

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 1005  
Tuesday, July 14, 2009, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

**MEMBERS  
PRESENT**

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

**MEMBERS  
ABSENT**

**STAFF  
PRESENT**

Alberty  
Cuthbertson  
Butler

**OTHERS  
PRESENT**

Boulden, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Wednesday, July 8, 2009, at 2:00 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

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**MINUTES**

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of June 23, 2009 (No. 1004)

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**REQUEST TO CONTINUE AND CASES TO WITHDRAW**

Mr. Cuthbertson informed the Board of three cases that were advertised with three inaccurate legal notices. Cases 20937, 20938, and 20939 needed to be continued to July 28, 2009 for new notices.

**Case No. 20937**

**Action Requested:**

Variance of the maximum permitted coverage of a required front yard by a parking area (driveway) in an RS-1 district from 25% (Section 1303.D); and a Special Exception to modify the height of a fence in the required front yard from 4' to 8' (Section 210.B.3), located: 2806 East 31<sup>st</sup> Street.

**Board Action:**

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20937 to the meeting on July 28, 2009, regarding the following described property:

PRT LT 1 BEG NWC TH S135 E100 N135.20 W100 POB BLK 2, CHARLANE EST AMD B1-2, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20938**

**Action Requested:**

Variance of the maximum permitted coverage of a required front yard by a parking area (driveway) in an RS-1 district from 25% (Section 1303.D); and a Special Exception to modify the height of a fence in the required front yard from 4' to 8' (Section 210.B.3), located:

**Board Action:**

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20938 to the meeting on July 28, 2009, regarding the following described property:

PRT LT 1 BEG SWC TH N155.10 E100 N135.20 E30 S82.50 SE135.15 S154.38 W254.73 POB BLK 2, CHARLANE EST AMD B1-2, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20939**

**Action Requested:**

Variance of the maximum permitted coverage of a required front yard by a parking area (driveway) in an RS-1 district from 25% (Section 1303.D); a Special Exception to modify the height of a fence in the required front yard from 4' to 8' (Section 210.B.3); and a Variance of the rear yard requirement from 25 ft. to 21' - 10" (Section 403), located: 2814 East 31<sup>st</sup> Street.

**Board Action:**

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20939 to the meeting on July 28, 2009, regarding the following described property:

PRT LT 1 BEG NEC TH W124 S82.50 SELY135.15 N135 POB BLK 2, CHARLANE EST AMD B1-2, CHARLANE EST AMD B1-2, City of Tulsa, Tulsa County, State of Oklahoma

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**UNFINISHED BUSINESS**

Mr. Cuthbertson informed the Board that Cases 20915 and 20915-A are different properties but they are to accommodate the relocation of an existing communications tower. He read the requests for both cases. He stated the applicant would like to have a hearing of Case No. 20915-A first.

**Case No. 20915-A**

**Action Requested:**

Special Exception to modify the required 215.6 ft. setback of a communications tower from an adjoining lot line of a residential zoned lot (Section 1204.C.3.g.1); to permit a communications tower on a CS zoned lot, located: 5200 South Harvard Avenue.

**Presentation:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, Tulsa, Oklahoma, 74103, represented Cricket Communications, Inc. He stated Brad Welsh, co-counsel with him is with Cricket; Victor Morgan, an attorney for Sprint; and Bill LaFortune, attorney for SBA were present to answer questions if needed. This project has become a cooperative effort among these three entities. He informed the Board that SBA is the owner of an existing tower on the north side of 51<sup>st</sup> Street west of Harvard, where Sprint and Cricket are collocated. The proposed site is on four and one-half acres on the second parcel. Cricket had to reject a number of sites that were close to single-family neighborhoods. The neighborhood has helped them to locate a site on which they could agree. He stated that if this one is approved they would withdraw Case No. 20915 application. He noted the proposed site in this case is zoned CS (Exhibit A-1). The property to the north is zoned RM-2 with apartments, and they need relief of the setback. He pointed out the concrete drainage channel between the subject property and the apartments. The distance from the tower to the nearest structure to the north is 116 ft. The special exception is to modify the setback to 26 ft. from the property line and 116 ft. from the nearest multi-family dwelling. He submitted photographs (Exhibit A-2) to the Board. He pointed out the apartment complex is between two CS-zoned districts. He stated the tower is in character with the neighborhood. He added that the proposed tower site is within the parking area. The tower height allows for collocation and communication with other towers without the interference of trees and other

structures. The code does not limit the height of towers, though it limits setbacks. He stated that like power poles people get accustomed to the communications towers and don't really notice them.

