in Book 1798 at Page 616 more particularly described as: A tract of land located in the W/2 of the NW/4 of the SW/4 of Section 9, T. 20 N., R. 13 E., being more particularly described as follows: Beginning at a point on the west line of Section 9, 2011.3 ft. north of Section 16; thence easterly along the meandering center line of Flat Rock Creek (as described in a deed to the City of Tulsa, Recorded in Book 652, page 71) to a point on the westerly line of a tract of land previously deeded to the City of Tulsa and recorded in Book 454, page 549, said point being 2008.2 ft. north of Section 16 and 386.7 ft. east of Section 8; thence north 11° 00' east along the western boundary of said tract (as recorded in Book 454, page 549) a distance of 338 ft. to a point, said point being 458 ft. North 11°00' east of point of beginning described in said tract (as recorded in Book 454, page 549); thence South 72 0 30' West a distance of 473 ft. to a point on the west boundary of Section 9; thence South along the west boundary of Section 9 a distance of 186.6 ft. to a point of beginning; said tract containing 2.8 acres more or less. TRACT #5 The Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW/4 NE/4 NE/4) of Section 9, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof. TRACTS #1, #2, #3, #4 and #5 together containing 347.928 acres, more or less

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NEW APPLICATIONS

Case No. 20503

Action Requested:

Variance of the front and side yard requirement of an existing residential development in the RM-2 district (Section 403), located: 6012 and 6014 South Madison Place.

Mr. White abstained from Case No. 20503.

Presentation:

Jim Ferris, 401 South Boston, represented the applicant. He informed the Board that Mr. Cuthbertson discovered there was a previous BOA Case, which was granted a bulk and area variance for this subdivision of duplexes that were constructed. He asked the Board to clarify the previously approved variance, whether it waives the side and front yard requirements for the units that were subject to that Board action. The units were constructed twenty-five years ago. They are within 5.6 ft. of the street and the garage is over the building line on each unit.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 3-0-1 (Henke, Stead, Tidwell "aye"; no "nays"; White "abstained"; Stephens "absent") to **APPROVE** a Variance of the front and side yard requirement of an existing residential development in the RM-2 district (Section 403), subject to access and maintenance easement to accommodate the perpendicular garages, which extend over the lot lines; finding in 1982 same relief was given by the Board; finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to these buildings, 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 11 BLK 1, LT 12 BLK 1, PARK CITY ADDN RESUB PRT B5 BROADVIEW
HGTS ADD, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20504

Action Requested:

Special Exception to permit automobile sales in a CS district (Section 701) and a Variance to permit open air storage and display of merchandise offered for sale within 300 ft. of an adjoining R district (Section 1217.C.2), located: 10875 East Admiral Place.

Presentation:

John Moody, 1800 South Baltimore, Suite 900, represented the applicant, Romeros' Investment Corporation. This property was subject to a similar application in January 2006 and was denied by the Board. He stated there were significant differences in this site plan from the one that was submitted and denied in 2006. There are specifically designated landscaped areas; shows the striping of the parking lots; and the screening fence midway behind the north end of the building. He assured the Board they would not use the property behind the fence for storage or anything. He pointed out there is a six-foot high screening fence on the east boundary as shown on the site plan. He noted the history of this area of previous auto repair inside and outdoor sales. He reviewed the zoning of the area, most of which is CS. The plan and text of the application are for no storage or repair of any vehicles north of the building and all minor repairs would be inside the building. The hours of operation would be 9:00 a.m. to 8:00 p.m., six days per week, closed on Sundays.

Comments and Questions:

Ms. Stead asked about the current late night activity going on at the subject property. She described a large crowd of people outside.

Rich Herarra, 1420 South 127th East Avenue, replied the only activity there was a family gathering. Mr. Moody responded that approval of this application would prohibit those uses of the property and bring an improvement. The applicants are willing to agree to the Kennebunkport lighting standards. They would not use banners or signs, or glittering things on cars. He reminded the Board that the property is long and narrow and it is impossible to conform to the 300 ft. from the adjacent residential district. They thought the variance was an appropriate request. He pointed out the Board approved a car wash across Admiral from the subject property.

Interested Parties:

Julia Becwar, 10845 East Admiral Place, stated she owns the mobile home park next to the subject property. She complained about a loud party that awakened her and her neighbors at 3:00 a.m. She also mentioned the barbed wire rolled up behind the Southwestern Bell equipment. They cannot get in to mow it properly, leaving tall grass. Mr. Tidwell asked if someone occupies the building. Ms. Becwar replied that someone does and she indicated they are repairing cars inside. She stated there is always a car there.

