

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 763
Tuesday, December 8, 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, Vice Chair Turnbo, Secretary Perkins	White, Chair	Arnold Beach Stump	Ballentine, Code Enforcement Parnell, Code Enforcement Romig, Legal Department

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, December 3 1998, at 1:29 p.m., as well as in the Reception Area of the INCOG offices.

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

UNFINISHED BUSINESS

Case No. 18243

Action Requested:

Variance of parking requirement for a dance studio of 1 per 150 SF to 1 per 400 SF.
SECTION 1211. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES – Use Unit 11, located 5567 E. 41st St. S.

Comments & Questions:

The applicant was not present for the hearing and Mr. Beach mentioned to the Board that this case has been continued several times because the applicant has not shown.

Ms. Perkins suggested striking the item or denying the application without prejudice.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **DENY** without prejudice.

Case No. 18250

Action Requested:

Special Exception to allow meeting parking requirements for day care on a lot other than where the principle use is located. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**, located 17th St. & Boulder.

Presentation:

The applicant, **Leslie Peterson**, 10205 S. 76th E. Ave., submitted a site plan (Exhibit A-1) and stated that she is trying to get a Certificate of Occupancy for the bottom half of her building located at 17th & Boulder. Ms. Peterson stated that they are leasing parking spaces on a lot adjacent to the building. There are five parking spaces on their property and they are leasing 20 from the lot across the street.

Comments and Questions:

Ms. Turnbo asked the applicant how long their lease is for and Ms. Peterson answered that she has had the lease for six years and it is open ended. The owners have that lot and several others in the area and they have nothing in writing (such as a contract). Ms. Peterson submitted a letter (Exhibit A-2) from the owner of the parking lot stating that they do lease parking from them.

Ms. Turnbo asked the applicant if she is comfortable with the stipulation that her approval is conditioned upon her always having the parking lease and Ms. Peterson agreed to that condition.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-1 (Dunham, Turnbo, Perkins "aye"; no "nays", Cooper "abstentions"; White "absent") to **APPROVE** Special Exception to allow meeting parking requirements for day care on a lot other than where the principle use is located. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** subject to the lease of the twenty parking spaces stay in effect, 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, on the following described property:

Lot 7-9, Block 2, Harbour Addition and Lot 3, Block 2, Harbour Addition,
City of Tulsa, Tulsa County, State of Oklahoma.

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NEW APPLICATIONS

Case No. 18253

Action Requested:

Variance to allow a carport in the front yard. **SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, located 5355 E. 27th Place.

Presentation:

The applicant, **Jack T. Swafford**, 5355 E. 27th Place, submitted a site plan (Exhibit B-1) stated that he bought the property in April. The driveway is 62' long and 21' wide and Mr. Swafford has constructed a carport on it. The carport does not protrude in front of the house, it is even with it. Mr. Swafford submitted photos (Exhibit B-2) and a list of other carports in the area (Exhibit B-3).

Interested Parties:

James Hayden, 5339 E. 27th Place, stated that he has no objection to the carport and it is not noticeable from the street.

George Harris, 5349 E. 27th Place, stated that he lives next door to the west of Mr. Swafford and he has no objection to the carport.

Comments & Questions:

Ms. Turnbo stated that she has been on the Board for several years and it has only come up this year about how the carports are being defined as "attached" or "detached".

Mr. Dunham stated that the way the interpretation of Section 402.B.1.a. of the Zoning Code, is right now, there will never be any carports approved in the City of Tulsa.

Mr. Romig stated that the Ordinance has not changed it is a decision of the Building Inspections Officer.

There was a general discussion about the interpretation of Section 402.B.1.a. of the Zoning Code.

Mr. Beach stated that the Zoning Officer decided that this particular carport is a detached structure and Mr. Beach agreed with him because it is indicated on the plan as having four support posts. It is a free standing structure and it is not structurally integral to the house and the Code describes an attached accessory building as being structurally integral. Mr. Beach thinks that if the carport had two support posts and the unsupported side was bolted to the house, it could be considered structurally a part of. With four support posts, it is free standing and the Zoning Officers determined that it is detached.

