

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 731  
Tuesday, July 22, 1997, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bolzle Cooper Dunham Turnbo White, Chair		Almy Beach Gardner	Ballentine, Code Enforcement Parnell, Code Enforcement Romig, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, July 18, 1997, at 2:52 p.m., as well as in the Reception Area of the INCOG offices.

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

Mr. White stated that this is the last City Board of Adjustment meeting for Mr. Bob Gardner since he is retiring. Mr. White further stated that Mr. Gardner's services will be sorely missed over the years. The Board appreciates Mr. Gardner's efforts and thank him for his services.

**MINUTES:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** the minutes of June 24, 1997, (No. 729).

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** the minutes of July 8, 1997, (No. 730).

**UNFINISHED BUSINESS**

**Case No. 17726**

**Action Requested:**

Variance to permit required off-street parking to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**, located 2818 West 40th Street.

Case No. 17726 (continued)

**Presentation:**

The applicant, **Jeffrey Levinson**, submitted a letter and requested that Case No. 17726 be withdrawn (Exhibit A-1).

**Case No. 17736**

**Action Requested:**

Variance of maximum permitted height for a ground sign from 40' to 60'. **SECTION 1221.D.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, located East of 165th East Avenue and Admiral Place.

**Presentation:**

The applicant, **Paul W. McKnight**, submitted a letter and requested Case No. 17736 be withdrawn (Exhibit B-1).

**Case No. 17774**

**Action Requested:**

Special Exception for a school and accessory uses in a RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2**, located 10818 East 17th Street South.

**Presentation:**

The applicant, **Benjamin F. Samuels/Architectural Plus Associates**, 5350 East 46th Street, representing Tulsa Public Schools, submitted a site plan (Exhibit C-1) and stated the request is to add an addition to the Perry Elementary School. The additions will be for two classrooms on the end of the building and a library on the rear of the building. The classroom addition will be 2,528 SF and the library will be 1,600 SF.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE Special Exception** for a school and accessory uses in a RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2**, finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Lot 1, Block 18, Magic Circle Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17775**

**Action Requested:**

Special Exception to modify a previously approved site plan. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 202 South 117th East Avenue.

**Presentation:**

The applicant, **Benjamin F. Samuels/Architectural Plus & Assoc.**, representing Tulsa Public Schools, 5350 East 46th Street, submitted a site plan (Exhibit D-1) and stated that the school is adding a small library in the rear, which will be 2,170 SF. The building will be brick with a standing seam roof.

**Comments and Questions:**

Mr. Bolzle asked the applicant if the school will be adding additional parking for the addition? He answered negatively.

Mr. Bolzle stated that it appears that the parking is non-conforming. Mr. Samuels stated that the school will not be adding any students, but will be adding a library, therefore there shouldn't be any additional parking required.

Mr. Beach informed the applicant that the Code sets a parking requirement based on square footage of the building and when you have a situation where the parking is non-conforming, it can remain non-conforming as long as parking is added to cover the additional square footage of the building. In this case the addition would require that three (3) additional parking spaces be available.

Mr. Dunham asked Mr. Samuels if he could add three (3) additional parking spaces on the site plan? Mr. Samuels stated he could add the three (3) additional parking spaces.

**Protestants:** None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE Special Exception** to modify a previously approved site plan. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, per plan submitted; subject to three (3) additional parking spaces be required for the addition; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Case No. 17775 (continued)

Beg. NE/c, Lot 1, Block 1, Western Village, TH NE 143.03', NW 51.67', CRV RT 180.64', NE 230', CRV RT 221.12', W 495.92', Sly 627', E 578', POB, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17776**

**Action Requested:**

Variance of the setback from the rear property line from 20' to 17' to add an addition to the house. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1602 East 31st Place North.

**Presentation:**

The applicant, **Mike Tapia/Four Seasons Sun Rooms**, 5345 East 41st St., submitted a site plan (Exhibit E-1) and stated that setback will be 17' from the back property line. He requested a variance of 3' to add the addition to his home.

