

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 761  
Tuesday, November 10, 1998, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

**MEMBERS PRESENT      MEMBERS ABSENT      STAFF PRESENT      OTHERS PRESENT**

Cooper  
Dunham  
Perkins  
Turnbo  
White

Arnold  
Beach  
Stump

Romig, Legal  
Department

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, November 6, 1998, at 3:44 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.

**MINUTES:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-1 (Dunham, Perkins, Turnbo, White "aye"; no "nays", Cooper "abstentions"; no "absent") to **APPROVE** the Minutes of September 22, 1998 (No. 758).

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** the Minutes of October 13, 1998 (No. 759).

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**UNFINISHED BUSINESS**

**Case No. 17868**

**Action Requested:**

Special Exception to permit a wall which is in excess of the maximum allowable height in the required side yard. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards** and a Variance to permit the wall to be located in the planned right-of-way. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**, located 1508 E. 31<sup>st</sup> St.

**Presentation:**

The applicant, **Michael B. Tolson**, was represented by **Roy D. Johnsen** 201 W. 5<sup>th</sup> Street, Ste. 501, submitted a site plan (Exhibit A-1). Mr. Johnsen stated that he represents Charles Faudree and JoAnne Castro who are the owners of the property in question, which consists of a duplex located on 31<sup>st</sup> Street east of Rockford. Mr. Faudree owns one of the units and Ms. Castro owns the other. In 1997, the property was before the Board and the applicant sought a zero lot line along the east boundary of the property, which is a common boundary with Zink Park, which was approved. Also as a part of that application, there was a question of frontage on a public street because the duplex derives its access from a private drive although it has frontage on 31<sup>st</sup> Street. The Board's action was affirmative and the minutes reflect that 31<sup>st</sup> Street and the yard along 31<sup>st</sup> Street was considered to be the side yard and the front yard was the yard facing west and was the direction from which access was to and from the property. At that hearing, there was some concern about pedestrian passage on the 31<sup>st</sup> Street frontage of the property to Zink Park. In the Board's approval of the frontage and the zero lot line, the Board imposed a condition that a proposed fence would be moved further south 3' than the existing fence. That would permit enough distance from the proposed fence to the street to permit pedestrian passage to and from Zink Park. Mr. Johnsen stated that it was not recognized that the proposed location of the wall was in the existing right-of-way. In building the wall 3' further south, as the Board required, it was still within the existing right-of-way. That was a mistake that was made and as the case was further studied, it was learned that there was a water line within the street right-of-way approximately 1½' north of the wall that had already been constructed. The wall, at its highest point, was a little over 8' in height. Mr. Johnsen pointed out that the properties along 31<sup>st</sup> Street were platted and developed years ago. Mr. Johnsen stated that it was not until 1970 that they measured setbacks to the centerline based on planned right-of-way. Almost all of the development along 31<sup>st</sup> Street occurred prior to that time. Along 31<sup>st</sup> Street from Peoria to Lewis, development occurred with right-of-ways of 25', 30', 40' and a small amount at the 50' measurement. As a consequence, it is very easy to find walls and fences that encroach within the planned right-of-way. Mr. Johnsen submitted to the Board photos of other fences in the area that are setback less than 50' from the centerline (Exhibit A-2). The Zoning Code provides that no structure shall be within planned right-of-way and as a general rule you cannot have improvements within street right-of-way. Mr. Johnsen stated that the survey he passed out was prepared from the Department of Public Works and it shows the water line located north of the existing wall. The wall is 12.8' north of the south line of the existing right-of-way. At the west end of the wall, it is 6.4' in height. Because the slope of the land to Crow Creek is downward, the fence is 8.5' at its end. The special exception request is to permit a wall along 31<sup>st</sup> Street to exceed 8' in height. There has been much discussion with the applicants and Public Works about the water line and after they studied drawings and taking into consideration the right-of-way requirements and the water line, a 7½' separation was deemed acceptable. Mr. Johnsen stated that they

will move the wall south to a point 33' south of the centerline of 31<sup>st</sup> St. Mr. Johnsen said that they will go to the City and seek a license agreement because they will still be within the right-of-way of 31<sup>st</sup> St. Mr. Johnsen stated that the variance needs a hardship and they believe they have it because of the mixed widths in the mile section on 31<sup>st</sup> Street and the great number of other encroaching structures. Mr. Johnsen stated that this is a quality infill development.

