

**CITY BOARD OF ADJUSTMENT**  
MINUTES OF Meeting No. 757  
Tuesday, September 8, 1998, 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>
Cooper	None	Huntsinger	Romig, Legal
Dunham		Stump	Department
Perkins			Parnell, Code
Turnbo			Enforcement
White			Ballentine, Code
			Enforcement

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, September 3, 1998, at 11:09 a.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.

**UNFINISHED BUSINESS**

**Case No. 18159**

**Action Requested:**

Special Exception to permit auto rental in a CS District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, 5130 South Lewis Avenue.**

**Presentation:**

Mr. Stump stated that an incorrect legal description was submitted to staff at the time of application and that this case would need to be re-advertised with the correct legal for the September 22, 1998, meeting.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-1 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", Cooper "abstentions"); to **CONTINUE** Case No. 18159 to the September 22, 1998, meeting.

## **Case No. 18171**

### **Action Requested:**

Variance of screening requirement from an R district to the south and to the north. **SECTION 1212a.C.1. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions – Use Unit 12A** and Special Exception for an Adult Entertainment Establishment in a CS District that is within 150' of a residential district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, located 6214 South Sheridan.

### **Presentation:**

Mr. Stump stated that the legal description did not include the entire tract and that this case would need to be re-advertised with the correct legal for the September 22, 1998, meeting.

### **Interested Parties:**

Two interested parties were in attendance but indicated that they had no opposition to continuing this case.

### **Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"); to **CONTINUE** Case No. 18171 to the September 22, 1998, meeting.

## **Case No. 18152**

### **Action Requested:**

Special Exception to allow a residential treatment center and a medical care facility in a CS-zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2**, located N of NE/c E. 36<sup>th</sup> Street North & North Lewis Avenue

### **Presentation:**

Art Williams stated that they have operated a successful program in the area for six years, and now desire to expand their program to include an outpatient program for counseling adolescents. He emphasized that there would be no additional beds or treatment, only the usage of an existing prefab building to do outpatient counseling.

Mr. Williams referred to letters of support that were forwarded to staff. The 16 letters, recorded as Exhibit A-1, were from Senator Maxine Horner; Representative Don Ross; Representative Darrell Gilbert; Ruford Henderson, NAACP; Joe Williams, City Council District 2; Major Steven Steele, Tulsa Police Department; L. T. Henderson, Tulsa Public Schools; Roy E. Hancock, Tulsa Housing Authority; Ocie and Gwen Taylor, The Donut Hut; Pastor Lewis Bumpers, Word of Life Outreach Ministries; Robin Lacey, P.R.I.M.E.; Terry J. Davis, T & T Auto Repair; Willie Waugh, Morning Star Apartments; Patricia Kemp, Hair Tech; and Joe Johnson, Joe Johnson's Body Shop.

**Comments and Questions:**

Ms. Turnbo asked if the City of Tulsa had approved the residential portion of this request. Mr. Williams responded that they have been at this location for six years and that the City of Tulsa installed a sewer line at that time. He believed that the City had approved the residential treatment center. Mr. Williams further explained that they were located on Charles Page Boulevard and moved to the present location in order to have additional space. Initially, the treatment center served as a short-term detoxification facility, sending the patients to another facility after five days.

Mr. Stump explained that this type of facility was allowed by right in a CS district six years ago, which would account for not their receiving a special exception prior to today. Noting that this facility was allowed by right, Mr. White asked if staff would still have the concerns listed in the case report. Mr. Stump replied that the concerns should be directed toward the proposed expansion of the center.

Ms. Turnbo asked the staff-to-client ratio. Mr. Williams responded that there would be three staff for five clients.

**Interested Parties:**

Algerita Brooks, 4726 North Frankfort Avenue, stated that this program has not been presented to the community and she pointed out that a Special Exception has not been granted to allow the current program. Ms. Brooks stated that Planning District 25 is presently making plans for their district, and noted that this project is located on a prime corner, 36<sup>th</sup> Street North and North Lewis. The Planning District residents would appreciate the opportunity to see the center's presentation on their program prior to the approval by the Board.

Mr. Stump explained that six years ago this type of facility was included under Use Unit 5, which was allowed by right in a CS district. Changes have taken place in the regulation of these facilities and they are no longer allowed by right. However, since this facility was established prior to the changes, it would be grandfathered and allowed to continue operation without expansion at its current location.

Patricia Morgan, property owner two doors down from the center, pointed out the center abuts the Mohawk Manor Apartment complex. The only problem she knew of was drug paraphernalia being throw on the grounds, but once the center was informed of this problem, it ceased to occur. Ms. Morgan concurred that there is a need for this type of facility, but emphasized that the neighborhood would like to be informed of the center's operations. In response to Mr. Cooper's question regarding the current use of the property mentioned, Ms. Morgan stated that the property is used for auto salvage and their residence.

Gerald Sylvis, abutting property owner to the north, stated that the property was a machine shop and the neighborhood had noticed that a drug rehabilitation facility was going to occupy that property. The City of Tulsa notified him that his property did not meet the zoning code standards, for which he had gone to great

expense to bring his property into compliance. He plans to have a business on his property and does not want to be next door to this facility. Mr. Sylvis asked the Board to consider the surrounding property owners' rights and to require the center to meet the zoning code requirements as well.

Ms. Turnbo explained that the residential treatment center had the legal right to move into its present location six years ago before the ordinances were changed. The applicant wants to expand their program to include counseling. She informed him that the residential treatment center would remain on the property even if the outpatient-counseling program were denied. Mr. Sylvis responded that he would be against the expansion of the program, noting that it would be detrimental to the surrounding properties.

Bernice Ward lives south of the property and asked how many more prefabricated buildings would be brought onto the property. She stated that her privacy fence runs about  $\frac{3}{4}$  of the length of her property and would request that Mr. Williams extend the fence to the edge of her property should the outpatient program be established.

**Applicant's Rebuttal:**

Mr. Williams stated that the center's location actually upgraded the neighborhood because of the sewer line that was installed. Having no sewer line was a major complaint of the residents in the area. The building looks nice and more refurbishing of the facilities is planned. He reiterated that the clients will not be sleeping on the premises, and he expressed they would try to help Ms. Ward with her fence.

**Comments and Questions:**

Ms. Turnbo stated that she served on the TMAPC Special Residential Facilities Task Force. One of the recommendations to be presented to the City Council is to increase the spacing distance from  $\frac{1}{4}$  to  $\frac{1}{2}$  mile from other properties, and this center is located  $\frac{1}{2}$  mile from another site. She has no problems with the expansion of the outpatient program.