Ron Freeman, 10526 East Admiral Place, complained of loud parties, alcohol, live bands, trash and occupancy in the mobile.

Jim Mautino, 14628 East 12th Street, stated they kind of have a coalition of neighborhoods in east Tulsa. They have been supporting the East Admiral corridor. He questioned the need for the screening fence to the north. He was opposed to the application.

Nancy Craten, 245 South 120th East Avenue, President of the Western Village Neighborhood Association. She stated this is the very same application. She added there is very little land to show cars on the front. They are opposed to all of the banners, signs and things to draw attention on one of their other lots on Admiral. She stated cars are parked everywhere in various states of repair and parked on unpaved places on this applicant's other car lot. They do not expect the subject property to be any different.

Wayne Bohanon, 10617 East 1st Street, President of the Wagon Wheel Neighborhood Association, responded to the comment that there is a car wash across the street from the subject property. He asked the Board to deny this case again.

Dennis Craten, 245 South 120th East Avenue, stated he is President of the District 6 Community Council, which is an umbrella organization for neighborhood associations in East Tulsa. He stated he agreed with the interested parties in opposition.

Applicant's Rebuttal:

Mr. Moody responded that the applicant has agreed to remove the 8 ft. fence in the middle of the property. He informed the Board the applicant had someone living there to look out for the property. He added that if this property can be occupied and used as a business, the occupant would be gone. Mr. Moody stated he did not know about parties and the applicant would have to answer those questions.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **DENY** a Special Exception to permit automobile sales in a CS district (Section 701); and a Variance to permit open air storage and display of merchandise offered for sale within 300 ft. of an adjoining R district (Section 1217.C.2), finding the hardship is self-imposed; and finding the special exception would not be in harmony with the spirit and intent of the code and would be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

W/2 W/2 E/2 LT 1 LESS S75 FOR ST SEC 6 19 14 2.29AC, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20505

Action Requested:

Verification of the spacing requirement for a Day Labor Hiring Center of 300 ft. from blood banks, plasma centers, other day labor hiring centers, liquor stores, and pawn shops (Section 1214.C.3), located: 4305-E South Mingo Road.

Presentation:

Craig Conrad, 7802 East 97th, # 7106, provided a survey to verify spacing, as found in the agenda packet.

Comments and Questions:

Mr. White asked if they have vacated the old address at 33rd West and 61st. Mr. Conrad replied that the lease is until August. He was awaiting approval of this spacing.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Verification of the spacing requirement for a Day Labor Hiring Center of 300 ft. from blood banks, plasma centers, other day labor hiring centers, liquor stores, and pawn shops

(Section 1214.C.3), as submitted by the applicant, on the following described property:

N232.86 LT 1 BLK 1, DIVERSIFIED INDUSTRIAL PARK, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20506

Action Requested:

Variance of the side yard requirement in an RE district from 15 ft. to 9 ft. - 8 in. (Section 403) to permit an expansion of an existing dwelling, located: 3328 South Birmingham Avenue East.

Presentation:

Brandon Jackson, 2222 East 22nd Place, represented the Mr. and Mrs. Richard Lofgren, the applicants. He stated that he is a general contractor. Mr. Jackson submitted photographs (Exhibit A-1) to help the Board visualize what they plan to do. They proposed to expand the narrow garage and relocate the set of stairs that provide an entrance to the house. The existing stairs are steep and dangerous. He pointed out the plans are to expand the garage into the back yard by about four feet, which would be under the existing roofline. He stated this is a non-conforming structure and lot with RE zoning.

Comments and Questions:

Ms. Stead asked if there is a kitchen above the garage. Mr. Jackson replied that the only kitchen is on the first floor of the house. He added that no one would be living in the expanded area.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Variance of the side yard requirement in an RE district from 15 ft. to 9 ft. - 8 in. (Section 403) to permit an expansion of an existing dwelling, with condition for no living quarters in expansion, 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:

LT-2-BLK-2, TIMBERLAND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20507

Action Requested:

Minor Special Exception to permit a 5 ft. reduction of the required front yard (Section 403) to permit a garage extension, located: 4123 South Cincinnati Avenue.

Mr. White abstained from Case No. 20507.

Presentation:

Linda Scott, 4123 South Cincinnati Avenue, proposed to build an extension to her garage. A site plan was provided (Exhibit B-1).

Comments and Questions:

Ms. Stead asked if the drive is all paved with concrete and how wide it is. Ms. Scott responded it is concreted and it is about 10 ft. wide. She also asked if the extension was only going to cover in line with the garage.