**Comments & Questions:**

Mr. White asked Mr. Johnsen about planned right-of-way and actual right-of-way. Mr. White stated that the Board could grant the variance to build in the planned right-of-way but do they have the authority to vote on actual right-of-way? Mr. Johnsen stated that they have to go to the City and get a license agreement in order to actually do it but under the Zoning they still need the waiver. Mr. Romig said that the way the Zoning Code reads, it says that the structure shall be setback from the centerline of an abutting street of not less than ½ the right-of-way designated on the Major Street and Highway Plan. So, whether it is in the planned right-of-way or the actual right-of-way it still needs approval of the Board.

Ms. Turnbo asked Mr. Johnsen if the wall is currently 8.5' tall on the east end. Mr. Johnsen answered affirmatively.

Mr. Dunham asked if the license agreement with the City will provide, in the event of some construction, that the City can remove the wall. Mr. Johnsen replied that those agreements are terminal at will by the City. They can order them to take it down at any moment.

**Interested Parties:**

**Mike Buchert**, Assistant Public Works Director, City of Tulsa, stated that the current wall would cause a safety problem to the citizens and the workers. Mr. Buchert stated that they need the wall to be moved back 33' back from the section line to any front portion of the wall. The wall needs to be that far back or further, including any pillars or other items. A license agreement needs to be included and before they build the wall they need to apply for a building permit.

Mr. Dunham asked Mr. Buchert if the water line burst and the wall is in the place it is in now, could the City tear the wall down? Could the applicant deposit the money to move the wall and only use it in case the wall ever has to be moved instead of going ahead and moving it now? Mr. Buchert replied that it is an unsafe condition in terms of trying to hold the wall and having it fall in the proper direction. When they would be most likely to tear the wall down would be in freezing temperatures and that would be the most difficult time to try to remove the wall.

**Comments and Questions:**

Mr. Stump informed the Board that the Planning Commission and the Infill Task Force have been working on a new standard for arterial streets in the older parts of town and this portion of 31<sup>st</sup> Street would be in the area that might be reclassified and that new standard would be a 70' total right-of-way or 35' from centerline. Mr. Stump believes that since they have no interested parties in objection to the application and Public Works agrees that it would be wise to require the applicant to stay out of the proposed new 35' right-of-way. It would only be about 2' of difference.

Mr. Johnsen stated that this is a situation in where the side yard is the main living area for this duplex. Mr. Johnsen stated that they were very reluctant to move to the 7½' location. If they could have persuaded the City to make it 5' they would have done that. Every foot of the side yard is very important to them. The 33' is warranted and the Department of Public Works is satisfied with that and given the history and right-of-way that is existing in the area, Mr. Johnsen believes they have made a strong case for granting the variance. The 2' is very important to them.

Mr. White asked Mr. Johnsen if he is going to be seeking any vacation of the 40' to try to get it back to the other side of the wall. Mr. Johnsen had not considered that option but yes, they probably would to remove the license agreement questions.

Mr. Stump cautioned the Board and reminded them that Mr. Johnsen's client is using the City's property for his side yard and not his own property and that he wants to use more of the City's property than anyone else is allowed to use. Mr. Stump stated that Mr. Johnsen's client has extended the building to the north, getting it closer to the right-of-way and taking away some of the side yard that was there on his property. It appears to Mr. Stump that the hardship is self-imposed and it is very unusual that someone is asking to use someone else's property for side yard. Mr. Johnsen disagreed with Mr. Stump's statement.

Mr. Cooper asked Mr. Johnsen where the preexisting wall was before it was torn down. Mr. Johnsen replied that it was a fence that was 3' north of this one. Mr. Dunham stated that it was more of an encroachment than the current wall.

Mr. Johnsen does not believe that this is a self imposed hardship. There are similar circumstances that have existed over the years. If you drive up and down 31<sup>st</sup> Street, there are numerous encroachments that exceed what they are proposing. Mr. Johnsen believes that it is a justified application.

Mr. White asked Mr. Johnsen when the additional 15' was dedicated and Mr. Johnsen replied 1970.

Case No. 17868 (continued)

Mr. White stated that by looking in the area he never had any problem with the height of the wall it was just the location. Mr. White concurred with Mr. Stump in the fact that they are going to revise the plan and could reduce the burden on that property from 40' to 35'.

Mr. Dunham agrees with the applicant and believes that there is a lot of precedent and a lot more encroachments than what they have. If the City ever needed to use the right-of-way, they have the ability through the license agreement to tear down the wall.