Case No. 18253 (continued)

From a practical standpoint, Mr. Dunham believes that with four posts the carport is more structurally secure.

There was more discussion about the definition of "attached" and "detached". Mr. Cooper suggested discussing this general topic at another time.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays"; Cooper "abstentions"; White "absent") to **APPROVE** Variance to allow a carport in the front yard. **SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** finding that it meets 1607.C. on the following described property:

Lot 27, Block 11, Lortondale Second, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18254

Action Requested:

Variance of setback from the centerline of Pine Street from 100' to 42' to construct an addition to a nonconforming building. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 5**, located SW/c E. Pine & Owasso Ave.

Presentation:

The applicant, **Gary E. Feters**, 4520 S. Harvard, submitted a site plan (Exhibit C-1) and stated that he is the architect for the Hutcherson YMCA. The YMCA is the owner of the property. The request is for the addition to the Adult Day Care Center. The center currently is a daytime activity center for senior citizens that houses approximately 40 people. The center has been outgrown and needs to be expanded to house around 75 to 80 people. The request for the variance is because the existing building sets 40' back from the centerline of Pine. The YMCA, which is on the opposite side of the street, also sets approximately 40' from the centerline of Pine. With the current requirement of a 100' setback they would have to construct a separate building that would extend into the parking lot located south of the existing building.

Case No. 18254 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Variance of setback from the centerline of Pine Street from 100' to 42' to construct an addition to a nonconforming building. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 5**, finding the hardship to be the fact that it is setback further than the existing building and that buildings in the area are close to the street, per plan submitted, on the following described property:

Lots 1-3 and 22-24, Block 1, Sunnybrook Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18255

Action Requested:

Special Exception to permit a single-wide mobile home in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9**; a Special Exception to extend the one year time limit to permanent use. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; Variance of number of dwelling units per lot of record to permit two dwelling units on a 2.5 acre tract. **SECTION 205. NUMBER OF DWELLING UNITS ON A LOT**; and a Variance of required 30' frontage to 20' to permit an existing lot. **SECTION 206. STREET FRONTAGE REQUIRED**, located 2401 N. Birmingham Ave.

Presentation:

The applicant, **Gretchen Gibbons**, 5311 E. Marshall Court, Tulsa, OK 74115, submitted a site plan (Exhibit D-2); submitted photos of the existing house on the property (Exhibit D-2) and stated that they would like a mobile home on the lot so they can tear down the house. Ms. Gibbons stated that the property consists of 2.5 acres.

Comments and Questions:

Mr. Dunham asked if there will be anyone living in the existing home when the mobile home is moved onto the property and the applicant replied that only if the house is repaired will someone move into it.

Ms. Turnbo asked if the house is not repaired will it be remodeled or repaired? Ms. Gibbons answered that the house will probably be torn down. Ms. Gibbons stated that the house does not appear to be stable but she does not know what the foundation looks like. Ms. Gibbons knows of several mobile homes in the immediate area.

Interested Parties:

Betty Butler, 2332 N. Atlanta Court, stated that the address is at the end of the block and the sewer lines come up to the end of the street. The street is very narrow and there are only two other mobile homes on the street. Ms. Butler objected to the application.

Applicant's Rebuttal:

Ms. Gibbons stated that the sewer lines end 15 feet away from their property and they are planning to connect to it. The perk test on the property failed.

Comments and Questions:

Mr. Dunham stated that Staff is concerned about the two dwelling units on one lot of record. Mr. Dunham asked if the applicant is going to tear down the house, does she still want the variance for the two dwelling units? Ms. Gibbons answered if the house is not repairable then they will tear it down and get a permit to rebuild. They would still want two dwelling units on the property.

