

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 769
Tuesday, March 23, 1999, 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	Parnell, Neighborhood Insp. Prather, Legal Department

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, March 19, 1999, at 8:59 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.

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UNFINISHED BUSINESS

Case No. 18323

Action Requested:

An appeal of the decision of Code Enforcement officer and request for a Special Exception to permit transmission and automotive repair in a CS District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17,** located 215 S. Lewis Ave.

Presentation:

The applicant, **John W. Moody**, submitted a site plan (Exhibit A-1); a support petition (Exhibit A-2) and mentioned to the Board that he wishes to withdraw the appeal. . The Code Enforcement officer's decision was an appropriate. Mr. Moody is proceeding with the Special Exception portion of the request to permit an automotive transmission repair shop located in the building between 2nd and 3rd Street on South Lewis Avenue. Mr. Moody reminded the Board that this application was continued from the March 9, 1999 meeting to allow the applicants to meet with the Kendall-Whittier Task Force and the City of Tulsa Urban Development Department to see if there are some things that they could do that would be mutually beneficial. Mr. Moody stated that they had some very productive meetings and have come up with some recommendations which his

client has agreed to. Mr. Moody stated that this is an old area that is going through a rebuilding phase which includes business in the area. Mr. Springer (the owner of the property) purchased the building from Otasco many years ago. Even though it appears that Otasco worked on automobiles it wasn't a heavy enough use to be called a nonconforming use. Mr. Springer has invested in the property and less than two years ago he leased a portion of the property to a young man to start a transmission shop. The young man is a hard worker and has built up a very successful business. He now has seven employees in addition to he and his wife and he has had no complaints with the Better Business Bureau. This is the type of business that they are trying to attract to this area. The young man's business was growing and he was running out of space to store the cars while waiting for parts to come in. Since the visit by the inspector he has cleaned up the facility and he has removed any vehicles for which he cannot receive parts within a few days. Mr. Moody stated that one of the conditions that they would attach to the request for the special exception would be that they will agree not to park inoperable vehicles (more than two nights) which cannot be repaired because of unavailability of parts. Mr. Moody mentioned that there is a dumpster on the lot that is not screened. There is an area on the north side of the building which he has agreed to place a screening fence. He will relocate the dumpster to that area. He has met with Greg Warren with the City and they agree to do some landscaping and they are in the process of developing a landscape plan.

Interested Parties:

Chris Smith, stated that he the executive director of the Kendall-Whittier Ministry and he is in support of the application.

Comments and Questions:

Ms. Parnell, Neighborhood Inspections, mentioned that she has spoken with Tony, the man who runs the transmission shop and he has been very helpful. Ms. Parnell stated that Mr. Springer has also been very helpful and Neighborhood Inspections recommends approval of the application.

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 **WITHDRAW** An appeal of the decision of Code Enforcement officer and **APPROVE** a Special Exception to permit transmission and automotive repair in a CS District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 17, subject to no inoperable vehicles being stored for over two days; subject to the cardboard recycle bin being moved to a different location; there will be landscaping installed; the fence will be installed, per plan; on the following described property:

Lots 1-8, Block 1, Memorial Industrial Park, corrected plat, City of Tulsa, Tulsa County, State of Oklahoma.

*See
corrected/
approved/
Board Action
at end
of this set
of minutes.
P. Butler
May 2001*

Case No. 18323 (continued)

landscaping installed; the fence will be installed, per plan; on the following described property:

Lots 1-8, Block 1, Memorial Industrial Park, corrected plat, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18324

Action Requested:

Special Exception to permit a manufactured home in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception to waive the one year time limit to permit a manufactured home on a permanent basis. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located 3018 N. Garrison Place.

Comments and Questions:

Mr. Beach reminded the Board that this case was continued from the last meeting because of an incorrect notice. The notice problem has been resolved and the application is properly before the Board today.

Presentation:

The applicant, **Carla Joanne Hannah**, 5814 E. 71st Place, Apt. 1310, submitted a site plan (Exhibit B-1) and stated that she would like to put a manufactured home on her lot at North Garrison Place. The manufactured home will be 58' x 28' in size. She would also like to waive the one year time limit.

Comments and Questions:

Mr. White asked the applicant if the manufactured home will be placed on a permanent foundation and she replied affirmatively. Ms Hannah submitted photos of the proposed manufactured home (Exhibit B-2).