Ms. Turnbo feels that if Mr. Buchert is comfortable with this arrangement, then she is. Mr. Dunham agreed.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to permit a wall which is in excess of the maximum allowable height in the required side yard finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards** and a Variance to permit the wall to be located 33' in the planed right-of-way. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** subject to a license agreement with the City of Tulsa, finding the hardship to be the precedent in the area and that most of the buildings in the area being built prior to the new right-of-way standards, on the following described property:

A tract of land lying in part of Lot 1, Peoria Acres Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof being more particularly described as follows, to wit: beg. NE/c, thence S0°48'15 E along the E line for 85.90', thence S 89°59'47 W and along the party-wall between the residences known as 1508 and 1510 E. 31<sup>st</sup> St. for 86.55', thence N 0°28'45 W for 85.90' to the N line, thence due E for 86.06' to the POB, with the Wly 12' being subject to ingress and egress to residence units abutting driveway in place in said 12'.

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**Case No. 18192**

**Action Requested:**

Special Exception to permit an existing construction company in a CS district.  
**SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS,**  
located 401 S. Memorial Drive.

**Comments and Questions:**

Mr. Beach stated to the Board that this case has been withdrawn by the applicant.

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**NEW APPLICATIONS**

**Case No. 18219**

**Action Requested:**

Variance of the allowable height for an outdoor advertising sign from 50' to 60'.  
**SECTION 1221.F.15 & 19. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR  
ADVERTISING, Use Conditions for Outdoor Advertising Signs,** located W of the  
SW/c W. 24<sup>th</sup> St. S. & Southwest Boulevard.

**Presentation:**

The applicant, **Phil Tomlinson**, 5780 S. Peoria, submitted a site plan (Exhibit B-1) and stated that this is the Community Bank building. In wanting to erect a billboard, the ramp that comes onto the interstate goes up high and blocks his sign. The ramp is about 22' height. They would like the sign to be 60' in order for it to be seen above the ramp.

**Comments & Questions:**

Ms. Turnbo stated that if he has a 50' sign, it is going to be 28' above the ramp. Mr. Tomlinson answered yes, the top part of it will be seen but the bottom will be blocked. Ms. Turnbo asked the dimensions of the sign. Mr. Stump replied that they are typically 672 SF and approximately 20' x 35'.

Mr. Tomlinson stated that the closer you get to the sign more of it becomes blocked by the ramp.

Ms. Turnbo does not deem this necessary because you can see the sign. Mr. White stated that the only time you will not be able to see the sign is when you are very close to the ramp and at that point it is too late to turn off.

Case No. 18219 (continued)

Mr. Cooper can understand that by being on the base of the expressway it could be blocked. Mr. Cooper believes that it will be blocked. Mr. Cooper is concerned that in the past they have not considered elevations. That is why you give a hardship, because a causeway blocks it. Mr. White stated that they have given them in the past because the entire roadway was blocking it instead of just a small section. Mr. Cooper asked how much of it has to be blocked in order to constitute a hardship.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** Variance of the allowable height for an outdoor advertising sign from 50' to 60'. **SECTION 1221.F.15 & 19. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs** finding the hardship to be the elevation of the ramp and it blocks the sign, on the following described property:

Lots 3, 4, 5 and 6, Block 5, Clintondale Addition to the City of Tulsa, Tulsa County, Oklahoma, together with a tract of land described as follows: Beginning at the NE/c of Lot 3, Block 5, Clintondale Addition to Tulsa, thence W a distance of 200' to the NW/c of Lot 6, Block 5, thence NEly to the SW/c of Lot 8, Block 4, thence E along the S line of Block 4, a distance of 150'; thence S a distance of 60' to the point of beginning.

\* \* \* \* \*

**Case No. 18226**

**Action Requested:**

Variance of the front setback from centerline of the street from 50' to 36'4" for an existing carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 1823 S. 123<sup>rd</sup> E. Ave.

**Presentation:**

The applicant, **Linda Deerdoff**, 1823 S. 123<sup>rd</sup> E. Ave., submitted a site plan (Exhibit C-1) and photos (Exhibit C-3) and asked for a variance so she can keep her carport and not have to tear it down. She constructed the carport because her home is older and her car will not fit into the garage. Ms. Deerdoff spoke with several of the neighbors and none of them have any objection. The carport does not obstruct anyone's view and is still about 14' from the side yard. There are other people in the neighborhood who have carports also.

**Comments and Questions:**

Mr. Dunham asked Staff about the comments in the packet regarding "attached" and "detached". Mr. Beach stated that if it is not designed to be consistent with the architectural style of the house and if it is not structurally integrated into the house then it is considered a detached structure. Even if it is an aluminum car port that is bolted to the house, it is still by the definition, detached and cannot be in the front yard.

Mr. White pointed out that the action requested should read 41.4' instead of 36.4' because the street is 60'.