Gary Carpenter, P.O. Box 2001, Claremore, Oklahoma, stated he was a friend of Ms. Scott. He informed the Board that the garage would not be any wider but would extend six and one-half feet closer to the road.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 3-0-1 (Henke, Stead, Tidwell "aye"; no "nays"; White "abstained"; Stephens "absent") to **APPROVE** a Minor Special Exception to permit a 5 ft. reduction of the required front yard (Section 403) to permit a garage extension, per plan submitted, 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 6 BK 1, PECAN TERRACE, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20508

Action Requested:

Special Exception to permit bakery manufacturing (Use Unit 25) in a CH district (Section 701), located: 7712 East 11th Street South.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, represented Larry Merritt, owner of Merritt's Bakery. They proposed to relocate their baking operations from the present location on East 15th Street to the subject property. He submitted photographs (Exhibit C-1) to show the current bakery kitchen. Mr. Norman stated the subject property is located in three different zoning districts. This new structure was previously used for a printing shop. There is also an outside storage facility for chemicals and inks that are not allowed to be stored on the inside. There is a large cell tower located on the property. They discovered the freezer section of the building will have to be rotated to stay within the CH district, which has been approved by the permit office.

Comments and Questions:

Ms. Stead asked if they are planning to use the loading dock on the south, noting it appears a severe turn for a large truck. Mr. Norman replied that it was not a problem for the print shop. He stated the shipping will not require semi-trailers, only box trucks. She noted the site plan shows striping for parking. He replied that the final site plan will have to conform to the requirements for occupancy as established by the zoning clearance officer.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit bakery manufacturing (Use Unit 25) in a CH district. (Section 701), with conditions for Use Unit 25 limited to bakery manufacturing only; freezer space shown on the conceptual plan as attached, be constructed entirely within the CH district; to repair the asphalt of all driving and parking surfaces, including those to the south, for a good hard surface, or concrete paving; 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/2 W/2 NW NE NE LESS BEG NWC THEREOF S660 E82.5 N367.6 W21.58
N252.3 E21.58 N40 W82.5 POB SEC 11 19 13, BEG 1155W NEC NE S660
E82.5 N367.7 W21.58 N252.3 E21.58 N40 W82.5 POB SEC 11 19 13 , , City of
Tulsa, Tulsa County, State of Oklahoma

Case No. 20509

Action Requested:

A Variance of the height requirement for an accessory building in the required rear yard (Section 210.B.5.a), located: 1568 Swan Drive.

Mr. White abstained from Case No. 20509.

Presentation:

Stephen Olsen, 324 East 3rd Street, represented Richard and Trish Sherry, the applicants. The property has been in the family for many years, recently used as a rental. They proposed improve it for their permanent home. The garage and room above are not in good condition and the garage is too small for a car. It is unusable space, which they want to bring up to zoning code requirements. He stated there are numerous structural concerns. They plan to remove the existing structure and build a new footprint comparable to zoning code standards.

Mr. White out at 2:43 p.m.

Comments and Questions:

Ms. Stead informed Mr. Olsen that the Board would not be approved living quarters in the new structure.

Interested Parties:

Chip Atkins, 1638 East 17th Place, stated his support of the application.

Mr. White returned at 2:46 p.m.

Tony Rittenberry, 1516 Swan Drive, after reviewing the site plan, it relieved his concerns that the new structure would be any closer to his home. He stated support of the application. He expected it to be an aesthetic improvement.

Trish Sherry, one of the applicants and owners, offered to read a letter from Stephen and Sara Pullman, 1755 South St. Louis, in support of the application.

Board Action:

On **Motion** of **Stead**, the Board voted 3-0-1 (Henke, Stead, Tidwell "aye"; no "nays"; White "abstained"; Stephens "absent") to **APPROVE** a Variance of the height requirement for an accessory building in the required rear yard (Section 210.B.5.a), subject to the condition that the structure not be used as a rental unit; finding this legal, non-conforming lot presents a hardship; and 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 the variance will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, per plan submitted today, on the following described property:

LT 17 BLK 2, SWAN PARK, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20510

Action Requested:

A Variance of the side yard requirement to permit a covered porch extension (Section 403) and a Minor Special Exception of the front yard requirement to permit a covered porch extension (Section 403), located: 3514 South Utica Avenue East.

Mr. White abstained from Case No. 20510.

Presentation:

Tom Connell, 18441 Woodcrest Lane, Catoosa, Oklahoma, stated he is the general contractor for this project. They enlarged an existing covered porch. The house encroaches on the front setback. He provided a site plan and photographs (Exhibits E-1 and E-2).