Mr. Cooper stated that he was impressed with the letters of support for this program.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions") to **APPROVE** a Special Exception to allow a residential treatment center and medical care facility in a CS-zoned district as requested. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 2** on the following described property:

A tract of land in the SW/4 of the SW/4 of Section 17, T-20-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: commencing at the SW/c of said SW/4 of Section 17, T-20-N, R-13-E, thence N along the W line of said SW/4 of the SW/4 for a distance of 351' to the point of beginning; thence E a distance of 250' to a point

thence N a distance of 175' to a point; thence W a distance of 250' to a point; thence S a distance of 175' to the point of beginning and a tract of land beginning 50' E of the SW/c of Section 17, T-20-N, R-13-E, of the IBM; thence N 351'; thence E 200'; thence N 475'; thence E 410'; thence S 825'; thence W 110'; thence N 180'; thence W 250'; thence S 30'; thence W 100'; thence S 150'; thence W 150' to the point of beginning in Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof; less the E 110' of the S 180' thereof, and less a tract beginning 660' E of the SW/c of Section 17; thence W 110'; thence N 205 feet; thence E 110'; thence S 205' to the point of beginning.

### **Case No. 18157**

#### **Action Requested:**

Variance to remove landscape requirements applicable to parking areas within a CH-zoned district; or in the alternative, a Variance to allow compliance with landscape requirements of the CBD. **SECTION 1002.A. LANDSCAPE REQUIREMENTS**, Frontage and Perimeter Requirements, **SECTION 1002.B. LANDSCAPE REQUIREMENTS**, Parking Area Requirements, and **SECTION 1002.C. LANDSCAPE REQUIREMENTS**, Tree Requirements, located Southeast corner 14<sup>th</sup> & Main; northeast corner 15<sup>th</sup> & Main; and southwest corner 15<sup>th</sup> & Baltimore.

#### **Presentation:**

Roy Johnsen, 201 West 5<sup>th</sup> Street, stated that the ownership for these properties has changed and the current owners would like to increase the utilization of these properties. Part of the effort has been an ongoing effort to increase the parking available to serve the tenants. Mr. Johnsen reviewed the zoning history of the downtown area, emphasizing that there were no parking requirements. It appears that attempts to reduce non-conformity parking issue conflicts with the landscape ordinance. The owner's concept has been to have landscaping along the perimeter rather than in the interior, on the theory that the street view is more important than the interior view of the lot.

Mr. Johnsen reviewed staff's comments included in the agenda packet. Lot 12 has more trees and landscaping than required, but does not meet the CH requirement for each parking space to be within 50' of a landscape area. Lots 14 and 15 exceed the number of trees required, and one tree could be moved from the perimeter to the interior of each lot to meet the requirement of at least one tree in the landscaped area. The applicant, however, would prefer to leave the trees on the perimeter where they would be more visible.

Mr. Johnsen referred to six photographs, recorded as Exhibit B-1, reflecting that virtually none of the properties in the surrounding area are landscaped. He also referred to a location map, Exhibit B-2, of the three properties included in this application.

**Comments and Questions:**

Mr. Stump questioned if sprinkler systems were proposed to meet the irrigation requirements on all three lots. Mr. Johnsen responded affirmatively.

Ms. Turnbo asked if there were planned to be any trees along 15<sup>th</sup> Street on Lot 14. Mr. Johnsen replied that there are three trees along 15<sup>th</sup> Street, including the one located on the corner of 15<sup>th</sup> Street and Main.

**Interested Parties:**

Kevin Coutant, 320 South Boston, Suite 500, represents Main Square Towers Inc., owner of various properties near this application, including two single-family residential properties, Main Square Tower apartment building, retail property, and others. He expressed opposition to plans for Lot 12, and questioned the Board as to unique features of Lot 12. He pointed out the zoning code landscaping requirements in a CH district. Mr. Coutant stated that there is a fundamental difference between trees around the perimeter and uninterrupted asphalt, and an expanse of asphalt that is broken up with landscaping and trees. Internal landscaping visually breaks up the pavement from any perspective.

Mr. Coutant submitted a proposed landscape plan for Lot 12, recorded as Exhibit B-3. The plan suggests that the large pecan tree be retained and that the southern parking lane be flipped to move the entry point to the north. This would contain the same number of parking spaces and provide some meaningful landscaping. The plan also suggested using Austrian pine trees to provide a buffer between the parking and residential properties.

Mr. Stump questioned the size of the pecan tree, and determined the drip line to be larger than was reflected on the exhibit. He also expressed concern that the tree would not survive the construction process. Mr. Coutant requested that in the event the tree did not survive construction, that it would be required to be replaced to meet the code.

**Applicant's Rebuttal:**

Mr. Johnsen concurred that the pecan tree is quite large and would need more than the required 3' diameter to preserve the tree. Regarding the 15 Austrian pine trees, the owner chose not to screen the two residential properties, and noted that there are no trees on their commercial property to the west of the residential properties. He stated that while landscaping is required in a CH district, perimeter landscaping is not. Mr. Johnsen pointed out that five trees within 150 SF of landscaping would meet the requirements. Their plan includes seven trees with 1100 SF of landscaped area, without the one interior area.

Ms. Turnbo asked if the applicant would agree to move one of the trees from Main to 15<sup>th</sup> Street on Lot 14. Mr. Johnsen responded affirmatively. Mr. Cooper asked if not planting the interior tree because of the loss of parking spaces was the only reason Lot 12 would not meet the CH requirements. Mr. Johnsen responded affirmatively.

Mr. White asked if the two residential properties were being used as residences. Mr. Coutant indicated that they were being used as residences with no commercial enterprises.