Interested Parties:

Algerita Brooks, stated that she represents Planning District 25. Ms. Brooks stated that their opposition is the same as it was when the application was before the Board several weeks ago. They do not think that a manufactured home is in keeping with what they want to see done in the area. Ms. Brooks asked the Board to deny the application.

Councilor Roscoe Turner, District 3, stated that he and Councilor Joe Williams, District 1, are against allowing any type of mobile home in this area. The neighborhoods in these two Districts are in a fragile state and they are trying to revitalize. Councilor requested that the Board deny the application.

Lydia White, 3235 N. Garrison, stated that she is against the placement of mobile homes in her neighborhood. She also feels that this is a form of low income housing and believes that mobile homes will bring property values down.

Applicant's Rebuttal:

Mr. Lawrence Hannah stated that in this neighborhood the proposed manufactured home will be a great improvement over some of the existing homes. Mr. Hannah asked the Board to approve the application.

Comments and Questions:

Ms. Turnbo toured the area and does not recall seeing any other mobile homes in the area. She also feels that the neighborhood is struggling to come back and has a good chance to do that. Ms. Turnbo is not in favor of putting a manufactured home in this neighborhood. Ms. Perkins agreed with Ms. Turnbo.

Mr. White stated that this is a delicate area and the street to the north is sort of a dividing line. The argument could be made that a manufactured home would improve that one block but he is afraid that overall it would cause a decline in property values.

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 **DENY** Special Exception to permit a manufactured home in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception to waive the one year time limit to permit a manufactured home on a permanent basis. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, on the following described property:

Lot 17, Block 2, Standard Heights Amended, City of Tulsa, Tulsa County,
State of Oklahoma.

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Case No. 18334

Action Requested:

Variance of the maximum display area for a wall sign from 426 SF to 493 SF. **SECTION 1221.D.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING – Use Unit 11** and a Variance of the maximum display area for a wall sign from 136 SF to 180 SF. **SECTION 1221.D.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING – Use Unit 11**, located SW/c of 71st St. & Lewis.

Comments and Questions:

Mr. Beach stated this case was before the Board at the last meeting and it was improperly advertised and it was continued to today.

Presentation:

The applicant, **Brian Ward**, 9520 E. 55th Place, submitted a site plan (Exhibit C-3), a sign plan (Exhibit C-1) and stated that the application is to allow a wall sign on the north elevation and one on the east elevation that exceed the allowable square footage. Mr. Ward submitted some photos and drawings of the proposed sign (Exhibit C-2). United Video Corporation bought TV Guide and in doing that all the signage needs to be changed. The TV Guide logo is something that has been in use for many years and the logo itself is not to be varied as far as the overall shape. On the north elevation of the office tower, they have placed signage up there for Unit Corporation, Callidus Technologies and United Video.

Interested Parties:

Jim Dougherty, Metropolitan Tulsa Chamber of Commerce, 616 S. Boston, stated that they have worked with United Video in their efforts to bring substantial operation to Tulsa from TV Guide. They have been good corporate citizens. Mr. Dougherty mentioned to the Board that United Video will be removing their portion of the sign to make this a very minor variance. If they left the United Video sign up and added the TV Guide sign it would be a more substantial variance. Mr. Dougherty asked the Board to approve this application.

Comments and Questions:

Mr. Cooper asked Staff how much remaining signage would the site have available to it elsewhere on the site? Mr. Stump replied that the variance is for the two sides (east and north). There are other signs permitted within the PUD. Mr. Dougherty mentioned to the Board that within the PUD the signage is all used up. They are considering revisiting the sign plan for the PUD and revising it.

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 maximum display area for a wall sign from 426 SF to 493 SF. **SECTION 1221.D.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING – Use Unit 11** and a **Variance** of the maximum display area for a wall sign from 136 SF to 180 SF. **SECTION 1221.D.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING – Use Unit 11**, finding that the Variances meet the requirements of Section 1607.C., per plan submitted, on the following described property:

Block 6, Kensington, City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 18338

Action Requested:

Sign Variance of the maximum height of 50' up to 65'. **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 23**, located 121 N. 129th E. Ave.