The Board all stated that they have had several cases similar to this before them and this was never a part of the discussion. Ms. Turnbo asked if this was a new interpretation? Mr. Dunham stated that every carport in the City of Tulsa would have to be torn down.

Mr. Stump stated that the Board can decide that this is structurally a part of the garage and approve it. Mr. White mentioned that they are obviously attached so people can get in without the rain getting on them. Most of them are bolted to the front of the garage.

Mr. Dunham believes that the fact that it is attached or detached is a matter of interpretation. Everyone agreed that it is consistent with other carports in the area.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of the front setback from centerline of the street from 50' to 41.4" for an existing carport, finding that it meets the requirements of Section 1607.C., **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** on the following described property:

Lot 27, Block 1, Stacey Lynn Fourth, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18227**

**Action Requested:**

Special Exception to modify a previously approved site plan to permit a storage building. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 11** and a Variance of required 10' setback from R district. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 1421 E. 13<sup>th</sup> St.



Case No. 18227 (continued)

**Presentation:**

The applicant, **Charles R. Keithline**, was represented by Forest Carpenter of Carpenter Construction and he is representing Dr. Keithline. Mr. Carpenter submitted a site plan (Exhibit D-1) and stated that this is a dental office and Dr. Keithline needs a storage building for his supplies and records.

**Comments and Questions:**

Mr. Dunham stated if the building were moved 5' south, it would meet the setback requirement. Mr. White stated that they would lose the driveway if they moved it south.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to modify a previously approved site plan to permit a storage building, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 11** and a Variance of required 10' setback from R district. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** per plan submitted and finding that the requirements of Section 1607.C. have been met, on the following described property:

Lots 19, 20 & 21, Block 7, Orchard Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18228**

**Action Requested:**

Variance of maximum allowable display surface area from 32 SF to 150 SF.  
**SECTION 602.B.4.c.&d. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions – Use Units 5 & 21**, located 10810 E. 45<sup>th</sup> St.

**Comments and Questions:**

Mr. Dunham asked if they could make a motion without the applicant being present. Mr. Stump answered yes.

Mr. Cooper stated that they need a hardship and there is no one present to give that hardship. Mr. Stump stated that in the Office District, the signage allowed on buildings is allowed by street frontage. The signage allowed in Commercial Districts is by the length of the building. This particular lot ended up with very little street frontage. Mr. Dunham believes that is the hardship.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of maximum allowable display surface area from 32 SF to 150 SF. **SECTION 602.B.4.c.&d. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions – Use Units 5 & 21** finding the hardship to be the configuration of the property; per plan submitted, on the following described property:

Part of Lots 2 and 3, Block 2, Towne Centre II, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Commencing at the SE/c of said Lot 2; thence N 56°39'34" W a distance of 284.94' to the point of beginning, said point being on the Sly boundary of Lot 2; thence N 19°39'20" E a distance of 65.88'; thence N 15°37'28" E a distance of 300'; thence N 74°22'36" W a distance of 35'; thence N 15°37'20" E a distance of 110'; thence N 51°27'39" W a distance of 71.76'; thence N 09°15'46" E a distance of 0'; thence NEly along a curve to the right, with a radius of 204.55' a distance of 78.54'; thence N 36°59'29" E a distance of 129.56'; thence N 37°00'03" E a distance of 2.50'; thence N 51°22'31" W a distance of 89.68'; thence NWly along a curve to the right with a radius of 651.73' a distance of 2.32'; thence S 38°48'42" W a distance of 21.10'; thence N 68°22'17" W a distance of 0; thence Wly along a curve to the left, with a radius of 482.98' a distance of 189.56'; thence S 89°08'29" W a distance of 10'; thence Wly along a curve to the right, with a radius of 566.38' a distance of 177.93'; thence N 72°51'31" W a distance of 135.27'; thence S 17°08'29" W a distance of 130'; thence S 52°07'28" W a distance of 120.67'; thence S 37°52'32" E a distance of 489.96'; thence S 46°16'09" E a distance of 313.83'; thence S 56°39'34" E a distance of 50' to the point of beginning.

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**Case No. 18229**

**Action Requested:**

Variance of required street frontage from 30' to 12' on Lot 3 and from 30' to 25' on Lot 4; a Variance of the average lot width from 150' to 100' on Lot 3 and from 150' to 140' on Lot 4 and a Variance of land area per dwelling unit from 26,250 SF to 24,500 SF on Lot 4. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 2008 E. 46<sup>th</sup> St.