**Comments and Questions:**

Mr. Cooper stated that the real issue to be considered is the intent of the landscape ordinance. Ms. Turnbo interjected that she felt the landscape ordinance was created mainly for the huge parking lots at shopping centers, for example. She noted that other cities attempting to revitalize their downtowns have all their landscaping along the perimeters. She expressed her opinion that Lots 14 and 15 do fit in with the neighborhood, and that the placing of a tree in the middle of the larger Lot 12, would not be beneficial. Trees along the perimeter soften the streetscape. Mr. White agreed with the landscaping being around the perimeter. Mr. Dunham expressed no problem with the perimeter landscaping.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions") to **APPROVE** a Variance to remove landscape requirements applicable to parking areas within a CH-zoned district. **SECTION 1002.A. LANDSCAPE REQUIREMENTS**, Frontage and Perimeter Requirements, **SECTION 1002.B. LANDSCAPE REQUIREMENTS**, Parking Area Requirements, and **SECTION 1002.C. LANDSCAPE REQUIREMENTS**, Tree Requirements per plan submitted with the exception that on Lot 14, one of the proposed trees be moved from along Main and added to 15<sup>th</sup> Street, finding that this is located within an older neighborhood with smaller lots, and finding the internal landscaping would be injurious to the surrounding area on the following described property:

Lot 8, inclusive, Block 1, of Bayne Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma and Lot 1 and S 50' of Lot 2, inclusive, Block 1 in Bayne Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma and Lots 1 through 5, inclusive, Block 2, amended plat of Earns Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

**NEW APPLICATIONS**

**Case No. 18160**

**Action Requested:**

Variance of the allowable fence height in front and on south side from four feet on front to five feet and on south from four feet to six feet. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, located 2438 North New Haven

**Presentation:**

Charles Frost, 2438 North New Haven, asked that his variances be approved, based on the precedent that has been set with other such fences in the neighborhood.

**Comments and Questions:**

Ms. Parnell stated that she received a complaint on the property south of this lot on a six-foot privacy fence covering the entire lot, blocking their neighbors' view in backing out of their driveway. In discussions to get that fence removed or moved back, Mr. Frost's fence was pointed out, and she had to send him a notice as well. The fence across the street is also not in compliance; however, this ordinance was written in 1980 and she was unable to determine if that fence existed prior to the ordinance.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions") to **APPROVE** a Special Exception of the allowable fence height in front from four feet to five feet and on the south from four feet to six feet. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, finding that 1607.C. had been met on the following described property:

Lot 14, Block 4, Lynnwood Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 18162**

**Action Requested:**

Special Exception to allow a duplex in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 7**, located Northwest corner West 39<sup>th</sup> Street & South 28<sup>th</sup> West Avenue.

**Presentation:**

Ed Sittler stated that his father had a three-unit dwelling that burned to the ground a year ago. He decided he would like to rebuild a duplex with one bedroom in each dwelling.

**Comments and Questions:**

Mr. Stump advised the applicant of the additional relief that he would need that must be advertised if the Board were to approve a duplex use for this property. The additional variances included minimum lot area, minimum land area per dwelling unit, and possibly the minimum livability space.

Mr. White asked if the other building referred to was located on the W 58' of the property that was split off in 1984. Mr. Sittler responded affirmatively, noting that the property has been sold to the residents.

**Interested Parties:**

Hazel Slavens, 3906 South 28<sup>th</sup> West Avenue, indicated she lives just south of the subject property. She stated that she is against this application, noting that most of the residents in the area own their homes. She also stated that she was constantly picking trash up that the previous renters would leave in her property.

Victoria Erwin, 5321 South 32<sup>nd</sup> West Avenue, Mrs. Slaven's daughter, stated that she lived with her mother for three months due to poor health. During that time the police had been called to this property several times and she noted the noise that occurs throughout the night, and the people would park in her yard, etc.

**Applicant's Rebuttal:**

Mr. Sittler reiterated that the proposed duplex would have only one bedroom for each unit. He apologized to the interested parties for the trouble they experienced in the past and said had he known the problems existed, he would have dealt with them. He also stated that he plans to landscape the property and make the dwelling units accessible.

**Comments and Questions:**

Ms. Turnbo asked to see a copy of the plan. Mr. Sittler submitted a set of various views of the building, recorded as Exhibit C-1.

Mr. White asked staff what the next step would be if the application were approved. Mr. Stump responded that the additional relief for minimum lot area and land area per the dwelling unit would be heard at the October 13, 1998, meeting.

Mr. Cooper asked if there were any other duplexes in the area. Ms. Turnbo responded that the Board has no control over the property being owned or rented, but she was concerned with the duplex. Mr. White recalled that this area has actively opposed manufactured homes being located in the neighborhood. Mr. Cooper expressed his concern that the duplex use would be too intensive for the site.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions") to **DENY** a Special Exception to allow a duplex in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 7** on the following described property:

E 82' of Lot 3, Block 32, in the Town of Red Fork, now an addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 18163**

**Action Requested:**

Variance of the required 30' frontage on a public street to 25'. **SECTION 206. STREET FRONTAGE REQUIRED – Use Unit 6**, located West of Southwest corner West 73<sup>rd</sup> Street South & South 26<sup>th</sup> West Avenue.

**Presentation:**

David Wheaton, 4320 Rustic Road, Sand Springs, Oklahoma, 74063, stated that the applicant intends to construct a single-family residence on the property, which has a 25' frontage on a public street, and emphasized that they are not asking for a lot-split or subdivision. Referring to Exhibit D-1, he pointed out that 73<sup>rd</sup> St. S. has a 50' ROW and dead-ends on the north property line, with 25' of the ROW on his property and the remaining 25' on the abutting property. Other than this access, the property would be land-locked, which would be the basis of his hardship as referred to in Zoning Code 1607.C.1. –2. Regarding the utility access, the applicant has made arrangements to acquire access to the needed utilities from the property's east boundary. He further stated that the applicant's use will not be detrimental to the neighborhood.

**Comments and Questions:**

Mr. Cooper asked if the Board had not already acted on this Variance. Mr. Stump responded that the Board had previously acted on a similar property to the north.

Responding to Mr. White's questions, Mr. Wheaton stated that he has a contract on the subject property and that he does not have a contract on any adjacent property. He spoke with approximately four of the neighbors and felt that they mostly agreed with his proposal once they were assured it would be a single-family residence for himself. Mr. Wheaton added that the if the property was developable, it would have been developed by now.

**Interested Parties:**

Robert Polson lives adjacent to the property and stated that the property lines provided to INCOG and the Board were incorrect. He described problems the neighborhood had experienced in previous years concerning this and other properties. Mr. White explained that the concern being presented is a surveying issue and that Board of Adjustment deals only with zoning issues, not surveying or adverse position matters.

Rose Cassidy owns 2.2 acres to the west of the property and stated that she was against development in the area. She felt the proposed single-family dwelling would be an ideal use for the property and would be advantageous to the neighborhood.

Mrs. Winter stated that she has no problem with a single house on this property, but asked how they could be assured that only one house would be built. Ms. Turnbo explained that Mr. Wheaton could only receive a building permit for the

one house. She added that if they were to see another house being built, they could contact the City of Tulsa, and he would have to stop building it.