**Comments and Questions:**

Mr. Bolzle stated that it appears from the case map that half of the right-of-way was dedicated when the subdivision was platted at 31st Street North. Mr. Bolzle asked the applicant what is behind the subject home? Mr. Tapia stated that the land is raw land and the home owner bought the ten (10) acres of property behind his home.

In response to Mr. Bolzle, Mr. Tapia stated that 31st Street North is only proposed at this time and it depends on what is developed in the area.

Mr. Bolzle asked the applicant why the addition could not be moved to the west and minimize the amount of variance needed? Mr. Tapia stated that the addition is laid out as it is because of the attachments and entrances to the room.

Mr. Gardner asked the applicant if the corner of the building is all that will be encroaching and the majority of the addition will be 20' or more back? He answered affirmatively.

Case No. 17776 (continued)

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** of the setback from the rear property line from 20' to 17' to add an addition to the house. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the rear property line abuts a proposed street and there will be no encroachment to adjacent owners; finding that 17' is within keeping of typical side yards for residential streets; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

Lot 5, Block 2, Cul-De-Sac Lane addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17777**

**Action Requested:**

Appeal decision of the Administrative Official in issuing a building permit. **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL**, located 1407 South Evanston.

**Presentation:**

The applicant, **Kenneth M. Smith/Riggs, Abney**, 502 West 6th Street, representing Ms. Cates, submitted a plat (Exhibit F-1), landscaping plan (Exhibit F-2), site plan (Exhibit F-3) and photographs (Exhibit F-4). Mr. Smith stated that the appeal of the decision for granting the building permit is based on the fact that the Board of Adjustment's approval was not followed. It is obvious by reading the remarks in the record and looking at the site plan that was submitted, that the setback was 4' on the north side of the three lots and not on the south side. The house has actually been located 4' from the south boundary line and the plans submitted to the Development Services indicate that the house is 4' from the south boundary line. He commented that Development Services did not check to see what was presented to the Board upon approval. He indicated that in the discussion of the minutes from the previous hearing, Mr. Dunham indicated to the protestants that the 5' setback would remain on the south boundary line. He stated that Mr. Clark indicated that there would be 13' between the two homes on the south, thinking that there would be a 5' setback from the house moved in and then the existing house being shown with 8' setback. He stated that the existing house on the south is only 4' from the lot and the house that was moved onto the lot has 4' setback. The purpose of the appeal is based on the fact that the Board's requirements were obviously to maintain the 5' setback on the south boundary and it was not done. Mr. Smith indicated that he contacted Mr. Clark

Case No. 17777 (continued)

about the Board's approval not being followed when the house was first moved onto the lot before the foundation was set. Mr. Smith stated that the integrity of the process will be hurt if this is allowed to stand, because it is obvious that everyone at the public hearing thought the 5' setback on the south boundary would remain and now it is not. The roof overhang of the house that has been moved onto the lot is very close and creates a fire hazard. Mr. Smith concluded that the Board's action should be adhered to and the relocation permit should be revoked.

**Comments and Questions:**

Mr. Dunham asked why the permit was issued in violation of the Board's approval? Mr. Gardner stated that the Board would have to see the plans that were submitted to the Building Inspector to determine why the permit was issued.

Mr. Smith stated that someone did not reconcile the site plans submitted with the Board's approval. When you look at the site plan submitted to the Board, it is obvious there is no reference to 4' on the south.

**Protestants:**

**Tim Clark**, 4129 South Peoria, owner of subject property, stated that the foundation and blocks were in place with the house over the foundation when the setback was brought to his attention. He commented that the only additional construction that has been done is demolition and he has held off any mechanical or electrical work. Mr. Clark stated that the original application was to move in an existing dwelling and the existing home did not require a setback variance to be placed where it has been for the last 40 years. The setback would apply to the home being moved in. He stated the project was for infill of a residential single-family detached dwelling. Mr. Clark stated that his intention has always been to move the house in the infill location and the 5' to 4' setback was intended for the infill house.