Mr. Cooper asked the applicant her intent on rebuilding the home and keeping the mobile home. Ms. Gibbons replied that they would fix it for a rent house.

Mr. Richard Wheeling, stated that he and Ms. Gibbons are engaged to be married and they are discussing moving his father into the house after they rebuild it.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Special Exception to permit a single-wide mobile home in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9**; a Special Exception to extend the one year time limit to permanent use. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; finding that the special exceptions will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and a Variance of required 30' frontage to 20' to permit an existing lot finding that it meets the requirements of Section 1607.C. **SECTION 206. STREET FRONTAGE REQUIRED**

AND

DENY Variance of number of dwelling units per lot of record to permit two dwelling units on a 2.5 acre tract. **SECTION 205. NUMBER OF DWELLING UNITS ON A LOT**; the existing house must be torn down within 6 months, on the following described property:

Case No. 18255 (continued)

Part of the N/2 of the NW/4 of Section 29, T-20-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning 1,275' E of the SW/c of the N/2 of the NW/4 at center of Birmingham Avenue; thence N 522' to the S line of A.T.&S.F. Railway, thence NE and parallel to Railway 240'; thence S 690.5'; thence W 180' to the point of beginning, Tulsa County, Oklahoma

Case No. 18256

Action Requested:

Special Exception to permit a truck stop in a CG zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS, Use Unit 23**, located Admiral Place at N. 129th E. Ave.

Presentation:

The applicant, **Ted Sack**, Sack & Associates, Engineering, Surveying & Planning, 111 S. Elgin, Tulsa, OK, submitted a site plan (Exhibit E-1) and stated that he is requesting a special exception to allow a truck stop in a CG zoned district.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Perkins "absent") to **APPROVE** Special Exception to permit a truck stop in a CG zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS, Use Unit 23**, per plan submitted, 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 on the following described property:

A TRACT OF LAND LYING IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 20 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, AND IN A PORTION OF GOVERNMENT LOT 4, SECTION 4, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, ALL BEING IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE N 89°39'41" E AND ALONG THE SOUTHERLY LINE OF SAID SECTION 33, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE DUE NORTH, PARALLEL WITH THE WESTERLY LINE OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION 33, A DISTANCE OF 519.87 FEET; THENCE DUE EAST, PERPENDICULAR TO THE WESTERLY LINE OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION 33 AND CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 244, A DISTANCE OF 60.00 FEET; THENCE DUE NORTH, PARALLEL WITH THE WESTERLY LINE OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION 33 AND CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 244, A DISTANCE OF 351.83 FEET; THENCE CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 244 ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 01°53'12" AND A RADIUS OF 3134.05 FEET FOR A DISTANCE OF 103.20 FEET; THENCE S 54°23'28" E, CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 244, A DISTANCE OF 923.66 FEET; THENCE S 52°50'15" E, CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 244, A DISTANCE OF 368.64 FEET; THENCE S 52°15'48" E, CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 244, A

Case No. 18256 (continued)

DISTANCE OF 73.75 FEET TO A POINT ON THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION 33, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF GOVERNMENT LOT 4 OF SAID SECTION 4; THENCE S 89°39'41" W ALONG THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION 33 AND ALONG THE NORTHERLY LINE OF GOVERNMENT LOT 4 OF SAID SECTION 4, A DISTANCE OF 625.54 FEET TO A POINT, SAID POINT BEING 672.41 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 33 (THE SAME BEING THE NORTHWEST CORNER OF SAID SECTION 4); THENCE S 0°39'59" E, PARALLEL WITH THE WESTERLY LINE OF GOVERNMENT LOT 4 OF SAID SECTION 4, A DISTANCE OF 200.00 FEET; THENCE S 89°39'41" W, PARALLEL WITH THE NORTHERLY LINE OF GOVERNMENT LOT 4 OF SAID SECTION 4, A DISTANCE OF 100.00 FEET; THENCE S 0°39'59" E, PARALLEL WITH THE WESTERLY LINE OF GOVERNMENT LOT 4 OF SAID SECTION 4, A DISTANCE OF 410.97 FEET TO A POINT; THENCE S 89°42'43" W, PARALLEL WITH THE SOUTHERLY LINE OF GOVERNMENT LOT 4, OF SAID SECTION 4, A DISTANCE OF 522.41 FEET TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND; THENCE N 0°39'59" W, PARALLEL WITH THE WESTERLY LINE OF GOVERNMENT LOT 4, OF SAID SECTION 4, A DISTANCE OF 610.51 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