**Interested Parties:**

**Reuben Davis**, 2913 East 56<sup>th</sup> Place, Tulsa, Oklahoma, 74105, represented Creekside Homeowner's Association. They support the application, BOA-20915-A.

**Michael Fitzgerald**, President of the Board for Harvard Park Village, 5206 South Harvard, Unit 204, Tulsa, Oklahoma, 74135, stated they are opposed to the application. It does not meet the setback to the Berkley Apartments and just barely meets the setback to Harvard Park Village's most eastern condominiums. They support the application for the Nimitz School site. They considered it a good location by meeting the setbacks from residential property; the school system would benefit financially; and the cell tower company has agreed to landscape and fence the tower.

**Comments and Questions:**

Mr. Boulden stated the Board of Adjustment has to make certain findings under federal law and substantiate the findings to deny the tower. He asked if Mr. Fitzgerald could articulate with any more detail as to why the setback should not be reduced. Mr. Fitzgerald responded that a man came to the Harvard Park Village Board meeting; and that speaker informed the Harvard Park Village Board that should the tower collapse toward the apartments it would land on them.

**Applicant's Rebuttal:**

Mr. Johnsen responded that the Nimitz school site was next to the air conditioning units and the fencing was chain link. The school did not want a screening fence. The residential zoning requires the landscaping. He submitted documents, including the applicant's narrative and propagation maps for both sites for the record (Exhibit A-3). He stated that the Mardel site is much smaller and is zoned CS. They determined it would be better at that location to put up an eight foot screening fence and not landscape, because of the lack of space. He noted that they meet the setback requirements for the Harvard Park Village and they have an existing screening fence. Mr. Johnsen added that in the history of communications towers he has not discovered that any of them have fallen. In the case of one monopole in the Norman, Oklahoma area it withstood two tornados. They are constructed so they do not uproot from the base like a tree, but would bend over. At the school site the tower would be close to the school children. Mr. Johnsen stated the tower would be a monopole style with a maximum height of 196 ft. The tower shall be designed to accommodate the location of four wireless service providers for collocation. The antennas would be flush-mounted. The equipment yard would be enclosed by an eight-foot wood fence. No lighting would be affixed to the monopole.

**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 modify the required 215.6 ft. setback of a communications tower from an adjoining lot line of a residential zoned lot (Section 1204.C.3.g.1); to permit a communications tower on a CS-zoned lot; the Board refers to exhibits Z-1, 2, and 3, with some modification, the monopole shall be a maximum of 196 ft. tall, including the base; it shall be designed to accommodate collocation of up to four wireless service providers; it shall contain flush-mounted antennas; no landscaping will be required around the fence; an eight-foot wooden fence around the equipment is required; no lighting fixtures shall be attached to the monopole; in granting the special exception the Board finds 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 BLK 1 BEG 288N SECR TH W215 N152 E215 S152 POB, HARVARD PARK SOUTH AMD, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20915**

**Action Requested:**

**Special Exception** to permit a 196 ft. communications tower (Use Unit 4) in the RS-2 district (Section 401); and a **Special Exception** to reduce the setback to 16 ft. for a communications tower from an adjoining lot line of a residentially zoned lot to the west (Manion Park) (Section 1204.C.3.g.1); to permit a communications tower at Nimitz Middle School, located: 3111 East 56<sup>th</sup> Street.

**Presentation:**

Mr. Johnsen stated they would withdraw the application, BOA-20915, pertaining to the Nimitz campus.

**Board Action:**

No Board Action was needed, regarding the following property:

Beginning at the SW corner of the SE/4 of the NE/4 of Section 32, Township 19 North, Range 13 East, Tulsa County, Oklahoma, thence North 726 feet, thence East 600 feet, thence South 726 feet, thence West 600 feet to the point of beginning, City of Tulsa, Tulsa County, State of Oklahoma

**Case No. 20924**

**Action Requested:**

Special Exception to permit required off-street parking on a lot other than the one containing the principal use (Section 1301.D); to permit parking on excess ODOT

right-of-way, located: Southeast corner of South 33<sup>rd</sup> West Avenue and Interstate-44.