Mr. White explained that this hearing is not dealing with a subdivision on this property, and stated that any one who has objections to one single house being built on this parcel should voice their concern.

Ronald Oglesby, building property adjacent to the subject property, explained that others have tried to develop this property. He expressed concern that the City would allow the owner to build two, three or even 13 homes in this area. He is for one home on the property.

**Applicant's Rebuttal:**

Mr. Wheaton responded that he would work with Mr. Polson on the encroachment issues, and he stressed that he plans to build only one house.

**Comments and Questions:**

Mr. Cooper pointed out that the site plan reflects one driveway going to and stopping at one home.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions") to **APPROVE** a Variance of the required 30' frontage on a public street to 25'. **SECTION 206. STREET FRONTAGE REQUIRED – Use Unit 6** per plan submitted (Exhibit B), noting that it is an oddly shaped tract with only 25' of frontage, on the following described property:

Commencing at the NW/c of NE/4 of Section 10, T-18-N, R-12-E, Tulsa County, State of Oklahoma thence S 00°23'47" W along the West line of said NE/4 of Section 10, said line also being the E line of Rosewood Acres 2<sup>nd</sup> Addition, a subdivision in Tulsa County, State of Oklahoma, a distance of 1420.00' to the point of beginning, said point also being the center of W. 73<sup>rd</sup> St. S., thence continuing S 00°23'47" W along the W line of said NE/4 of Section 10, a distance of 1,227.99' to the SW/c of said NE/4 of Section 10, thence S 89°55'56" E along the S line of said NE/4 of Section 10 a distance of 1322.27' to the SE/c of the SW/4 of said NE/4 of Section 10, thence N 00°22'33" E along the E line of said SW/4 of the NE/4 of Section 10 a distance of 811.64', thence S 56°47'29" W a distance of 597.02' to a point in the boundary of Page Belcher Golf Course, a subdivision in Tulsa County, State of Oklahoma, thence S 36°00'00" W along the boundary of said Page Belcher Golf Course a distance of 160.00', thence S 79°00'00" W along the boundary of said Page Belcher Golf Course a distance of 315.00', thence N 25°50'00" W along the boundary of said Page Belcher Golf Course a distance of 560.00', thence N 00°40'00" E along the boundary of said Page Belcher Golf Course a distance of 430.33', thence N 89°58'16" W a distance of 177.32' to the point of beginning.

## **Case No. 18164**

### **Action Requested:**

Special Exception to permit an adult entertainment establishment within 150' of an R district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 1212a;** Variance to permit an adult entertainment establishment within 300' of another adult entertainment establishment. **SECTION 1212a.C.3.c. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions;** Variance to permit parking on a lot other than lot on which Use Unit 1212(a) is located. **SECTION 1301.D. OFF-STREET PARKING; GENERAL REQUIREMENTS,** located 112 & 116 East 18<sup>th</sup> Street.

### **Presentation:**

John Moody stressed that this application is for a 1940s swing-bar-type of adult entertainment, and not for any sexually-oriented type business, noting that the building has housed bars in the past. Addressing staff's comments, he explained that at the time of application, staff said there were prior variances before the Board regarding parking uses. If the staff now concurs that the parking use has been approved previously, the applicant is willing to withdraw that request from the application. Seventy-three (73) parking spaces are proposed, meeting the required 72 spaces: 11 parking spaces that the deli has legal rights to use and 61 spaces for Mac Daddy's, with an additional 17 parking spaces in the future. The other restaurant has no legal right to parking on the subject properties. The parking lot will be resurfaced with landscaping, and will include a six-foot screening fence along the south property line of the parking area. Although the bar is not located within 150' of a residential unit, it is located within 150' of residential zoning.

### **Comments and Questions:**

In response to Ms. Turnbo's question, Mr. Moody stated that a portion of the parking lot is located in a RM-2-zoned district.

Ms. Turnbo asked if the clientele would be encouraged to park in the back lot and walk across the street, rather than to park in the streets. Mr. Moody responded that the additional landscape and the entry into the building will encourage parking in the back lot.

Mr. Dunham pointed out that staff has concurred with the previously approved parking variances. Mr. Stump stated that that was correct; however, the Board could act on the request if they desire to end any further dispute.

### **Interested Parties:**

Irene Bradshaw owns a condominium at 134-D East 18<sup>th</sup> Street and stated she opposed the application because it would interfere with the peace, tranquility, and dignity of the area. She added that young ladies reside in 2/3 of the condominiums in her building, and felt that safety for the residents is an issue. The condos have been affected by events from other bar clientele that included rape, parking, and loud noises during the night.

Mr. Cooper asked if the concern was with a bar or a sexually oriented business. Mr. Bradshaw replied that she objects to a bar which could result in repeat offenses, but would not object to a decent restaurant.

**Applicant's Rebuttal:**

Mr. Moody reassured Ms. Bradshaw that, while the business will not be a dining establishment, the owner has a good history of running businesses, and his operations do attract the type of clientele that occupies the condominium building.

**Comments and Questions:**

Ms. Turnbo expressed her concern of having bars located close to one another, and added that she could recall approving a variance for a bar only once. Mr. Cooper stated that this use is similar to previous uses and asked if it was before the Board today because it has not had proper approval previously. Mr. Moody stated that the ordinance was not in effect at that time, that it was there before the adoption of zoning amendments to Use Unit 12a. With new owner occupancy, the applicant must meet all of new zoning code provisions.

Mr. Dunham stated that he didn't have a problem with this application, but he would like to change the Special Exception from an Adult Entertainment Establishment, or have a restriction from sexually oriented uses.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions") to **APPROVE** a Special Exception to permit an adult entertainment establishment within 150' of an R District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 1212a** with the condition that no sexually oriented business be allowed: Variance to permit an adult entertainment establishment within 300' of another adult entertainment establishment. **SECTION 1212a.C.3.c. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions** with the condition that no sexually-oriented business be allowed; and noted the request for a Variance to permit parking on a lot other than lot on which Use Unit 1212(a) is located. **SECTION 1301.D. OFF-STREET PARKING; GENERAL REQUIREMENTS** was approved in 1994 and be noted that Section 1607.C. was met on the following described property:

W 41' of Lot 1; All of Lots 2, 3, 5 & 6, Block 3, SIEG Addition and Lots 20 & 21, Block 2, Boston Addition, City of Tulsa, State of Oklahoma.

**Case No. 18165**

**Action Requested:**

Variance of required 150' of frontage in a CS District to 100'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**, located at 6538 East 31<sup>st</sup> Street.