**Presentation:**

The applicant, **J. Lyon Morehead**, 502 West 6<sup>th</sup> Street, submitted a site plan (Exhibit F-1) and stated that he filed the application on behalf of Mr. and Mrs. Craig Blackstock. Their home is referred to as Lot 3 and Mr. and Mrs. Stewart owns Lot 4.

Case No. 18229 (continued)

**Comments and Questions:**

Mr. Dunham asked Mr. Morehead if this is to accommodate a land swap on the existing improvements, are you planning on doing any new improvements? Mr. Morehead replied negatively.

**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"; no "absent") to **APPROVE** Variance of required street frontage from 30' to 12' on Lot 3 and from 30' to 25' on Lot 4; a Variance of the average lot width from 150' to 100' on Lot 3 and from 150' to 140' on Lot 4 and a Variance of land area per dwelling unit from 26,250 SF to 24,500 SF on Lot 4 **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, finding the hardship to be the configuration of the lot and that there are similar lots in the area; per plan, on the following described property:

A part of Lot 3 & Lot 4, Block 1, The Cloisters, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, described as: Beginning at the SE/c of Lot 4; thence S 86°00'00" W, along the S line of Lot 4, a distance of 25'; thence N 72°44'59" E a distance of 20.11'; thence N 36°22'30" E a distance of 9.66', to a point on the E line of Lot 4; thence S a distance of 12' to the POB; AND Lot 3, Block 1, The Cloisters, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, less a part of Lot 3 described as: Beginning at the W/c of Lot 3 on the S line of E 46<sup>th</sup> St.; thence 89°46'46" E, along the most Nly line of Lot 3, a distance of 48'; thence S 20' to a corner of Lot 3; thence N 67°11'32" W, along the line of Lot 3, a distance of 52.07' to the POB; AND the S 156.84' of the E 20' of the N/2 of the W/2 of the NE/4 of the NW/4 of the SE/4 of Section 30, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma.

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**Case No. 18230**

**Action Requested:**

Variance of minimum frontage requirement from 50' to 2.7'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 17**, located 10818 E. 55<sup>th</sup> Pl.

**Comments and Questions:**

Mr. Beach stated that this application has been amended from 2.7' up to 10'. The plat of survey in the packet accurately reflects that change.

**Presentation:**

The applicant, **Lee Dodge**, 2843 S. Maplewood, submitted a site plan (Exhibit G-1) and stated that there was a lot split before he owned the property. Mr. Dodge owns the front parcel and bought the back parcel in 1985. At the time he did not try for a lot split. Mr. Dodge found out later that the back lot on the lot split has to abut the water line. The proposal is, not only the 10' but to approve the lot split with a 10' panhandle from the back lot through the front lot to the street to get water. The City does not allow an easement for water you have to own the land that abuts the water main. The 20' easement on the front of the lot is for ingress and egress. When the lot was split there was proposed that 56<sup>th</sup> Street would come through to 103<sup>rd</sup> Street. Since that time, they have built a retention pond there and that eliminates any way of unlocking the land locked property.

**Comments and Questions:**

Ms. Turnbo stated that he is not advertised for the 20' easement. Mr. Beach stated that there is no relief needed for an easement, he just needs relief for the frontage.

Mr. Beach stated that both lots had frontage on a public street but not 56<sup>th</sup> Street was never constructed. Mr. Stump stated that it appears that it meets all of the requirements for a lot split in the past. Mr. Stump believes the problem is that they need to have frontage on 55<sup>th</sup> Street in order for the City to provide water service. The Zoning Code requires that all street frontages be at least 50'. They are creating a new street frontage on the southern lot on 55<sup>th</sup> Street and it only has 10'. It is just a matter of getting them an access corridor to the water line and nothing in the ground is going to change.

Mr. Cooper asked if there was a lot split given on this. Mr. Stump replied that he has not done research on it but they would have given him one because it has frontage on 56<sup>th</sup> Street.

Mr. Beach stated that 56<sup>th</sup> Street is not shown as being built but it is shown as being public right-of-way.

Mr. Cooper asked if all the other tracts want a lot split would Staff let them do that? Mr. Stump answered possibly yes. They are hoping to change the City's policy on water mains and allow, in cases like this, to have easements across property rather than have it subdivided.

Mr. Dodge stated that when he purchased the property in 1976, he purchased the front half and in 1985 he purchased the back piece of the property and it was already split.

**Interested Parties:**

None.