**Presentation:**

**Jim Beach**, 200 East Brady, Tulsa, Oklahoma, with Wallace Engineering, reminded the Board this case was continued to this meeting for the completion of the parking lease. He stated it was not yet completed.

**Comments and Questions:**

Ms. Stead was not in favor of approval until the parking lease is complete. She also noted the building was not close to being ready for use. Mr. Boulden asked if there was reason to continue this application. Mr. Beach replied affirmatively, that the lease process was progressing.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20924 to the meeting on July 28, 2009, on the following described property:

Lot 1, Block 1, PEOPLES BANK CARBONDALE, AND a tract of land described as follows BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH 33<sup>RD</sup> WEST AVENUE WHICH IS THE NORTHWEST CORNER OF LOT 1, BLOCK 1, PEOPLES BANK CARBONDALE, ACCORDING TO THE RECORDED PLAT THEREOF, RECORDED IN TULSA COUNTY AS PLAT NUMBER 6227; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1, BLOCK 1 TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1; THENCE NORTH 00° 00' 20" EAST FOR A DISTANCE OF 35.00 FEET; THENCE WESTERLY PARALLEL TO THE NORTH LINE OF SAID LOT 1, BLOCK 1 TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH 33<sup>RD</sup> WEST AVENUE; THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, City of Tulsa, Tulsa County, State of Oklahoma

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**NEW APPLICATIONS**

**Case No. 20933**

**Action Requested:**

Special Exception to permit a children's nursery in an RS-3 district (Section 401), located: 1811 North Quaker Avenue.

### **Presentation:**

**Wynesha Turner**, 1109 East 50<sup>th</sup> Place North, Tulsa, Oklahoma, 74126, stated she would operate the center. She is a Family Childcare Provider. She listed her numerous qualifications, education, and experience. The center could provide for the care of eighty children from birth to twelve years old. She indicated the need for this facility and stated they would also provide some transportation. The services provided would be focused primarily on two subdivisions, Seminole Hills Apartments and Morning Star Apartments. The center would plan community service projects in the two subdivisions mentioned and the nursing home on Virgin Street. She listed resources to provide family support, parent education, case management, crisis intervention, and family counseling service. She planned to use resources from the University of Oklahoma Bedlam Clinic for minor health care needs for the children enrolled in the program, their parents and siblings. She listed other resources and plans, including well-educated and trained teachers. She referred to petitions, letters and other support that indicated the need and desire for this facility.

### **Comments and Questions:**

Ms. Stead asked for the hours and days of operation. Ms. Turner stated they would be open Monday through Friday, 6:00 a.m. to 6:00 p.m. To other questions she responded there would be five classrooms with two teachers per class, a cook, bus driver, and an office manager. She stated there would be a circle drive for parents to drop-off children. Mr. White noted the property abuts the right-of-way of Seminole Street. The Board and Ms. Turner discussed the possibility of using Seminole Street for access. In response to questions regarding parking, Mr. Cuthbertson interjected that the building is 2,800 sq. ft. and the code requires one parking space per 500 sq. ft. of floor area. He added that the plan meets the code requirement for parking.

### **Interested Parties:**

**Ronald Gilliam**, 1007 East Pine Place, Tulsa, Oklahoma, 74106, stated his support of the application, for quality of life, and economic growth in this area.

**Rebecca March-Jemmerson**, 3727 East Apache, Tulsa, Oklahoma, was supportive of the applicant as service oriented, having integrity, and motivation.

**Tamarita Cowens**, 2641 North Columbia Avenue, Tulsa, Oklahoma, 74110, stated her children have been in Ms. Turner's home daycare for about five years. She expressed gratitude for the encouragement and motivation that Ms. Turner gave her in education and employment.

### **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 children's nursery in an RS-3 district (Section 401), with the

requirements that the applicant should clear the sidewalks on Seminole Street; the facility is proposed to house approximately 80 children, ages birth to twelve years; operational hours would be Monday through Friday, 6:00 a.m. to 6:00 p.m.; the screening on the north shall be as required by code; in granting a special exception the Board found 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/2 LT 5 & N/2 LT 6 BLK 7, BULLETTE HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20935**

**Action Requested:**

Variance of the required front yard in the RS-2 district from 30 ft. to 22 ft. (Section 403); a Variance of the height of a detached accessory building located in the required rear yard from one story, 10 ft. at the top plate, and 18 ft. total (Section 210.B.5.a & (210.B.5.c.2); and a Variance of the maximum size of an expanded non-conforming detached accessory building located within the required 3 ft. setback from 500 sq. ft. to 1,085 sq. ft. (Section 210.B.5.c.4), located: 1566 East 22<sup>nd</sup> Street.