**Presentation:**

Kenneth C. Ellison, 3105 East Skelly Drive, explained that his client purchased the property from PSO, which had a 25' roadway easement that ran along the east side of the property. The easement was assigned to Sheridan Lanes when they purchased the south parking lot. AFM Pinspotters now owns the back lot and the easement. He has asked the owners if the back lot could be tied to the Sheridan Lanes tract, but have not yet received a response. Mr. Dunham explained that even with the 25' easement, the back lot would have no frontage if it were not tied to the Sheridan Lanes tract.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions") to **APPROVE** a Variance of required 150' of frontage in a CS District to 100'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** subject to a tie agreement attaching the south parking lot with the bowling alley property, for the following described property:

The W 100' of the E 252' of the N 272.5' of the NW/4 of the NW/4 of the NW/4 of Section 23, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma.

**Case No. 18167**

**Action Requested:**

Variance of size requirement for an accessory building of 750 SF to 1,200 SF. **SECTION 402.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6**, located 10610 East 23<sup>rd</sup>.

**Presentation:**

Scott Payne, 10610 East 23<sup>rd</sup>, stated that he has rented a shop for the past three years, and is now seeking to construct an oversized building in his rear yard. He and his son would use the building as a workshop to tinker on various hobbies and refurbish old cars, etc.

**Comments and Questions:**

Mr. Dunham asked for a clarification of staff's comments on moving the building four feet west to comply. Mr. Stump explained the limitation that accessory buildings cannot occupy more than 20% of the required rear yard. If the building were moved four feet to the west, it would result in less than 20% of the rear yard being occupied.

Mr. Dunham asked if the driveway would be on 23<sup>rd</sup> Street. Mr. Payne stated that they currently access the existing garage from 106<sup>th</sup> Street, but they would change to use the 23<sup>rd</sup> Street where there is an existing double gate.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions") to **APPROVE** a Variance of size requirement for an accessory building of 750 SF to 1,200 SF. **SECTION 402.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6** on the condition that the building be moved four feet to the west with no commercial use being allowed, finding that the requirements for 1607.C. have been met, on the following described property:

Lot 2, Block 5, Mesa Park, City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 18166**

**Action Requested:**

Special Exception for a duplex dwelling in a CH-zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 7;** and a Variance of parking requirement of two spaces per dwelling unit to one space per dwelling unit. **SECTION 1207.D. USE UNIT 7. DUPLEX DWELLING, Off-Street Parking and Loading Requirements**, located 1614 South Boston Avenue.

**Presentation:**

Garth Caylor purchased the property in 1978, which had two units in the rear in addition to the fourplex. He tore down the two units that were in poor condition, but retained a 13" thick masonry wall with four 18" columns. He now proposes to replace the two units with a one-bedroom duplex, one having 600 SF and the other having 700 SF. He noted that most of his renters have been single, and would need only one parking space per unit rather than the required two. Mr. Caylor presented the Board with a packet of information, recorded as Exhibit F-1.

**Comments and Questions:**

Mr. Dunham asked where the tenants of the existing fourplex park. Mr. Caylor responded that they park on the street due to the graveled area west of the wall, being used as a dump for abandoned autos, Christmas trees, etc.

Mr. Dunham expressed his concern with on-street parking. Ms. Turnbo interjected that even with the tenants needing one parking space, at some time they have guests who will need to park. Mr. Stump stated that if the fourplex were newly constructed it would require six parking spaces, and the additional duplex would require four, for a total of ten parking spaces for the tract. If approved it would eliminate four spaces and increase the demand by four, thus increasing the nonconformity.

Mr. Stump explained that with the adoption of CH zoning parking requirements, if no parking was available, new parking was not required; however, if the existing parking was equal to or less than the requirement, that parking could not be reduced. Mr. White asked if the addition of the duplex invalidates the nonconforming-parking requirement. Mr. Stump responded that the new structure would have to meet the requirements, which the applicant cannot meet. He would refer the question of if the applicant is required to maintain the existing off-street parking area to legal.

**Interested Parties:**

None.

**Comments and Questions:**

Mr. Dunham stated that he had problems with adding additional units with no parking for the existing units. Mr. Romig concurred with staff that application would be in non-compliance by increasing the nonconformity.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions") to **DENY** a Special Exception for a duplex dwelling in a CH zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 7** and a Variance of parking requirement of two spaces per dwelling unit to one space per dwelling unit. **SECTION 1207.D. USE UNIT 7. DUPLEX DWELLING, Off-Street Parking and Loading Requirements** finding that it would injurious to the neighborhood on the following described property:

Lot 9, Block 1, Cody & Holloway Addition, City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 18168**

**Action Requested:**

Special Exception to allow a home occupation (car tune-up service) Use Unit 14 in an RS-3 zoned district. **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6**, located 2020 West Easton Place

**Presentation:**

Jim McBride, 2020 West Easton Place, has owned and operated an auto tune-up shop at his residence for 21 years. The residence is located on the front of the property. The home occupation is conducted in the garage with the access through the alley from Xenophon Avenue. He stated that he is an auto technician, and his wife works as the company's secretary, receptionist, and bookkeeper. Their business is made up of repeat customers and by word-of-mouth, and mostly conducted by appointment limiting the amount of traffic to and from the garage. Business hours are 8-5 Monday through Thursday and 8-12 on Friday. They are unaware of any complaints as a result of the business at this location. They maintain the garage and premises attractively and believe it is an

asset to the neighborhood. Mr. McBride submitted four photographs of his garage, recorded as Exhibit G-1.

**Interested Parties:**

Paul Braden, 1111 West Seminole Place, has been a loyal customer for several years. He stated that there were 48 occupied properties affected by this request and Mr. McBride canvassed the area and found no opposition among those with whom he spoke. This operation is a benefit to the neighborhood, and with the 20 years of service in the location, it should be approved for him only. Mr. White explained that the approval would go with the property, not the individual, meaning that future owners of this property would be allowed to operate a tune-up business in this garage.

William Martin lives two doors down and across the alley. He and another neighbor walk by the garage on a routine basis and have always found the garage clean, with no more than four cars parked, and the alley has never been blocked. He referred to the premises as having a 'Cadillac' dealership cleanliness.

Brian Rogers, 2016 West Easton Place, stated that he has been a next-door neighbor for ten years. His parents and an aunt live down the street and none of them have a complaint about the garage. Everyone is supportive of the home occupation. Mr. Cooper asked Mr. Rogers if he would have a problem with someone else buying the property who wouldn't keep the garage so clean. Mr. Rogers stated that he would not have a problem with the selling of the garage.