**Comments and Questions:**

Mr. Bolzle asked Mr. Clark who prepared the drawing that was presented to the Board? Mr. Clark indicated that Jack Crowley prepared the drawing.

Mr. Bolzle asked Mr. Clark if he saw the drawing before presenting it to the Board? He answered affirmatively.

Mr. Bolzle commented that Mr. Clark either intentionally or unintentionally misled the Board in stating the dimensions. The dimensions stated on the plan are material to the decision that the Board made.

Mr. Clark stated that anything that he has done was unintentional because he would never intentionally deceive the Board. There was no intent to misrepresent anything to anyone.

Case No. 17777 (continued)

Mr. Bolzle commented that what he was trying to convey is that the Board made its decision upon the representation that Mr. Clark made on the submitted plan. Mr. Clark agreed with Mr. Bolzle's statement.

Mr. Bolzle asked Mr. Clark why he felt that the Board would not want to stand by their decisions or want to see the decisions enforced? Mr. Clark stated that there are certainly some misunderstandings. The original request was for a 5' to 4' setback for the moved-in structure.

Mr. Bolzle stated that it is very clear from the record that the 4' setback was intended to be on the north side of the existing structure.

Mr. Clark stated that it was never his intention to have the 4' setback for the north side of the existing structure.

Mr. Bolzle informed Mr. Clark that the plan shows a 4' setback on the north side of the existing structure and a 5' setback on the south side of the new structure.

Mr. Clark stated that he did not intend to have a 5' setback for the new structure, because he needed a reduction of the setback on the south side from 5' to 4'.

Mr. Dunham stated he did not see any dimensions on the plan submitted today, Mr. Clark stated that the plan is scaled properly.

Mr. Cooper read the minutes from the first hearing which stated that there would be a total of 13' between the proposed home and Ms. Cates, with a 5' setback to the property line.

Mr. Bolzle stated that the dimensions the Board relied on are repeated several times throughout the minutes.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **REVERSE** the decision of the Administrative Official in issuing a building permit. **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL AND UPHOLD** the previous decision of a 5' setback on the south property line, on the following described property:

Lots 43-45, Block 7, Rosemont Heights, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17778**

**Action Requested:**

Variance of the required 85' yard abutting an arterial street (Yale Ave.) and a Variance of the required 15' yard abutting E. 40th St. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 4807 East 40th Street.

**Presentation:**

The applicant, **Adrian Smith/Hammond Engineering**, 5157 East 51st, submitted a plot plan (Exhibit G-1) and stated the subject property is located at the northwest corner of 40th Street and South Yale. The subject property is unique because it has a triple frontage, Yale, 40th Street and Winston. Mr. Smith indicated that he discussed the proposal with John Eshelman, Traffic Engineering Department, and he stated the City of Tulsa has no plans in the foreseeable future to widen Yale.

**Comments and Questions:**

Mr. Gardner stated that further to the north there are lots that actually side to Yale, they are the same as or maybe closer than what Mr. Smith is proposing. The houses that actually side to Yale are probably close to the 85' setback.

Mr. Gardner stated that from a planning standpoint the subject property has been a problem tract. It has streets on three sides, which makes it unique and different from the lots in the subdivision.

Mr. Dunham stated that it looks like the house at 38th Place and Yale may be within 30' or 40' of the property line.

**Interested Parties:**

**Donald Martinac**, 3905 South Winston, stated he lives three houses from the subject property. He expressed concerns that the covenants should be upheld in the subdivision. Mr. Martinac stated that he could support the variances requested and primarily is concerned that the lot remains residential and not rezoned to commercial.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE Variance** of the required 85' yard abutting an arterial street (Yale Ave.) and a **Variance** of the required 15' yard abutting E. 40th St. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; per plan submitted; finding that the lot is fronted on three streets; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

Lot 36, Block 2, Arrowwood, an Addition to the City of Tulsa, Tulsa County, Oklahoma.