**Presentation:**

**Farshid Zandi**, 1566 East 22<sup>nd</sup> Street, Tulsa, Oklahoma, stated he started this project about three years ago after the ice storm. In attempted to restore the garage but found that it was rotting and needed to be demolished and rebuilt. The permits were not obtained. He talked with his neighbor and informed her of what he planned to build. He stated that she asked him not to put in windows facing her bedroom and to plant trees. He informed the Board that the front porch was falling apart and they decided to enclose it for the safety of his family. He pointed out there are other detached two-story garages in the neighborhood. He added that no neighbors communicated with him in protest.

**Interested Parties:**

**Greg Jennings**, 2260 South Troost, Tulsa, Oklahoma, 74114, informed the Board of some of the history on this property. Mr. Jennings submitted photographs (Exhibit B-1). He was aware of a new roof and third story being added to the house. Then the garage was removed and rebuilt as a two-story. He noted the enclosure of the front porch, an extra parkway constructed over virtually the entire front yard. He also saw French doors on the third-story of the storage without a balcony. He questioned the placement of the garage, as there is not a survey. He was definitely opposed to the enclosed porch. The parking area on the front yard was removed.

**Haroldine Hinds**, 2215 South St. Louis, Tulsa, Oklahoma, 74114, stated she lives directly behind the subject property. She opposed with complaints of drainage,



which she indicated is flooding her house, basement and yard. She complained that dirt excavated to build the pool was spread over the subject property yard, raising the elevation.

**Jeanie Cullivan**, 1562 East 22<sup>nd</sup> Street, Tulsa, Oklahoma, stated she lives directly to the west of the subject property. She submitted photographs (Exhibit B-1). Ms. Cullivan complained of the removal of trees; and the increased height of the garage to about 23 ft. She stated the applicant increased the height of the fence from six feet to eight feet, to which she did not object. She stated the garage is now 12 feet from her bedroom window. She added the drainage from the subject property is eroding her yard. The structure is one foot from her fence. She submitted a letter from another neighbor in protest (Exhibit B-2), dated February 19, 2008. In the letter Mr. Conrad stated that he had not received notification from the City of Tulsa, that the applicant requested a variance. She was opposed to the application, stating it is harmful to the neighborhood. She stated she was misled by the applicant.

#### **Applicant's Rebuttal:**

Mr. Zandi responded that the garage height was measured from the slab. He pointed out that the elevation of the land is sloped to a three to three and one-half feet difference. He stated they leveled the yard for a pool. One tree was removed because of damage from the ice storm and the other one was growing into the garage. He informed the Board that when they dug up the earth to place the swimming pool it was hauled off. He had to fill in some places with dirt and put in railroad ties. The architect rendering was as built. He responded to Mr. Boulden that the garage is used for storage only, and there is no kitchen.

#### **Board Action:**

On **Motion of White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a Variance of the required front yard in the RS-2 district from 30 ft. to 22 ft. (Section 403); a Variance of the height of a detached accessory building located in the required rear yard from one story, 10 ft. at the top plate, and 18 ft. total (Section 210.B.5.a & (210.B.5.c.2); and a Variance of the maximum size of an expanded non-conforming detached accessory building located within the required 3 ft. setback from 500 sq. ft. to 1,085 sq. ft. (Section 210.B.5.c.4), for lack of hardship, on the following described property:

LT 3 BK 5, TERWILLEGGER HGTS, City of Tulsa, Tulsa County, State of Oklahoma

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#### **Case No. 20936**

##### **Action Requested:**

Variance of the required parking requirement for a mixed-use commercial building in a PK district / PUD (Section 1212a.D); and a Special Exception to permit an

Adult Entertainment Establishment (bar) on a lot within 150 ft. of an R zoned land (Section 701); and a Verification of the spacing requirement for an Adult Entertainment Establishment of 50 ft. from an R district and 300 ft. from a public park, school, church, and another Adult Entertainment Establishment (Section 1212a.C.3); all to permit an Adult Entertainment Establishment (bar) in the existing commercial building in the PK district/PUD, located: 6612 South Memorial Drive.