Tim Mulley, 502 North Xenophon, can view the property from his back porch and has noted that it is always clean inside and out, as well as in the alley.

For clarification purposes, Mr. Dunham asked staff if the Board had the right to approve the application. Mr. Stump responded that the Board could act upon oil changes and tune-up services (Use Unit 14). The Board could not act on Use Unit 17 uses, such as the replacement and/or repair of engine and transmission parts as these are not allowed as home occupation uses.

Andrey Rogers Henry, 327 South Santa Fe, stated she is acting Owen Park Neighborhood Association President. They have 38 signatures from 25 different residences of people who are in opposition to this application. The neighborhood is a fragile residential area, and as noted, the approval would stay with the land and the next owners may not keep the area as clean. She pointed out that the business has operated illegally for 21 years. The application would not be in the spirit of historic preservation, which is being pursued, or in the spirit of the Charles Page Boulevard Revitalization Planning Program. Mr. Dunham asked where the property was located in relation to the neighborhood association. She responded that the boundaries of the association extend to Gilcrease Museum Road. The Board was presented with a letter from Gene Edwards, Exhibit G-2, and five pages of petitions, recorded as Exhibit G-3, against the application.

Jan Edwards, 1802 West Easton Court, Owen Park Neighborhood Association Vice President, stated that the neighborhood association has approximately 120 members, and that they circulated a petition and made several phone calls. They found no one in support of the application. Previously there has only been one commercial business within the boundaries until their boundaries were extended to Gilcrease Museum Road, which now includes QuikTrip, etc. Ms. Perkins asked why the neighborhood association is just now opposing this home occupation when it has been in operation for 21 years. Mrs. Edwards responded that there are a few home occupations within the boundaries, but they oppose this one because of the application. The association boundaries are Quannah on the east, Gilcrease Museum Road on the west, Keystone Expressway on the south, and Edison on the north; the property in question lies approximately in the middle.

**Applicant's Rebuttal:**

Mr. McBride stated that he would like the application to be granted with the condition that garage cannot be operated once it changes ownership.

Mr. Dunham asked about how long he felt he would want to operate the business. When Mr. McBride responded approximately ten years, Mr. Dunham stated that the Board could not restrict the approval from other owners, but they could put a time limitation on the approval.

Mr. White asked if the Board was inclined to approve the application, it would be restricted to the lesser uses. Mr. Stump responded that it would be limited to uses included in Use Unit 14.

The Board informed the applicant that if approved, he would not be allowed to do minor repairs or pulling of engines, it would be restricted to oil changes and tune-ups.

**Comments and Questions:**

The Board discussed several issues including the number of signatures against the application, people most affected are in support, approval that stays with the land the complaint made by someone who is not affected, the business having been operating for 21 years, assurance that Use Unit 17 uses are not performed, etc.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-2-0 (Dunham, Perkins, White, "aye"; Cooper, Turnbo "nays", no "abstentions") to **APPROVE** a Special Exception to allow a home occupation (car oil changes and tune up service) Use Unit 14 in a RS-3 zoned district. **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6** for a period of five years and with no inoperable vehicles stored on site on the following described property:

Lot 5, Block 12, Irving Place, City of Tulsa, Tulsa County, State of Oklahoma.

## **Case No. 18169**

### **Action Requested:**

Variance to allow a 1,200 SF garage building in an RS-3 zoned district.  
**SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6**, located 4132 West 56<sup>th</sup> Street.

### **Presentation:**

Larry Baker stated that the Board had previously approved a 20' X 30' garage building and he is now seeking approval to enlarge the garage to 30' X 40'. The applicant's mother owns the subject property, and he lives next door.

### **Comments and Questions:**

Responding to the Board's question, Mr. Stump stated that staff has not yet received a tie agreement for the two properties. He pointed out that the site plan reflects a 30' X 30' building and asked to which side the additional ten feet would be added. When Mr. Baker stated it would be to the rear, Mr. Stump informed him that if the building was closer than 13' from the rear property line, he would have to seek additional relief.

Ms. Turnbo expressed her concern that the tie-agreement has not yet been obtained. Mr. White interjected that a tie-agreement would have to be obtained before a building permit could be issued and added that it could be made part of the Board's action today.

### **Interested Parties:**

None.

### **Board Action:**

On **MOTION** of **PERKINS**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions") to **APPROVE** Variance to allow a 1,200 SF accessory building in an RS-3 zoned district. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6** subject to a tie-agreement with the lot containing the dwelling, on the following described property:

Lot 8, Block 1, Doctor Carver Addition, Tulsa County, State of Oklahoma.

## **Case No. 18170**

### **Action Requested:**

Variance of the provisions of Section 1103.B.2.a. to permit the Homegate Hotel signs and logos as shown on "Exhibit C" with display surface areas of 37 SF for the east- and west-facing signs and 50 SF for the north- and south-facing signs.  
**SECTION 1103.B.2.a. USES PERMITTED IN A PLANNED UNIT DEVELOPMENT, Accessory Uses – Use Unit 19**, located South of the Southwest corner East 61<sup>st</sup> Street & South Memorial Drive.

**Presentation:**

Charles Norman, 2900 Mid-Continent Building, explained that this application is a part of the detailed sign plan for the Homegate Hotel. The signs will be located on a 12' X 12' tower, which extends above the height of the building. While the PUD allows for 750 SF of wall sign display surface, the applicant is asking for four signs that would equal 174 SF, foregoing the remainder of the wall signage allowed. The Tulsa Metropolitan Planning Commission has approved the sign plan, contingent upon the Board's approval.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Tumbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Variance of the provisions of Section 1103.B.2.a. to permit the Homegate Hotel signs and logos as shown on "Exhibit C" with display surface areas of 37 SF for the east- and west-facing signs and 50 SF for the north- and south-facing signs. **SECTION 1103.B.2.a. USES PERMITTED IN A PLANNED UNIT DEVELOPMENT, Accessory Uses – Use Unit 19** per plan with no other wall signs permitted on buildings on the following described property:

A tract of land that is all of Lots 1 through 16, inclusive, Block 2 and part of Reserve "A", Southbridge East Office Park, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Beginning at a point on the W line of said Southbridge East Office Park, said point being 273.91' N of the SW/c thereof; thence N 0°05'05" W along the W line of said Southbridge East Office Park, a distance of 276.00'; thence N 89°54'55" E a distance of 270.00' to a point on the E line of said Southbridge East Office Park; thence S 0°05'05" E along the E line of said Southbridge East Office Park a distance of 276.00'; thence S 89°54'55" W a distance of 270.00' to the point of beginning.