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Case No. 18257

Action Requested:

Variance to permit reconstruction of a detached garage located closer than 3' from the property line. **SECTION 402.B.1.c. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6**, located 220 E. 19th St.

Presentation:

The applicant, **Pam Echart**, 220 E. 19th Street, submitted a site plan (Exhibit F-1); photos (Exhibit F-2) and stated that they are asking for a variance to rebuild their existing garage. Their home was constructed in 1915 and the garage is a wooden structure which is starting to fall down. They are not going to change the structure at all just rebuild it because it does not have enough structural properties to renovate.

Interested Parties:

None.

Comments and Questions:

Mr. Cooper asked the applicant if the garage was going to be one story or two? Ms. Echart stated that it will be one story.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Variance to permit reconstruction of a detached garage located closer than 3' from the property line. **SECTION 402.B.1.c. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6**, finding that it meets the requirements of Section 1607.C. on the following described property:

Lot 52, Block 7, South Side Addition, City of Tulsa, Tulsa County, Oklahoma.

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Case No. 18259

Action Requested:

Special Exception to allow a children's nursery in an AG district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5**, located 4045 N. Cincinnati Ave.

Presentation:

The applicant, **Doris R. Cato**, 3220 N. Hartford, submitted a site plan (Exhibit G-1) and stated that the address in question is St. Aides Episcopal Church located at 4045 N. Cincinnati Avenue. Ms. Cato has discussed the nursery with the church in question and they are in support of the project. The Department of Human Services Licensing Agency has been to the property and has approved the facility. Ms. Cato applied for a Certificate of Occupancy and was told to install several safety features such as smoke alarms, etc. They have submitted drawings and the layout of the eight parking spaces. All requirements have been met and the only problem that they have now is that it is in an AG District.

Comments and Questions:

Ms. Turnbo asked the applicant what the hours of operation will be. Ms. Cato replied that they will be from 6:00 a.m. to 6:00 p.m., Monday through Friday.

Mr. Dunham asked Ms. Cato how many children will be in the facility and Ms. Cato answered that Day Care Licensing has been out and they have approved the facility for 60 kids. Ms. Perkins asked what the ages of the children are. Ms. Cato responded that they range in age from 6 weeks through 12 years.

Mr. Dunham stated that it appears that the applicant has addressed the parking problem in her other applications. Mr. Beach stated that he put the question in the Staff comments because it is always a concern when you have two uses occupying the same building. Each use has to meet its parking requirement. This facility would require 8 spaces and those eight can't displace any that are required for the church. Ms. Cato pointed out that through DHS you cannot have anything else going on at a site where there is a child care facility. They have discussed with the church that as long as they are there, the space used as a day care cannot have any other function.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Special Exception to allow a children's nursery in an AG district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5** with the hours being 6: a.m. to 6:00 p.m., Monday through Friday; accommodating 60 children from 6 weeks to 12 years of age and no activities shall be conducted in the same room as the day care facility during the time specified that the facility is being operated as a day care, finding that the special exception will be in harmony with the spirit and intent of the

Case No. 18259 (continued)

Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

A tract or parcel of land situated in the NE/4 of the SE/4 of Section 14, T-20-N, R-12-E of the IBM in Tulsa County, State of Oklahoma, according to the US Government survey thereof and more particularly described as follows: Beginning at a point 260' W of the NE/c of the SE/4 of Section 14, T-20-N, R-12-E; thence W 270' to a point; thence S 285' and parallel to the E line of said Section 14; thence E 90' and parallel to the Nly line of the SE/4 of said Section 14; thence S to the right-of-way line of N Cincinnati Ave; thence SEly along said right-of-way line to a point 260' W of E line of said Section 14; thence N and parallel to the E line of said Section 14 to the point of beginning

Case No. 18260

Action Requested:

Variance of setback from the street from 30' to 22.6' to permit remodeling an existing nonconforming structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS.** 3838 S. Victor Ave.