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, Oklahoma, stated this application is for the technical purpose, of designating the business as a restaurant or a bar. He listed the multiple uses in this center. There is no ingress or egress from a residential district. The door is more than 300 ft. from any residentially zoned property. The property is 500 ft. from the nearest R district. They are not asking for a sexually oriented business.

**Interested Parties:**

**April Jordan**, 321 South Boston, Suite 104, Tulsa, Oklahoma, 74103, represented Endy Properties, 6701 South Memorial Drive. They do not object to this business, just not a sexually oriented business.

**Jeff Plat**, 1605 LBJ Freeway, Farmers Branch, Texas, 75234, represented Taco Bueno Restaurants. He had the same question as the interested party before him.

**Applicant's Rebuttal:**

He stated that the parking is ample, as they have never filled the parking lot.

**Comments and Questions:**

Mr. Cuthbertson gave the Board an idea of how much relief was needed for parking per the proposed plan. Required parking would be 535 parking spaces and the variance at this time would be to 391 spaces.

**Board Action:**

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the required parking requirement for a mixed-use commercial building in a PK district/PUD (Section 1212a.D), from 535 parking spaces down to 391 spaces, finding the lot has not been used to full capacity at this point; finding 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; and a Special Exception to permit an Adult Entertainment Establishment restaurant and bar on a lot within 150 ft. of an R zoned land (Section 701), not a sexually-oriented business, 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; and to **ACCEPT** a Verification of the spacing requirement for an Adult Entertainment Establishment of 50 ft. from an R district and 300 ft. from a public park, school, church, and another Adult Entertainment Establishment (Section 1212a.C.3); all to permit an Adult Entertainment Establishment (bar) in the existing commercial building in the PK district/PUD, based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing for the proposed adult entertainment establishment subject to the action of the Board being void should another adult entertainment establishment or other conflicting use be established prior to the expansion of this adult entertainment establishment, per Exhibit 1 submitted by the applicant, on the following described property:

LT 2 BLK 1, VILLAGE AT WOODLAND HILLS THE, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20941**

**Action Requested:**

Special Exception to modify the height of a fence located in the required front yard from 4 ft. to 6 ft. - 4 in. (Section 210.B.3) to permit an existing fence, located: 1313 South 157<sup>th</sup> East Avenue.

**Presentation:**

**Kenny Martin**, 2006 West 120<sup>th</sup> Street, Jenks, Oklahoma, stated the owner hired him to design a residence on the subject property. During that time the owner did a few improvements on the lot, not knowing he needed permits for the projects. There are existing structures on the lot, some masonry and pipe-rail fencing at four and five feet in height. There was also a metal barn, masonry barn, residential structures, septic system, and a well. This is a two and one-half acre tract with an existing residence. Mr. Martin stated they were applying for was to replace the existing garage apartment, where the new residence is located. He informed the Board that he was in the process of designing the residence, and the owner was working on improvements of one of the barns, with an addition. He also built a gazebo and a fence prior to obtaining permits. They applied for permits for the barn and gazebo and they have been issued. That work is being completed now. Mr. Martin stated that now he is applying for the special exception to build a masonry fence. It is actually an entry gate, as it does not extend the full length of the property. It is approximately 35 – 45 ft. on either side of the entry. He submitted photographs (Exhibit D-1) to show the fence. The owner built this in place of the previous fencing, which was stone masonry columns approximately five feet high, filled with pipe-rail and see-through mesh fencing. They had an engineer inspect the fencing and the footing exceeds requirements for a sound structure. The gate will probably be wrought iron and not more than the height of the existing fence. He submitted a petition of support from neighbors (Exhibit D-2).

**Interested Parties:**

**Terry Fiveash**, 9603 East 26<sup>th</sup> Street, Tulsa, Oklahoma, 74129, stated he owns the property to the west of the subject property. He supported the application and appreciated the improvements.

**James Danvern**, 1448 South 161<sup>st</sup> Street East Avenue, Tulsa, Oklahoma, 74108, liked the improvements. He expressed support of the application.

**Glenn Stockinger**, 2902 South 137<sup>th</sup> East Avenue, Tulsa, Oklahoma, 74134, stated he previously owned a lot near the subject property. He was in support of the application. He added that the owner has cleaned up the property well and improving the neighborhood.