Comments and Questions:

Ms. Stead asked when the house was built, to which he replied the house was built sometime in the 1940's. Ms. Stead stated that he needed a hardship. Mr. Connell replied that originally there was an existing porch covering the front door. He added in the five feet would be the center of the front door.

Interested Parties:

There were no interested parties who wished to speak. There were several letters of support in the agenda packet.

Board Action:

On **Motion** of **Stead**, the Board voted 3-0-1 (Henke, Stead, Tidwell "aye"; no "nays"; White "abstained"; Stephens "absent") to **APPROVE** a Variance of the side yard requirement to permit a covered porch extension (Section 403) and a Minor Special Exception of the front yard requirement to permit a covered porch extension (Section 403), finding this home built in the 1940's creates special circumstances, which are peculiar to the structure involved, and 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; and the variance 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 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, per plan submitted, on the following described property:

N/2 OF E 140 LT 9 BLK 1, HANOVER TERRACE, City of Tulsa, Tulsa County,
State of Oklahoma

*****.

Case No. 20511

Action Requested:

Special Exception to permit a mobile home in an RS-3 district (Section 401) and a Special Exception to permit the home permanently (Section 404.E.1), located: 3211 East 32nd Street North.

Mr. Tidwell out at 2:58 p.m.

Presentation:

Jerome Taylor, 3211 East 32nd Street North, stated he wanted to place a new mobile home on the subject property. He proposed to demolish the existing home. He planned to place the mobile on the site of the existing home.

Comments and Questions:

Mr. White thought a new mobile home would be an improvement to the property. Ms. Stead pointed out several new stick-built homes within a ½ mile of the subject property and no mobile homes in the area. She added that the home would have to be built up so high for the flood plain that it would look bad.

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

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 3-1-0 (Henke, Stead, Tidwell "aye"; White "nay"; no "abstentions"; Stephens "absent") to **DENY** a Special Exception to permit a mobile home in an RS-3 district (Section 401) and a Special Exception to permit the home permanently (Section 404.E.1), finding it is not compatible in this newly developing area, on the following described property:

ALL THAT PT W/2 W/2 NE SE NE LYING N & W OF RY SEC 20 20 13 LESS SE50 & S25 FOR R, City of Tulsa, Tulsa County, State of Oklahoma

*****.

Case No. 20512

Action Requested:

Verification of the spacing requirement for an adult entertainment establishment (Section 1212a.C.3) to permit a bar, located: 9701-B East 61st Street.

Presentation:

Roger Johnson, 9701-B East 61st Street, provided verification for the application. He stated it is within the building but separate from the Brothers Houligan establishment.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Verification of the spacing requirement for an adult entertainment establishment (Section 1212a.C.3) to permit a bar, per the information from surveying the site, on the following described property:

LT 1 BLK 1 , 61ST & MINGO CENTER, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *
 2 2 2 2 2 2 2 2 2 2

Case No. 20514

Action Requested:

Special Exception to permit required parking on a lot not containing the principal use (Section 1301.D), located: 6910 South 101st Avenue East.

Mr. Henke out at approximately 3:10 p.m.

Presentation:

William Jones, 3800 First National Tower, stated they received permission through the planning commission, by amendment of the PUD. They needed more parking for a youth facility project that expanded in size since the original plans. They would use a parking lot off-site on their own property, adjacent to the north. They plan to use shuttles to transport within the property instead of on the streets.

Comments and Questions:

Ms. Stead asked if the applicant would agree to a condition specifically for church use. Mr. White suggested a tie agreement. Mr. Jones stated they have to go to the planning commission for a minor amendment to the PUD and the formal tie agreement in that application.

Interested Parties:

Greg Alberty, represented the commercial center to the south. He called staff and they asked for no overflow parking on adjoining CS property. A written request was provided (Exhibit G-1).

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit required parking on a lot not containing the principal use (Section 1301.D), with condition for a tie contract executed between this property and the church property; and this facility will be for church use only, 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:

LT 1 BLK 1, 71 MINGO CENTER, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

Election of Officers

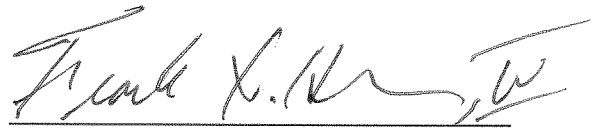
On **MOTION** of **Tidwell**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **Elect** Frazier Henke as Chair.

On **MOTION** of **Henke**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **Elect** Clayda Stead as Vice-Chair.

On **MOTION** of **Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **Elect** Mike Tidwell as Secretary.

There being no further business, the meeting adjourned at 3:17p.m.

Date approved: _____



Chair