Presentation:

The applicant, **Michele Falkensten**, 3319 S. Yorktown, submitted a site plan (Exhibit H-1) and stated that she is the architect for the owners of the house. Ms. Falkensten stated that the building is setback 30' and the plat shows a 25' setback. The owner has four small children and would like the covered area to get the kids in and out of the cars in bad weather. They are proposing to extend the existing structure, approved in 1988, across the front and keep the same sight line. This will not obstruct any view of the street.

Interested Parties:

None.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Variance of setback from the street from 30' to 22'6" to permit remodeling an existing nonconforming structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS.** per plan submitted today, finding the hardship to be the configuration of the lot, on the following described property:

Case No. 18260 (continued)

Lot 13, Block 17, Highland Park Estates Amended, City of Tulsa, Tulsa County,
State of Oklahoma

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Case No. 18261

Action Requested:

Special Exception to allow Use Unit 15 in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS – Use Unit 15,** located S of Se/c E. 4th Pl. S. & Skelly Bypass

Comments and Questions:

Mr. Beach stated that in the Staff comments he makes mention of the fact that the lot has inadequate frontage for a CS lot. This lot is existing and is lawfully nonconforming. Mr. Beach asked the Board to ignore that comment.

Presentation:

The applicant, **Stanley Synar**, 1156 E. 61st Street, submitted a site plan (Exhibit I-1) and stated that he represents Tulsa Agriculture Center in their application to request a special exception to allow Use Unit 15 in a CS zoned district for incidental fabricating of plastic materials. The adjacent homeowners' association is in agreement with this project.

Comments and Questions:

Mr. Beach asked the applicant if this request is for all uses in Use Unit 15 or is there a specific use? Mr. Synar replied that the specific use would be for the business of JLL, Inc. and Airdex of Pryor. They have been in business there for eight years and they are looking to move closer to Tulsa to be near their largest customer, which is American Airlines. The company puts together the partition type walls and the flooring of airplanes. American Airlines is their largest customer but they have many other customers around the world. The materials are brought to the site and they put them together.

Mr. Dunham asked if there are other business in Use Unit 15 that may be objectionable? Mr. Stump answered yes and suggested limiting it to this specific use. Mr. Synar agreed to that condition.

Mr. Beach recommended that they leave off the word "incidental" because it implies that this use is subordinate to or accessory to another use and that is not what is intended here.

Mr. Stump stated that the Board needs to say what the principal activity is which is probably the sale of the aircraft partition and flooring with incidental fabrication because this is a CS district and assembly and fabrication as a principal use is not

allowed. The primary use is the sale of these partitions and flooring and it includes incidental fabrication. Mr. Synar agreed that this is reflective of the use.

Jim Laramore, 6106 S. Oswego, Tulsa, OK 74136, stated that he is the President and owner of JJL, Inc. and Airdex, Inc. Mr. Laramore's largest customer is American Airlines and he is wanting to move closer to them to help his business. Mr. Laramore is concerned about the meaning of the term "incidental". How do you define what is incidental and what is not incidental. Mr. Laramore asked the Board to exclude the term "incidental".

Mr. Stump stated that if Mr. Laramore's business was in an industrial district, then it would be fine but he is asking for this use in a shopping center/commercial district and fabrication and assembly of products is not allowed. Mr. Stump stated that the only way the Board is getting him to that use without rezoning is to say that the use is incidental to the primary use which is the sale of the product.