Case No. 17778 (continued)

**Additional Comments:**

Mr. Smith stated that he enjoyed working with Bob Gardner on the Board of Adjustment for many years as a member, as well as a representative for applicants. He further stated that Mr. Gardner treated everyone great and he would miss working with Mr. Gardner.

**Case No. 17779**

**Action Requested:**

Special Exception to permit accessory car wash for Uniform South Police Sub-station. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use unit 2, located 75th & South Riverside Drive.

**Presentation:**

The applicant, **J.D. Turner/City of Tulsa**, 2317 South Jackson, submitted a site plan (Exhibit H-1) and an elevation plan (Exhibit H-2). Mr. Turner stated he is requesting approval to construct a car wash facility at Uniform Division Southwest. He informed the Board that the proposal was presented before the voters of Tulsa and was approved for the funding by the 1996 extension of the half penny sales tax. The facility will set on the east side of the Uniform Division Southwest approximately 45' from the property line. He stated the usage is estimated to be two (2) to four (4) car washes an hour. He informed the Board that there is a similar facility at Uniform Division North. He explained that at the existing facility the noise cannot be heard from 60' away over the street traffic.

**Interested Parties:**

**Mickey Blackwell**, 7514 South St. Louis, stated he is apprehensive that the car wash will be abutting his back yard. He expressed concerns with the hours of operation, noise and lighting. Mr. Blackwell stated the facility will have an adverse effect on his property.

**Comments and Questions:**

Mr. Dunham asked Mr. Blackwell if he had seen the landscaping plan? Mr. Turner presented the landscaping plan to Mr. Blackwell. He informed Mr. Blackwell that the landscaping will help with the noise barrier and the facility will not have to be operated at night. Mr. Turner stated he did not think Mr. Blackwell will hear the facility during the daytime hours in his home.

Mr. White asked Mr. Turner if the facility at UDN is a 24 hour facility? Mr. Turner stated it could be run at night, but it normally is not running in the evening hours.

Case No. 17779 (continued)

In response to Mr. White, Mr. Turner stated that there is no need to install lights on the side of the facility that faces the residences.

Mr. Cooper asked Mr. Turner to state the hours of operation for the facility? Mr. Turner stated that the facility does not need to operate between the hours of 10:00 p.m. and 6:00 or 7:00 a.m. the next morning. He explained that the evening shift could wash their vehicles at the beginning of their shift or at the end of their shift the next morning.

Mr. White stated that the noise level is hard to assess and being located along Riverside Drive, the traffic noise is substantial.

Mr. Gardner asked Mr. Turner when the different shifts come in to work? Mr. Turner stated that every two (2) or three (3) hours a few employees come in to work. The shifts are all staggered.

Ms. Turnbo stated that since the facility is close to the neighborhood there should be limits on the hours of operation. She suggested that there should not be any vehicles washed between the hours of 10:00 p.m. and 6:00 a.m.

Mr. Ballentine stated that the limitations are unrealistic because of the staggered shifts of the police officers. In response to Mr. Cooper, he further stated that he is a retired police officer and is familiar with the operations.

Mr. Gardner commented that the Board always asks the applicant if the condition is reasonable and if the applicant states that the condition is reasonable, then it has more substance and carries more weight. The condition could become a problem, but it goes back to the record and can be enforced. If the applicant states that he can live with the condition, then they should be able to adhere to the conditions.

Mr. White asked the applicant if a location to the south or southwest of the new installed gas pumps was considered? Mr. Turner stated that there are some drainage problems to the south. He explained that there is some extended parking that has been added to the south toward Riverside. Mr. Turner stated he was not sure he could meet the setback if he moved south or southwest of the pumps.