**Councilor Dennis Troyer**, District 6, 12811 East 13<sup>th</sup> Place, Tulsa, Oklahoma, 74128, stated he talked with Mr. Martin about the property. He looked at the property and liked the improvements. He supported the application.

**Phil Gustin**, 13515 East 40<sup>th</sup> Place, Tulsa, Oklahoma, 74134, expressed his support.

**Board Action:**

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to modify the height of a fence located in the required front yard from 4 ft. to 6 ft. - 4 in. (Section 210.B.3) to permit an existing fence, 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 BLK 6, RADIO HGTS, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20947**

**Action Requested:**

Minor Special Exception to permit a 10 ft. tall recreational vehicle to be parked or stored in the 15ft. required side yard abutting a public street (Section 402.B.7.c), located: 3608 South Wheeling Avenue.

**Presentation:**

**Wendy Thomas**, 3608 South Wheeling Avenue, Tulsa, Oklahoma, proposed to store their recreational vehicle in the side yard. She stated they have a circle drive where they could back into the parking spot without disrupting traffic on the street. They plan to replace the six-foot fence with an eight-foot screening fence. The fence would completely enclose the camper. The site plan was provided (Exhibit E-1).

**Board Action:**

On **Motion of White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Minor Special Exception to permit a 10 ft. tall recreational vehicle to be parked or stored in the 15ft. required side yard abutting a public street (Section 402.B.7.c), 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 as shown on page 12.6 in the agenda packet, on the following described property:

LT 15 BLK 1, HIGHLAND PARK EST AMD B1-3 & 11-12, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20948**

**Action Requested:**

Minor Special Exception to reduce the required front yard in the RS-1 district from 35 ft. to 30 ft. (Section 403) to permit a porch addition, located: 2853 East 32<sup>nd</sup> Place.

**Presentation:**

**John Duvall**, 1850 South Boulder, Suite 300, Tulsa, Oklahoma, 74119, stated he is the architect, engaged by the owner, on the project. They proposed open porch structure with no additional enclosed space to the house. The ridge structure is no higher than the existing house. The owners provided renderings to all of the neighbors and they have not received any opposition. It is according to the plans (Exhibit F-1).

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Minor Special Exception to reduce the required front yard in the RS-1 district from 35 ft. to 30 ft. (Section 403) to permit a porch addition, per plan as shown on page 13.6 of the agenda packet, 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 9 BLK 3, CHARLANE EST AMD B3-5, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20949**

**Action Requested:**

Special Exception to permit a Use Unit 5 - public park (bark park) in an RS-3 district (Section 401), located: 2279 Charles Page Boulevard.

**Presentation:**

**Herb Beattie**, 3474 South Zunis Avenue, represented Joe Roberson, the Park Department Planner. He stated that he is the Chairman for the City of Tulsa Bark Park Task Force, which converted a baseball field into a bark park. That baseball park was approved per plan some years ago. They have made some improvements and would like to erect two shade structures and any other improvements that are consistent with the use of a bark park.

**Comments and Questions:**

Mr. Boulden stated that they can rely on the use being governed by some public officials who oversee it and the Park Board in this case. He suggested they could remove the wording for per plan and/or any other requirements that were previously approved per plan. Ms. Stead asked if the shade structures were already constructed. Mr. Beattie replied there was one temporary shade structure up.

**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 Use Unit 5 - public park (bark park) in an RS-3 district (Section 401), noting specifically that the Board is removing the previous use as a baseball park, approving new shade structures and any other improvements consistent with this property's use as a public park, including a dog park, 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:

ALL LT 7 N OF SS ROAD SEC 3 19 12, LT 8 LESS RY & RD & ALL NE SE & S  
& W OF L DRAWN FROM NWC TO SECR LESS RD & E/2 NW SE SEC 3 19  
12, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*.

**Case No. 20886**

**Action Requested:**

Request refund for an application that was not processed.

**Presentation:**

Mr. Cuthbertson informed the Board the application was not processed, and the applicant only paid for notification fees. They never pursued the request. Staff recommended the full refund of \$148.25.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a full refund of \$148.25.

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There being no further business, the meeting adjourned at 3:34 p.m.

Date approved: \_\_\_\_\_

*July 28<sup>TH</sup> 2009*

*Frank X. Henke*

Chair