The Board suggested approval of the special exception with the word "incidental" and suggested that the applicant seek rezoning if he needed more relief.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Special Exception to allow Use Unit 15 in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS – Use Unit 15**, 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 limiting the approval to the sale of partition and flooring materials and the incidental fabricating of plastic materials, on the following described property:

The W 95' of the E/2 of Lot 10 and the W/2 of Lot 10 in Plainview Heights Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded plat thereof, less a tract of land described as follows: Beginning at the NW/c of said Lot 10, thence S on the W line of said Lot 10, a distance of 38.12' to a point, thence N 48°34'30" E a distance of 57.94' to a point on the N line of said Lot 10, thence W along said N line a distance of 43.99' to the point of beginning

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Case No. 18262

Action Requested:

Special Exception to allow Use Unit 17, Auto Sales, in a CS zoned district.
SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located SW/c S. Yale and Skelly Drive.

Presentation:

The applicant, **Robert J. Nichols**, 111 West 5th Street, Tulsa, submitted a site plan (Exhibit J-1) and stated that he is representing QuikMart Corporation, who owns the subject tract. Mr. Nichols mentioned that the subject has been targeted as a potential tract to be condemned within the next five or six years by the Department of Transportation which has complicated the marketing because there are not many potential buyers who would want at tract of land for a few years. There has now been some interest by a used car dealer to locate on this tract as a interim use until the condemnation occurs. The Burger King tract across the street has been condemned within the last six weeks.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Special Exception to allow Use Unit 17, Auto Sales, in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** 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 on the following described property:

Lot 1, Block 1, Interstate Central Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18263

Action Requested:

Variance to permit a sign to exceed the 20' allowed height to 50'; Variance of allowed display surface area from 150 SF to 672 SF; Variance to allow illumination to be other than by constant light to permit erecting a computerized changeable copy sign to announce events for the Performing Arts Center at Tulsa Community College to be located along US Highway 169. **SECTION 302.B.2.b. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT**, located SW/c of E. 81st St. & Highway 169.

Presentation:

The applicant **Charles G. Grooms**, 3800 First National Tower, submitted a sign plan (Exhibit K-1); a site plan (Exhibit K-2) and stated that he represents Tulsa Community College. The southeast campus is comprised of 3,000 linear feet along the expressway. The application is for the purpose of permitting Tulsa Community College to erect a sign that will be computerized and will tell passers by what coming attractions are at the Performance Arts Center. The sign is designed to be similar to the one at Oral Roberts University. The sign is shown being located 625' from the centerline of East 81st Street and 10' off of the right-of-way line of Highway 169. Mr. Grooms mentioned that Tulsa Community College has had many requests for information on the Performing Arts Center. The sign is designed to be visible from both traffic directions and will be 36' in length and 18' in depth. It will be computerized across the bottom stating what the coming attractions are. Mr. Grooms believes that the sign will be a good public service.

Comments and Questions:

Mr. Cooper asked Mr. Grooms how frequently the wording on the sign will change. Mr. Grooms responded that the copy will change about every three weeks. Mr. Cooper stated that he misstated his last question, he would like to know how often the wording on the sign will change. Mr. Grooms stated that it will not really move or scroll, it will not be flashing.

Mr. Beach asked Mr. Grooms if the sign will ever scroll and Mr. Grooms responded that it will not move. Mr. Grooms stated that if the sign ends up having some movement he will come back before the Board and seek additional relief.

Mr. Cooper asked Staff how much frontage would Tulsa Community College have to have to permit a sign that has 672 SF. Mr. Stump stated that they would need about 3,360 linear feet of frontage and they have very close to that.

Mr. Cooper stated that the sign that has been put up on I-44 and Yale Ave. is not good for anyone. The sign does everything, flashing, scrolling, etc. Mr. Cooper is worried about approving such a thing close to an expressway.