In response to Mr. White, Mr. Gardner stated that if a car wash is a permitted use and it is zoned commercial, then there is a 10' setback.

Mr. Bolzle stated that he is uncomfortable with the location of the facility. He commented that there didn't seem to be a study for an alternative location away from the residences. He suggested the hearing be continued for further study of an alternative location.

Case No. 17779 (continued)

After a lengthy discussion it was decided that Mr. Turner needed to study other options for the location of the facility or come back to the Board and explain why the facility cannot be moved to an alternative location.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** Case No. 17779 to August 12, 1997 at 1:00 p.m.

**Case No. 17780**

**Action Requested:**

Special Exception to modify a previously approved site plan. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located SE/c West 22nd Street & South Phoenix Avenue.

**Presentation:**

The applicant, **Mike Stacy**, was not present.

**Interested Parties:** None.

**Comments and Questions:**

Mr. Beach stated that the staff has no concern with the site plan submitted (Exhibit J-1). He explained that when the applicant applies for a building permit, if there are any problems with the plans, the applicant may seek additional relief from the Board of Adjustment.

Mr. Bolzle asked the staff if the school was a one story building? Mr. Beach answered affirmatively.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** Special Exception to modify a previously approved site plan. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, per plan submitted; subject to the removal of the existing temporary trailers; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

All of Block 37, Lots 1-11, and the N 20' of Lot 12, Lots 31-48, all in Block 38, Amended Plat of West Tulsa Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, together with the portions of Olympia Avenue Vacated, all of the alley thru Block 37, and those portions of the alley in Block 38 adjoining the Lots set forth above, containing 7.44 acres more or less.

**Case No. 17781**

**Action Requested:**

Minor Special Exception to approve an amended site plan allowing an addition to the existing Celia Clinton Elementary School. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 1740 North Harvard.

**Presentation:**

The applicant, **Larry Edmondson & Associates**, was not present.

**Interested Parties:** None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE Minor Special Exception** to approve an amended site plan allowing an addition to the existing Celia Clinton Elementary School. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to the removal of the existing mobile unit, finding that the requirements for a variance in Sec. 1607.C. has been met, on the following described property:

N/2, SE/4, SE/4, Sec. 29, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17782**

**Action Requested:**

Special Exception to amend a previously approved site plan to allow an additional building 50' from the N. boundary line. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located 3030 North Erie Avenue.

**Presentation:**

The applicant, **Tanner Consulting/Dan Tanner**, 2202 East 49th Street, submitted a site plan (Exhibit L-1) and stated that he is representing Walden Machine Works. He requested the Board to allow an additional building on the subject site, which will line up and square up with the previously approved building.

**Comments and Questions:**

In response to Mr. Dunham, Mr. Tanner stated he has filed an application to close a triangular piece of property (30' x 40'), which is part of a storm drainage easement. He commented expects approval of the application.

Case No. 17782 (continued)

Mr. Dunham asked the applicant if he would have a problem with the approval that would be conditioned upon the vacation of that portion of the easement? He answered negatively.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE Special Exception** to amend a previously approved site plan to allow an additional building 50' from the N. boundary line. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25; per plan submitted; subject to vacation of the easement, which lies under the corner of the proposed building; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Lot 1, Block 1, Erie Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17783**

**Action Requested:**

Special Exception to permit a church in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 2, located 1/2 mile East of 161st East Avenue, North Side East 21st Street.

**Presentation:**

The applicant, **E.P. Reddy**, 17801 East 11th Street, submitted a site plan (Exhibit M-1) and stated that 11 acres of land is being donated to the church. He commented that there are approximately 400 families from India in the Tulsa area, but this will be the first church for their congregation. He requested the Board to approve the 11 acres for church use.

**Interested Parties:** None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE Special Exception** to permit a church in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 2, per plan submitted; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Plat of land described as W/3, W/2, SE/4, Sec. 11, T-19-N, R-14-E, I.B.M., City of Tulsa, Tulsa County, Oklahoma, LESS the N 460' thereof and containing 22 acres, more or less.