**Case No. 18172**

**Action Requested:**

Variance of height requirement for a pole sign from 25' to 35' overall height. **SECTION 1221.E.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CG, CH, CBD, IL, IM, and IH Use Conditions for Business Signs – Use Unit 17**, located 2111 East 11<sup>th</sup> Street.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Variance of height requirement for a pole sign of 25' to 35' overall height. **SECTION 1221.E.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CG, CH, CBD, IL, IM, and IH Use Conditions for Business Signs – Use Unit 17** per plan on the following described property:

Lots 1-6, Block 3, Fleetwood Industrial Addition, City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 18173**

**Action Requested:**

Special Exception to permit cultural and recreational facilities (Tulsa Garden Center parking lot). **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, located East of South Peoria & North of East 25<sup>th</sup> Street South.

**Interested Parties:**

Mickey D. Wilson, 7840 South Louisville, is speaking on behalf of the owner of this property. The Tulsa Historical Society objects to the building's front yard being utilized as a parking lot. The Board clarified that the request is the leased area #2 only, (which is not in the front yard).

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Special Exception to permit cultural and recreational facilities (Tulsa Garden Center parking lot). **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5** on the leased area # 2 only per plan submitted on the following described property:

A tract of land being part of Government Lot 2, Section 18, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, commencing at the NW/c of said Government Lot 2, thence S 00°20'19" E along the W line of said Government Lot 2 a distance of 246.00', thence N 90°00'00" E a distance of 330.00', to the point of beginning, thence N 00°18'00" E a distance of 23.00', thence N 90°00'00" E a distance of 121.00' to a point of curvature, thence SEly on a curve to the right having a radius of 28.00', a chord bearing of S 50°08'40" E, an arc length of 38.95'; thence S 90°00'00" W a distance of 148.67' to the point of beginning.

## **Case No. 18174**

### **Action Requested:**

Special Exception to permit a manufactured home in an RS-3-zoned district.  
**SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 9**, located Northwest corner East 32<sup>nd</sup> Street North & North Jamestown.

### **Presentation:**

Gary Carson, 1935 East 26<sup>th</sup> Place North, is proposing to place a mobile home on the subject property.

### **Comments and Questions:**

Ms. Turnbo asked if two off-street parking spaces would be provided. Mr. Carson responded affirmatively. Ms. Turnbo explained that there is a one-year time limit on a mobile home. Mr. Carson replied that he had intended for this to be a permanent dwelling.

### **Interested Parties:**

None.

### **Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, “aye”; no “nays”, no “abstentions”; Cooper “absent”) to **APPROVE** a Special Exception to permit a manufactured home in an RS-3 zoned district. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 9** and to **CONTINUE** the Variance on the one-year time limitation to allow proper notice to be given on the following described property:

Lots 20 & 21, Block 5, Mohawk-Harvard Addition, City of Tulsa, Tulsa County, Oklahoma.

## **Case No. 18175**

### **Action Requested:**

Minor Special Exception to approve an amended site plan for Frank Reed Park to add parking and interior renovations. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, located 4233 South Yukon.

### **Interested Parties:**

None.

### **Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, “aye”; no “nays”, no “abstentions”; Cooper “absent”) to **APPROVE** a Minor Special Exception to approve an amended site plan for Frank Reed Park to add parking and interior renovations. **SECTION 401. PRINCIPAL USES**

**PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5** per plan on the following described property:

A tract of land lying in the NE/4 of the NE/4 of Section 27, T-19-N, R-12-E, more particularly described as follows: - Beginning at a point 35' S and 45' W of the NE/c of said Section 27; thence S on a line parallel to the E line of said Section 27, a distance of 625'; thence E at right angles to the last described line a distance of 10'; thence S parallel to said E line of Section 27, a distance of 660' to the S line of the NE/4 of the NE/4 of Section 27, said point being 35' W of the SE/c of the NE/4 of the NE/4 of Section 27; thence W on the S line of said NE/4 of the NE/4 a distance of 1284.4' to the SW/c of the said NE/4 of the NE/4 of Section 27; thence N on the W line of said NE/4 of the NE/4 a distance of 1,130' to a point 190' S of the NW/c of said NE/4 of the NE/4 thence E on a line parallel to and 190' S of the N line of said Section 27, a distance of 595'; thence S on a line parallel to the E line of said Section 27, a distance of 470'; thence E on a line parallel to the N line of said Section 27, a distance of 530'; thence N on a line parallel to the E line of Section 27, a distance of 625'; thence on a line parallel to and 35' S of the N line of Section 27, a distance of 150' to the point of beginning, containing 28.03 acres, more or less, which includes Lots 1, 2, and 3, Block 9, Clinton Homesites Addition to Red Ford, now an addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 18176**

**Action Requested:**

Special Exception to permit a mini-storage unit in the RS-1-zoned district (tract is permitted in court-ordered uses). **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16**, located 9149 South Yale Avenue.

**Presentation:**

Mark Smiling, 11414 South Granite Place, is purchasing this property that was previously zoned for rental storage units and an office complex. The mini-storage is located behind commercial properties, including a new bank, which has expressed concern as to aesthetics. The bank has agreed to supply the brick for brick columns along a concrete or steel wall. Also, an office complex will be constructed in front on the storage areas.

**Comments and Questions:**

Mr. Stump noted that this area is zoned RS-1, but the City of Tulsa was enjoined from enforcing the zoning code as it relates to this tract and is limited to enforcing CS uses, by court decree in the early 1970s. This area should be reviewed as CS zoning.

Mr. Dunham asked about landscaping along the south. Mr. Smiling responded

**Interested Parties:**

Lou Reynolds, 2727 East 21<sup>st</sup> Street, representing Mid First Bank, stated that they were in opposition to this application prior to meeting with the applicant. The bank would request five items: that the office building be built with glass, brick, or stone materials; the north, west, and east screening wall be constructed of concrete tilt-up or concrete block that is six feet high; only indoor storage be allowed; that the facility have limited hours of operation with no access after-hours; limited to single-story on mini-storage buildings. He agreed that the operating hours of 8 a.m. to 6 p.m., Monday through Saturday, would be acceptable.