Presentation:

The applicant, **James Parker**, was represented by Marty Phipps, who submitted a site plan (Exhibit D-1), a sign plan (Exhibit D-2) and stated that he is before the Board on behalf of Flying J, 9 West 4th Street, Freedom City, Utah. Mr. Phipps stated that he works for Flying J and is responsible for the signage for the company. Flying J builds travel plazas and they have several in Oklahoma at this time. Mr. Phipps mentioned that they are asking for a variance of 15' on the height of a sign due to visibility problems on the southeasterly direction of I-244. Mr. Phipps submitted photos of the proposed sign (Exhibit D-3). Flying J signs are typically 100' tall and in order to be more in compliance with the City of Tulsa's Zoning Code they are willing to bring the sign down to 65'. Mr. Phipps explained that being in the truck stop business they cater to the large trucks and they need to give the truckers plenty of time to make the exit safely. The 65' would put the sign just above the tree line.

Comments and Questions:

Mr. Stump asked the applicant if the location of the sign is the highest point on the tract and Mr. Phipps replied yes.

Ms. Perkins believes that the truckers need to be able to see the sign. 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 Sign Variance** of the maximum height of 50' up to 65'. **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 23**, per plan submitted, finding the hardship to be the height of the trees and the terrain on the subject tract, on the following described property:

A tract of land that is part of the SW/4 of Section 33, T-20-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows, to-wit: beginning at a point that is the SW/c of the SW/4 of said Section 33; thence due N along the Wly line of Section 33 for 422.64'; thence due E for 40.00'; thence due N for 97.52'; thence due E for 70.00'; thence due N for 351.83' to a point on the SWly right-of-way line of I-

Case No. 18338 (continued)

244; thence SEly along said right-of-way line on a curve to the right with a radius of 3134.05' and a chord bearing of S 55°20'04" E for 103.20'; thence S 54°23'28" E along said right-of-way line for 923.66'; thence S 52°50'15" E for 368.64'; thence S 52°15'48" E for 73.75' to a point on the Sly line of the SW/4 of said Section 33; thence S 89°39'41" W along said Sly line for 1297.95' to the point of beginning

Case No. 18340

Action Requested:

Special Exception to permit a 6' fence in the required front yard. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, located 2715 S. Peoria.

Presentation:

The applicant, **Ralph E. Smith**, 2929 E. 29th Street, submitted a site plan (Exhibit E-1) and stated that he represents the owner who would like to construct a 6' high ornamental iron fence. Mr. Smith submitted photos of other fences along Peoria (Exhibit E-2).

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 permit a 6' fence in the required front 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.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, per plan submitted, on the following described property:

A part of Lot 4, Sunnycrest Acreage, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Beginning at a point 50' E' and 25' N of the SW/c of Lot 4; thence E and parallel to the S line of said Lot 4 a distance of 155.37'; thence in a Nly direction a distance of 215.31' to a point, that is 240' N and 205.50' E of the SW/c of said Lot 4; thence W and parallel to the S line of said Lot 4 a distance of 155.50'; thence S and parallel to the W line of said Lot 4 a distance of 215'.

Case No. 18341

Action Requested:

Variance of the allowable coverage of the required rear yard with a detached accessory building. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards – Use Unit 6** and a Variance of the allowable size for accessory building from 750 SF to 1,020 SF. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions**, located SE/c E. 21st St. & S. Cincinnati.

Presentation:

The applicant, **Cynthia S. Steverson**, 204 E. 21st Street, submitted a site plan (Exhibit F-1) and stated that the house was constructed in 1921 with a detached garage in the back of the property. Ms. Steverson mentioned that they have had a new driveway and retaining wall put in two years ago and at that time they added a pad next to the garage to park her husband's step van. At this time, they would like to have covered parking over the step van. Ms. Steverson submitted photos of the property (Exhibit F-2). The covered parking will look more like the existing garage than a carport.

Comments and Questions:

Mr. White asked the applicant what the small outbuilding is and she replied that it is a child's playhouse.

There was some discussion about Mr. Steverson's step van being parked illegally in a residential area. Ms. Parnell stated that unless someone calls to complain, no action would be taken.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE Variance** of the allowable coverage of the required rear yard with a detached accessory building. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards – Use Unit 6** and a **Variance** of the allowable size for accessory building from 750 SF to 1,020 SF. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions**, finding that the Variances meet the requirements of Section 1607.C., per plan submitted, subject to no commercial activity and no storage of commercial vehicles, on the following described property:

W 65' of Lot 1, Block 6, Sunset Park Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18343

Action Requested:

Variance of required 150' frontage on an arterial street to 105' in a CS District. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** and a Variance of the setback from 50' to 30'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**, located E of NE/c E. Apache & N. Cincinnati.