## **OTHER BUSINESS**

**Case No. 17740**

### **Action Requested:**

Plan Review.

### **Comments and Questions:**

Mr. Gardner stated the applicant is requesting a clarification of the Board of Adjustment's motion. The applicant is proposing a solid screening fence on the east boundary and the entire southern boundary. The landscaping will be along the two street frontages and the units will be skirted for display. There are some units behind the display and the applicant wants clarification on the screening of the units.

### **Presentation:**

The applicant, **Larry E. Wilkinson**, represented by **Paul Hopkins**, 2450 South Shore Boulevard, League City, Texas, 77573, submitted a site plan (Exhibit N-1), a landscape plan (Exhibit N-2) and a letter requesting verification of the minutes and conditions (Exhibit N-3). Mr. Hopkins stated that Nancy Crayton is present and would like to review the plans as representative of the Homeowner's Association.

### **Interested Parties:**

**Nancy Crayton**, President of the Home Owner's Association, stated she is very pleased with the applicant's willingness to work with the HOA. She commented that this will be a very workable relationship. Ms. Crayton stated that the plans look acceptable to the HOA.

### **Comments and Questions:**

Mr. Hopkins stated that on August 5, 1997, he will be meeting on the site with the HOA.

Mr. Gardner informed the Board that the applicant will have to meet the City's landscaping requirements and he has indicated the trees that were to be saved. He explained that the applicant has chosen to screen the east and south boundaries and so there is no issue with regard to the units that will be temporarily stored until delivery. The units on the frontage are models and will be skirted and will seldom change, except for new models.

Mr. Hopkins stated that all of the existing trees were saved except for one. He indicated that the existing trees will be maintained and professionally pruned. Mr. Hopkins stated that there needs to be some clarification with regards to skirting and the inventory units in the back of the property. The south line and the east line, where the VFW is located, will have a 6' picket screening fence. The front will have the office unit and display, which will all have landscaping, furnished and semi-permanently attached to the land. Mr. Hopkins stated that all of the display units

Case No. 17740 (continued)

along East Admiral Place and South Garnett Road will have the tongues removed and skirted. He requested that the inventory in the back of the lot not be required to have skirting nor the tongues removed because in essence they will not be seen. He stated that there will be an open house and the homeowners, as well as the Board, are all welcome to come out and inspect the lot.

In response to Mr. White, Ms. Crayton stated that the conditions outlined by Mr. Hopkins are acceptable. She further stated that the one condition she would like to stand firm on is that there are no used units allowed on the subject lot.

Mr. Hopkins stated his company has eleven (11) manufacturing plants and they sell only their new product, not used products.

Mr. Bolzle stated that it was his intent to include the conditions described by Mr. Hopkins was in the motion, but was probably not stated correctly in the motion. He affirmed that the skirting proposal made today is consistent with the understanding he had when he made the motion to approve the previous application.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** the landscaping plan and the revised site plan; per plan submitted, on the following described property:

A tract of land that is part of Government Lot 5, and part of the SW/4, NE/4, Beg. NW/c of Lot 5; thence S 775', E 730', N 585', E 95', N 190', W 825' to the POB; LESS BEG. 75', S of NE/c thereof, thence W 426', S 325', E 331', N 210', E 95', N 115' to POB; and LESS BEG. 24.75', E of the SW/c thereof, thence E 705.25', N 375', W 705.25', S 375', to POB; LESS BEG. at the NW/c of Lot 5, thence S 775', E 24.75', N 425', E 25.25', N 260', E 349', N 15', E 426', N 75', W 825' to the POB, Sec. 5, T-19-N, R-14-E, I.B.M., City of Tulsa, Tulsa County, Oklahoma, according to the U.S. Government survey thereof.

There being no further business, the meeting was adjourned at 2:15 p.m.

Date approved: August 12, 1997



Chair