**Applicant's Rebuttal:**

Mr. Smiling stated that the conditions were acceptable to him requiring the office building to be constructed of glass or masonry. He also noted that the proposed hours may be 7 a.m. to 7 p.m. Mr. Reynolds agreed to the hours.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Special Exception to permit a mini-storage unit in the RS-1 zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16** subject to the conditions that were imposed on the 1994 approval, with the exceptions that the office building be masonry or glass construction; the screening wall along the west, north, and east boundaries be six-foot masonry wall; that there be indoor storage only; that the hours of operation be from 7 a.m. to 7 p.m., Monday through Saturday, with a secured fence with no access after hours of operation; and that the mini-storage be of single-story construction; that the landscaping along the south property line be placed in accordance with the ordinance; and that there be no access to Braden, per plan submitted on the following described property:

Lot 3, Block 1, Hunter's Glen, City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 18177**

**Action Requested:**

Special Exception to permit a mobile home in an RS-3 zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 9**; Special Exception to extend the one-year time limit. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; Variance to permit more than one dwelling per lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, located 526 North 33<sup>rd</sup> West Avenue.

**Presentation:**

Jeff Smith, 3107 South Bahama Drive, Sand Springs, Oklahoma, 74063, stated that initially he desired to reside in the trailer to care for his ill mother-in-law who

has now passed away. His family will live in the house and would like to allow his niece and her baby to dwell in the trailer after her divorce until she can get back on her feet; and would also like to move his parents into the trailer when their health starts failing. He stated that the trailer was placed in August.

**Interested Parties:**

Vicki Harp, 547 North 33<sup>rd</sup> West Avenue, stated her objections to allowing more than one dwelling per lot of record and to permitting a mobile home as being detrimental to the neighborhood.

**Applicant's Rebuttal:**

Mr. Smith stated that he does not intend to use the property as rental, but only to help family members out in emergency needs.

**Comments and Questions:**

Ms. Perkins expressed her concern that there are no other properties in the area with more than one dwelling per lot of record.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY** a Special Exception to permit a mobile home in an RS-3 zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 9**; Special Exception to extend the one-year time limit. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; Variance to permit more than one dwelling per lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, on the following described property:

N 33.25' S 66.5' N 133.1' E/2 SE, NE, NE, Lot 1, Section 4, T-19-N, R-12-E, and S 33.25' S 66.5' N 133.1' E/2 SE, NE, NE of Lot 1, Section 4, T-19-N, R-12-E, and beginning 200' N Section Lot 1 thence N 88.85' W 208.75' S 88.85' E 208.75' to point of beginning of Section 4, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 18181**

**Action Requested:**

Variance of required off-street parking for offices and church use from 306 to 210 parking spaces per PUD 592 and site plan. **SECTION 1211.D. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES, Off-Street Parking and Loading Requirements** and **SECTION 1202.D. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Off-Street Parking and Loading Requirements – Use Unit 11 and 2**, located at 3939 South Harvard.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Variance of required parking for offices and church use from 306 to 210 parking spaces per PUD 592 and site plan. **SECTION 1211.D. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES, Off-Street Parking and Loading Requirements** and **SECTION 1202.D. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Off-Street Parking and Loading Requirements** – Use Unit 11 and 2 per plan submitted on the following described property:

Tract I: A tract of land in the SW/4, SW/4, SW/4 of Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, and being more particularly described as follows, to-wit: beginning at a point 155' E and 35' N of the SW/c of said Section 21; thence E and parallel to the S line of said Section, a distance of 187.6'; thence N and parallel to the W line of said Section, a distance of 278.28'; thence W and parallel to the S line of said Section, a distance of 187.6'; thence S and parallel to the W line of said Section, a distance of 278.28' to the Point and Place of Beginning. Tract II: The E 140' of the W 482.6' of the S 313.28' of the SW/4, SW/4, SW/4 of Section 21, T-19-N, R-13-E of the IBM, Tulsa County State of Oklahoma. Tract III: The S 313.28' of the E 176.95' of the SW/4, SW/4, SW/4 of Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma. Tract IV: The S 313.28' of the W 103.9' of the SE/4, SW/4, SW/4, less the S 35', in Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma. And that part of the SW/4, Section 21, T-19-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, beginning 481.75' N of the SW corner of Section 21; thence E 285'; thence N 68.45'; thence W 285'; thence S 68.45' to the Point of Beginning; and the W 300' of the N 168.47', of the S 481.75' of the SW/4, SW/4, SW/4, Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, and located N and E of the NE/c of E 41<sup>st</sup> St. S. and S. Harvard Ave., Tulsa, Oklahoma.

**Case No. 18154**

**Action Requested:**

Special Exception to permit a softball complex. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 20, located Southeast corner Lynn Lane and 21<sup>st</sup> Street South.

**Presentation:**

Kerry Miller stated that the request is for 13 fields for a girls softball complex, five of which are under construction. They would like to have the fields ready for the season next spring.

**Interested Parties:**

None.

**Comments and Questions:**

Mr. White asked if he had been in contact with the two persons expressing opposition at the August 25 meeting, when the case was continued. Mr. Miller responded that the concern was about the traffic speed, congestion, and access onto Lynn Lane. He believes that those concerns have been satisfied with the 21<sup>st</sup> St. access. The hours of the games will be staggered, but the parking lot will have 400 spaces.

Ms. Turnbo asked about the lighting and operation hours. Mr. Miller responded that the lights have a cut-off of 150', and during tournaments the games could go late into the night. He added that there is very little residential use in the area.

**Board Action:**

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Special Exception to permit a softball complex. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 20** per plan on the following described property:

W/2, NW/4, Sec. 13, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 18161**

**Action Requested:**

Special Exception to permit a home occupation (flower shop) in an RS-4 District. **SECTION 402.B.6. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6 and 13**, located 1208 North Denver.

**Presentation:**

Almeta Goodwin, 1208 North Denver, has been a cancer patient for 12 years and would like a flower shop to help supplement her income. She has one part-time designer who works four hours, three days a week; she picks up all her materials and makes all the deliveries. She has about two walk-ins per week.

**Comments and Questions:**

The Board explained that this application is for one year only, and informed her of a letter of support from Brady Heights with the concern that there are no signs placed out in front of the business.

**Interested Parties:**

None.

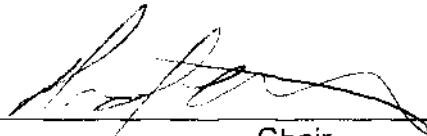
**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Special Exception to permit a home occupation (flower shop) in an RS-4 District. **SECTION 402.B.6. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6 and 13** for the period of one year and subject to the Home Occupation Guidelines on the following described property:

Lot 2, Block 2, Grandview Place, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 5:02 p.m.

Date approved: October 13, 1998

  
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Chair