Case No. 18230 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of minimum frontage requirement from 50' to 10'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 17** finding the hardship to be the fact that the property has been developed in this manner and the street was never constructed, per plan submitted, on the following described property:

Lot 7, Block 10, Tulsa Southeast Industrial District, Blocks 9 through 12 Inclusive, a resubdivision of Block C and part of Block A and B, Tulsa Southeast Industrial District Extended, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18231**

**Action Requested:**

Special Exception to waive the screening requirements along 15<sup>th</sup> St. where subject property abuts R zoned district and Special Exception to waive the screening requirements along the south boundary of the entire subject tract. **SECTION 1223.C. USE UNIT 23. WAREHOUSING AND WHOLESALING**, Use Conditions and **SECTION 1211.C. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES**, Use Conditions – Use Unit 23 & 11, located 5524 E. 15<sup>th</sup> St.

**Presentation:**

The applicant, **Larry W. Johnston**, submitted a site plan (Exhibit H-1) and stated that he is an architect who represents Public Service Company, 610 South Main, Ste. 200. Mr. Johnston stated that in 1994 PSO had a similar request for the same property and it was approved subject to future improvements being brought before the Board. Mr. Johnston stated that the screening requirement along 15<sup>th</sup> Street came into effect because the street designation was changed from a secondary arterial street to industrial collector street. The residential district from which the site must be screened is basically the west half of the property.

**Interested Parties:**

None.

Case No. 18231 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to waive the screening requirements along 15<sup>th</sup> St. where subject property abuts R zoned district and Special Exception to waive the screening requirements along the south boundary of the entire subject tract. **SECTION 1223.C. USE UNIT 23. WAREHOUSING AND WHOLESALING, Use Conditions and SECTION 1211.C. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES, Use Conditions – Use Unit 23 & 11** finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, per plan submitted, on the following described property:

N/2 of NE/4 of SW/4, Section 10, T-19-N, R-13-E, except for railroad right-of-way, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

**Case No. 18232**

**Action Requested:**

Special Exception to allow Use Unit 2, a residential care treatment center for 6-12 children and adolescent clients. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 2** and a Variance of the required parking from 19 to 16 spaces. **SECTION 1202.D. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES; Off-Street parking and Loading Requirements**, located 1333 N. Utica.

**Comments and Questions:**

Mr. Beach stated to the Board that the application was withdrawn by the applicant.

\* \* \* \* \*

**Case No. 18233**

**Action Requested:**

Special Exception for a church in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, located 764 S. 145<sup>th</sup> E. Ave.

Case No. 18233 (continued)

**Presentation:**

The applicant, **Keith Garoutte**, 11826 E. 16<sup>th</sup> Street, submitted a site plan (Exhibit J-1) and stated that he is a member and spokesperson for Restoration Church. They are trying to purchase the property at 764 S. 145<sup>th</sup> E. Ave. for the purpose of locating a church. Mr. Garoutte submitted an approval letter from a neighbor (Exhibit J-2).

**Comments and Questions:**

Mr. Dunham stated that if the building is going to be taller than 60', the applicant will need additional relief. Mr. Garoutte understands that.

Mr. Beach stated that in reviewing the site plan, everything looks good and appears to be in order. The applicant understands that he may have to come back before the Board for additional setbacks, etc. but today he just wants to know if he will be allowed to construct a church on this property.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception for a church in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, per plan submitted, subject to the landscape requirements, on the following described property:

N 880' E 495' SE/4, SE/4 Section 4, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

**Case No. 18234**

**Action Requested:**

Special Exception to allow a machine shop in a CH zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 25**, located 6929 E. 15<sup>th</sup> St..

**Presentation:**

The applicant, **Russell Forester**, 3604 S. Dogwood, Broken Arrow, submitted a site plan (Exhibit K-1) and stated that in August he started a new company and is renting the building on the subject property. It was originally used as a sign manufacturing company, then the building was rented out as a paint and body shop.

**Comments and Questions:**

Mr. Dunham asked if the use will be entirely within the enclosed building.

Mr. White stated that the plan submitted shows the building to be 60' x 100' and that building has to be twice that deep. Mr. Forester stated that when the building was constructed in the 1970's, the walls on either side go back twice that far but there is no roof and there is nothing there. There are trusses to finish the building behind the lot.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow a machine shop in a CH zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 25** finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, subject to all the uses being conducted entirely within the building on the following described properties:

W/2 Lot 8, Block 10, Sheridan Industrial District B4-13, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

**Case No. 18235**

**Action Requested:**

Special Exception to permit hotel use within an IL zoned district (Tract A). **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19;** a Variance of Section 1221 to permit business signage on a non-arterial street (Tract A). **SECTION 1221. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING,** Variance of lot frontage requirements to permit a lot split (Tract B). **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS,** located W of NW/c 33<sup>rd</sup> St. & Memorial.