Interested Parties:

None.

Board Action:

On **MOTION** of **COOPER**, the Board voted 3-0-1 (Cooper, Dunham, Perkins, "aye"; no "nays", Turnbo "abstentions"; White "absent") to **APPROVE** Variance to permit a sign to exceed the 20' allowed height to 50'; Variance of allowed display surface area from 150 SF to 672 SF; Variance to allow illumination to be other than by constant light to permit erecting a computerized changeable copy sign to announce events for the Performing Arts Center at Tulsa Community College to be located along US Highway

Case No. 18263 (continued)

169. **SECTION 302.B.2.b. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT** provided that the sign does not flash, blink or scroll; finding that it meets the requirements of Section 1607.C., on the following described properties:

Tulsa Jr. College Southeast Campus, Lot 1, Block 1, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18264

Action Requested:

Special Exception to allow a tower setback 23% from a residential district, rather than 110%. **SECITON 1204.C.4.a. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES; Use Conditions;** Special Exception to allow a self-supporting tower in an IL zoned district. **SECTION 1204.C.3.b.2. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES; Use Conditions,** located N. 36th St. W. & S. Jackson Ave.

Presentation:

The applicant, **Cimarron Land Services**, was represented by Beverly Brown, P.O. Box 2284, Edmond, OK 73083, submitted a site plan (Exhibit L-4). Ms. Brown stated that they needed a tower in the industrial park. They chose to locate in the corner property across from the Sinclair refinery and there is a waste treatment facility across the street and there are also railroad tracks in the area. Their preference was to take about ten acres and build a guyed tower. Ms. Brown stated that this parcel of land is very undesirable because there are so many IL uses surrounding it and because there is no easy access to this property. Ms. Brown stated that they are aware of the adjoining neighborhood but they conducted a poll of the area and there are a number of houses in the area that are boarded up and shut down that they were not able to access. They did approach 23 families and obtained 21 signatures on behalf of the project. Ms. Brown asked for the Board's approval of the application. Ms. Brown submitted an exhibit packet to the Board (Exhibit L-1).

Interested Parties:

Steve Curtis, stated that he does not live in Tulsa but he grew up in this neighborhood. Mr. Curtis owns seven homes in the area and he submitted photos of the homes (Exhibit L-2) All of his homes would be affected by the tower. Mr. Curtis stated that none of his renters were approached with the petition. He has never heard anyone describe the purpose of the tower. There are three towers of approximately the same height several blocks away. Mr. Curtis stated that the notice address is wrong —it is South 36th Street and not North 36th Street.

Mr. Dunham asked if the notices were properly sent and Mr. Stump answered yes. Mr. Stump stated that the maps and the legal description were correct.

The two homes that the applicant's exhibit shows as being boarded up have been boarded up for some time.

Mr. Cooper asked Mr. Curtis if he mentioned that his renters were not contacted. Mr. Curtis answered that the statement is correct. Mr. Curtis stated that the owner of the subject property has done nothing with this property for over 15 years. There are many rats in the neighborhood and Mr. Curtis believes that they come from this subject property.

Mr. Beach stated that the notice is questionable about whether or not it is properly before the Board. The way that the address is stated it leads you to believe that it is on North 36th Street. Technically, the notice is flawed and should be continued to allow for new notice. Mr. Beach stated that if the Board is inclined to deny the application then there is no need for new notice. Mr. Dunham stated that he wanted to continue with the hearing.

Mark Mayer, Route 1, Box 221, Turlton, stated that he is the co-owner of the rent houses with Mr. Curtis. Mr. Mayer is concerned about the safety of the tower.

Dan Snow, 3620 S. Lawton, submitted photos (Exhibit L-3) and mentioned his concern about the tower being placed in a residential area. Mr. Snow is worried about straight winds or tornadoes blowing down the tower.