Presentation:

The applicant, **Wilbert E. Collins, Sr.**, was represented by Stewart Goodman, 2605 N. Cincinnati, who submitted a site plan (Exhibit G-1) and stated that they would like to build a FastLube on the other side of their service station and car wash. Mr. Goodman mentioned to the Board that several years ago they received a variance for the same relief asked for today. They would like to keep the new building in line with the existing ones.

Comments and Questions:

Mr. Dunham asked the applicant why the building couldn't be moved back to where it would be allowed by right. Mr. Beach stated that there is a provision for the applicant to average his setback between the building to the west which is nonconforming and the required setback and the average between the two is 41.5'. So the applicant can do that by right. According to the site plan, there is nothing behind the proposed building that would prevent him from setting it back that distance. Mr. Goodman responded that the cars will enter from the back and exit onto Apache.

Interested Parties:

Mike Barnum, stated that he owns the business across the street from the proposed FastLube. Mr. Barnum is not opposed to what the applicant is proposing to do on the property.

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 required 150' frontage on an arterial street to 105' in a CS District. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** and a **Variance** of the setback from 50' to 30'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**, per plan submitted, finding the hardship to be the fact that the lot has already been platted and that there are other instances of buildings at this setback, on the following described property:

Lot 16, less the W 15' and all of Lot 17, Block 4, Devonshire Place, 4th, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18344

Action Requested:

Variance of the required parking from 28 spaces to 12 spaces. **SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements – Use Unit 14** and a Variance of the landscaping requirements which are included in Section 1002. **SECTION 1002.A.-F. LANDSCAPE REQUIREMENTS**, located 5827 S. Owasso.

Presentation:

The applicant, **Thomas W. Williamson**, submitted a site plan (Exhibit H-1) and photos (Exhibit H-2) and stated that he is the architect for Tulsa Lighting and Decorating Center. He is requesting a variance on the landscaping and the parking requirement in a CS District.

Comments and Questions:

Ms. Turnbo asked the applicant why they are asking to have 16 less parking spaces. Mr. Williamson replied that due to the nature of the business, there is not a need for parking. A previous variance was granted in 1972 for 6 spaces on the existing building. They are proposing to double the size of the parking even though it will not be needed. Some of the parking spaces will also be handicap accessible.

Mr. Dunham stated that this appears to be a wholesale type of business. Mr. Dunham asked if the building that will be added will be a sales room or a warehouse? Mr. Jim Shardine (the business owner) replied that the new building will be warehousing. The business is a wholesale operation, they sell wholesale flooring.

Mr. Shardine mentioned to the Board that they have a variance on the parking on the original facility. Mr. Shardine has owned the building for over 25 years. Mr. Shardine stated that there is never more than 3 or 4 cars at one time at the most. His business consists of going out and contact architects, builders and owners of apartment complexes and take samples to them. There is virtually no drop-in business.

Mr. Cooper asked the applicant if he is asking the Board to limit the use of the building to a lighting wholesale business? Mr. Stump replied that warehousing and wholesaling is not allowed in this District.

Mr. Dunham asked Staff what the situation is since this business has been there for so long—is it a nonconforming use? Mr. Stump stated that he does not have any history on the use of the property. Since 1972, warehousing has not been allowed in the CS District nor allowed by exception in the CS District. Mr. Beach stated that the Board action in 1972 was very clear in stating that the variance was for an interior decorating business. Mr. Beach believes that in 1972 the business probably was an interior decorating business but since that time a little has been added here and there until it has become something entirely different.

Case No. 18344 (continued)

Mr. Dunham mentioned that he drove by the property and thinks that calling it an interior decorating business is not entirely wrong.

Mr. Stump stated that wholesaling and warehousing are both considered Use Unit 23 and are not allowed by right or exception in a CS district. Mr. Dunham stated that this property is zoned CS but he cannot imagine any retail business operating here because it does not front on any major street.

Ms. Turnbo suggested that the applicant should rezone the property. Mr. Beach reminded the Board that he is not asking for approval of the use but nevertheless he has described a use that is illegal in that zoning category. There is no action necessary related to the use.

Mr. Cooper stated that he is willing, for discussion purposes, to call this an interior decorating business but he is concerned about the Variance of the parking because they are justifying this because it is a low density use and the reason it is low density is because it is being utilized as warehousing.

Mr. White stated that in 1972 a 7 parking space variance was granted and now they are going to be doubling the floor area and going to 12 spaces and that is a less ratio than before.