**Presentation:**

The applicant, **Roy D. Johnsen**, 201 W. 5<sup>th</sup> Street, Suite 501, submitted a site plan (Exhibit L-1) and stated that he appears on behalf of the landowner, 31<sup>st</sup> & Memorial, L.L.C. The case map reflects Tract A and Tract B. Tract A being the larger tract fronting 33<sup>rd</sup> Street, a couple of hundred feet west of Memorial. The application is for a special exception for hotel use and Mr. Johnsen reminded the Board that the property immediately to the west was the subject matter before the Board and was also



Case No. 18235 (continued)

approved for hotel use. This application is basically identical. They both shared a common problem of having no arterial street frontage. The way the sign ordinance has been interpreted, you don't have any signage if there is no street frontage. Mr. Johnsen disagreed with that interpretation. They are asking to use the non-arterial street to compute the permitted signage. The same approval was given to the property immediately to the west. Mr. Johnsen stated that Tract B is an interior tract and does not have any frontage. By interpretation in the IL, you have to have 50' of non-arterial frontage or 150' of arterial street frontage. This tract has neither so he is asking for a variance of those requirements.

**Comments and Questions:**

Mr. Dunham asked if there is a problem with a tie agreement on this property. Mr. Johnsen replied negatively. Tract B is the residual tract that is not being sold but the same owner owns Tract C, which is Drysdale's. Mr. Johnsen stated that they will tie Tract B to Tract C for additional parking. Mr. Johnsen pointed out the 10' strip and stated that they have a perpetual access easement of record so they will always be able to drive across it. Even though they are not adjoining, they will be tied.

Mr. Dunham asked how the 10' easement came about. Mr. Johnsen replied that it is owned by one of the hotels to the west but when it was sold a perpetual easement was granted to provide access to the subject property and to others. Mr. Johnsen said that they have proof of the right to go across the easement.

Mr. White asked City Legal if there is a problem with having two tracts tied together that are not contiguous. Mr. Johnsen stated that the Board has done this often and gave the example of additional parking across the street. Mr. Romig stated that he does not like the idea of tying two pieces of property together that are not contiguous. The Board stated that they have approved several like this before.

Mr. Stump stated to the Board that they need to address the signage issue. Mr. Johnsen stated they would like the signage to be the same as the previously approved hotel. Mr. Beach stated that the code requires 1 per 150 SF of arterial street frontage. Mr. Dunham asked if Mr. Johnsen was asking for the same relief on 33<sup>rd</sup> Street as if he had frontage on an arterial street. Mr. Stump stated that is what he is asking for but Mr. Stump does not recommend that because there will be a rather extensive development along the non-arterial streets and you could have the whole area "Christmas treed" with signs. Mr. Stump believes that one sign on this lot not to exceed 1 SF per lineal foot of frontage would be sufficient.

Mr. Stump stated that most of the signs in the Commercial area are in the 125 SF to 175 SF range. Mr. Johnsen asked the Board to grant the same type of signage as was granted on the hotel to the west.

Mr. Beach stated that the minutes do not address the number or size of the sign. Mr. Beach remembers the case and there is probably a sign exhibit in the file that he can pull out and enter into the record or they can continue this case.

Ms. Turnbo asked Staff to supply information from the previous case to the Board members.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to permit hotel use within an IL zoned district (Tract A) finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19;** a Variance of Section 1221 to permit business signage on a non-arterial street (Tract A) subject to it being the same relief that was granted on the adjacent lot to the west and subject to it not exceeding what is permitted on an arterial street. **SECTION 1221. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING,** Variance of lot frontage requirements to permit a lot split (Tract B). **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** finding that it meets the requirements of Section 1607.C., subject to a tie agreement tying together Tracts B and C and subject to the applicant providing proof of a perpetual access across the 10' separating the two tracts, on the following described property:

Tract A: Part of the N/2 SE/4 NE/4 of Section 23, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beginning at a point 300' S and 300' W of the NE/c of said N/2 SE/4 NE/4 of Section 23, said point lying in the north right-of-way line of E. 33<sup>rd</sup> St. S.; thence S 89°58'30" W along the right-of-way a distance of 232.50'; thence N 00°33'21" E a distance of 240.49'; thence S 89°58'30" E a distance of 50'; thence S 00°01'30" W a distance of 15'; thence S 89°58'30" E a distance of 180.01'; thence S 00°01'30" E a distance of 225.28' to the point of beginning, containing 52,888 SF or 1.21414 acres, more or less AND Tract B: Part of the N/2 SE/4 NE/4 of Section 23, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: beginning at a point 10' S and 300' W of the NE/c of said N/2 SE/4 NE/4 of Section 23; thence S 00°01'30" W a distance of 65'; thence N 89°58'30" W a distance of 180.01'; thence N 00°01'30" W a distance of 65'; thence S 89°58'30" E a distance of 180.01' to the point of beginning, containing 11,701 SF or 0.26862 acres, more or less.