Applicant's Rebuttal:

David Buskirk, Cimarron Land Services, P.O. Box 2284, Edmond, OK, stated that he is before the Board on behalf of the company that is proposing the placement of the tower in this area. Mr. Buskirk stated that their hardship is that they need to be in this specific area. They chose this location because it would be less sensitive than further to the west. Cimarron Land believed that they should back up as close to the industrial area as they could. Tiger Eye Broadcasting is anticipating broadcasting at a level of one kilowatt, which is actually 1,000 watts of power and he believes that is what the City transmits. It is not a very high power output level. The tower itself will be constructed to standards far and above what the City would require. If there is a tornado or high winds, the surrounding homeowners will be more concerned about their structures than the tower. The tower will remain unless it takes a direct hit from a tornado and there are not many structures that could handle it. Mr. Buskirk stated that they have made a diligent attempt to contact everyone in the area prior to coming before the Board. Mr. Buskirk does not believe that the tower will be injurious to the neighborhood. They have conducted several studies in the Edmond area where towers are located and have found that the tower has no affect on property values.

Case No. 18264 (continued)

Comments and Questions:

Mr. Dunham stated that the Staff comments are appropriate in that the area is in transition area but as long as there are residents there, he is of the opinion that they need to be protected.

Ms. Perkins stated that the residents owned the houses before the tower went in, the people who buy the houses after the tower know that the tower is there.

Ms. Turnbo stated that her concern is with the height of the tower.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **DENY** Special Exception to allow a tower setback 23% from a residential district, rather than 110%. **SECITON 1204.C.4.a. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES; Use Conditions**; Special Exception to allow a self-supporting tower in an IL zoned district. **SECTION 1204.C.3.b.2. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES; Use Conditions** on the following described property:

Lot 1 and Lot A, Block 6, Amended Plat of Blocks 5, 6, 7 and 8, Garden City Addition, City of Tulsa, Tulsa County, Oklahoma.

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Case No. 18265

Action Requested:

Variance of height requirement in RS-1 district from 35' to 40' and a Variance of setback for a garage from 20' to 15'. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS – Use Unit 6**, located 6747 S. Timberlane.

Presentation:

The applicant, **Stan Johnson**, was represented by **Ron Kitchen** 1401½ S. Cheyenne, submitted a site plan (Exhibit M-1) and stated that he is the architect for Mr. Johnson and they are asking for a variance for a very unique site and the property has a unique topography. Mr. Kitchen pointed out that the site plan shows an ancillary detached garage. The topography lines show a general grade falling from the corner of Timberlane and 67th Place back to the cul-de-sac in excess of 15'. Mr. Kitchen said that are working very hard to maintain the motor court. Part of the design calls for screening of the garage doors from the adjacent neighbors.

Case No. 18265 (continued)

Questions and Comments:

Mr. Stump asked Mr. Johnson if the owners will access the garage from the motor court. Mr. Johnson replied affirmatively and Mr. Stump mentioned that there is only a 15' requirement there and since the owners will not access the garage from 67th Place, they can use the 15' requirement. The Variance for a setback from 20' to 15' for a garage is no longer needed.

Mr. Dunham asked for clarification about the entrance to garage and motorcourt. Mr. Johnson stated that access to the motorcourt is derived from 67th Place.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Variance of height requirement in RS-1 district from 35' to 40' **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS – Use Unit 6**, finding that it meets the requirements of Section 1607.C.; and it was found that a Variance of setback for a garage from 20' to 15' was not needed because the garage is accessed from a motorcourt instead of from the street, on the following described property:

Lot 5, Mary Jo Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18266

Action Requested:

Special Exception to allow a greenhouse in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15**, located 9025 S. Lewis Ave.

Presentation:

A site plan was submitted (Exhibit N-1).

Interested Parties:

None.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Special Exception to allow a greenhouse in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15**, 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 on the following described property:

Case No. 18266 (continued)

Lot 1, Block 1, BrenMar Estates, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 3:05 p.m.

Date approved: JANUARY 12, 1999

Chair