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**Case No. 18236**

**Action Requested:**

Variance of lot width in an AG district to permit an existing nonconforming lot.  
**SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6**, located 920 N. 145<sup>th</sup> E. Ave.

**Presentation:**

The applicant, **William C. Richards**, 401 S. Boston, Suite 2424, submitted a site plan (Exhibit M-1) and stated that he represents Don and Madeline Derick and James and Betty Jo Looney. Mr. Richards stated the hardship to be the fact that north property line goes through the master bedroom by 2'. In 1994 the problem was discovered and the two owners decided to switch properties. There is 16' of property on the southern AG tract with 16' of frontage on 145<sup>th</sup> E. Ave. and was deeded to the Looneys in exchange for a property in the rear of the then Looney tract. The lot split was illegal and they have approval for part of the tract but not for this tract because it is a nonconforming AG zoned tract.

**Comments and Questions:**

Mr. Dunham stated asked about Staff's comments. Mr. Beach stated that the survey in the packet is what was submitted with the application and it shows a tract that is wide enough to meet the requirement. The legal description that was submitted is what is shown on the case map and it is not the same as on the survey.

Mr. Richards pointed out that the small dotted line below the numbers 778.76' on the survey is what they would like to combine it with the 4 acre tract next to it on the south. It is a nonconforming use because it only has 99' of frontage.

Mr. Beach stated that what is identified on the survey as Tract C is a sliver that is 16' wide at one end and the applicant wants to take it from Tract A and move it to the tract to the south which is identified on the case map as the subject tract.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE**, Variance of lot width in an AG district to permit an existing nonconforming lot. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6** finding the hardship to be the fact that this approval improves the nonconforming condition; per plan submitted, on the following described property:

A tract of land in the N/2 of the SE/4 of Section 33, T-20-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows, to wit: Commencing at the NE/c of said N/2 SE/4; thence S 0°15'00" E along the east line of said N/2 SE/4, a distance of 282' to the point of beginning; thence continuing S 0°15'00" E along the east line of

Case No. 18236 (continued)

said N/2 SE/4, a distance of 124.18'; thence S 89°40'15" W a distance of 689.65'; thence S 0°13'07" E a distance of 255.36' to a point on the south line of the N/2 of said N/2 SE/4; thence S 89°38'21" W along said south line of the N/2 N/2 SE/4, a distance of 339.24'; thence N 0°11'15" W a distance of 362.89'; thence N 88°44'00" E a distance of 1028.79' to the point of beginning AND a tract of land in the N/2 of the SE/4 of Section 33, T-20-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows: Commencing at the NE/c of said N/2 of the SE/4; thence S 0°15'00" E along the east line of said N/2 of the SE/4, a distance of 282' to the point of beginning; thence continuing S 0°15'00" E along the east line of said N/2 of the SE/4, a distance of 16.15'; thence S 89°37'58" W a distance of 778.63'; thence N 0°11'15" W a distance of 3.93'; thence N 88°44'00" E a distance of 778.76' to the point of beginning, containing 0.18 acres, more or less

**Case No. 18237**

**Action Requested:**

Variance of the number of off-street parking spaces required to permit tandem parking. **SECTION 1208.D. USE UNIT 8. MULTIFAMILY DWELLING AND SIMILAR USES, Off-Street Parking and Loading Requirements – Use Unit 8,** SW/c E. 73<sup>rd</sup> St. & Sheridan.

**Comments and Questions:**

Mr. Beach stated to the Board that this application was incorrectly advertised and has been continued to the meeting of November 24, 1998.

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**Case No. 18242**

**Action Requested:**

Special Exception to amend a previously approved site plan. **SECTION 1204.C.3.b.2. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions,** located 8835 S. Memorial.

**Presentation:**

The applicant, **Everett Strong**, 7771 S. Memorial submitted a site plan (Exhibit N-1) and stated that the station address is 8835 S. Memorial.

Case No. 18242 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to amend a previously approved site plan. **SECTION 1204.C.3.b.2. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions**, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, per plan submitted, on the following described property:

Lot 1, Block 1, Carman Ministries, Inc. Headquarters, a subdivision in the W/2 of the SW/4 of Section 13, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 2:45 p.m.

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

*November 24, 1998*  
\_\_\_\_\_  
Chair