Mr. Cooper asked the applicant to explain his hardship on the landscaping variance. Mr. Shardine stated that warehousing would be a misnomer. There is no place in the existing building for him to display carpet, light fixtures, etc. Mr. Cooper agreed with the applicant and said that you could go into Home Depot and call it a warehouse even though they are really just displaying their wares. Mr. Cooper said his concern is about the hardship justifying the variances.

Ms. Turnbo asked if the general public comes to his place of business and Mr. Shardine replied no, mostly decorators, builders.

Mr. White asked if the 28 space requirement was based on the new building and the existing building. Mr. Stump replied yes, at a ratio of 1 to 225.

Mr. Cooper asked the applicant to discuss any other hardship besides financial for the variances. Mr. Shardine replied that he is not opposed to the landscaping. This is a two block area and on both sides of the street there is not any landscaping.

Mr. Dunham does not believe that the applicant has a lot of need for the extra parking spaces. He also thinks that this business is an asset to the neighborhood.

Mr. White mentioned that this business is unique in that it is the only business that faces Owasso on that block. Everything else is the back end of the stores that face Peoria. There is no landscaping.

Ms. Turnbo stated that she has a hard time with the application because if the use is considered retail, they need more parking spaces and because it is a wholesale business it is illegal. Mr. Shardine explained to Ms. Turnbo that he does not sell at the retail level and it is not exactly a wholesale business. He purchases his products from the manufacture and sells it discount to builders.

Mr. Beach asked the Board if they are looking for a way to get around the wholesale issue and the Board responded affirmatively. Mr. Beach stated that it is pretty clear from the applicant's description of the use that there is a clear distinction of what he described and what you would typically think of as a wholesale warehouse that buys materials/products in quantity, stores them in a warehouse, trucks come and go and they move items out in bulk and ship them to retail outlets. That is probably what was Code anticipated when Use Unit 23 was created.

Ms. Turnbo is concerned about someone buying the property sometime in the future and using it for retail and there is only 12 parking spaces.

Mr. Stump suggested to the Board that if they are inclined to grant the parking variance, limiting it to interior decorating with retail sales and only that use being granted for the parking variance.

Mr. Cooper stated that the hardship is only economic and that is not a valid hardship.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-2-0 (Dunham, Perkins, White "aye"; Cooper, Turnbo "nays", no "abstentions"; no "absent") to **APPROVE** a **Variance** of the required parking from 28 spaces to 12 spaces. **SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements – Use Unit 14** and a **Variance** of the landscaping requirements which are included in Section 1002. **SECTION 1002.A.-F. LANDSCAPE REQUIREMENTS** finding that the Variances meet the requirements of Section 1607.C., subject to the business being limited to an interior decorating business with retail sales and any other use of the property would have to come before the Board, on the following described property:

Lots 18 and 19, Block 1, Broadview Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18345

Action Requested:

Variance to allow additional 6' wall on front of property fronting 18th St. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, located SE/c E. 18th St. & S. Peoria.

Presentation:

The applicant, **Robert Johnson**, was represented by Bill Holloway, 1855 E. 15th Street, who submitted a site plan (Exhibit I-1) and stated that they are building a PUD at the southeast corner of 18th and Peoria in the Swan Lake Historical District. Mr. Holloway stated that the request is to put an entrance gate has been approved by the Tulsa Preservation Committee and has a Certificate of Appropriateness. There is a 6' masonry wall running along Peoria north and south. They had proposed at an earlier time having a 4' wall along 18th Street but have now decided that it needs to be 2' taller to make it a 6' fence and add a wrought iron detail on top of the fence.

Interested Parties:

Paul Adkins, stated that he is the President of the Swan Lake Neighborhood Association. They are worried about the actual wording of the application stating that it will be a 6' masonry wall. It is actually going to be a 4' wall with 2' of wrought iron. They would like it to be stated in the Minutes how the wall will actually be constructed. Mr. Adkins stated that the neighborhood is against the entire project. They are concerned about this turning into a gated community which will hurt the Swan Lake neighborhood as a whole.

Applicant's Rebuttal:

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** a **Variance** to allow additional 6' wall on front of property fronting 18th St. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, finding that the Variance meets the requirements of Section 1607.C., per plan submitted, on the following described property:

Lot 1 through 4, Swan Lake Terrance, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18346

Action Requested:

Special Exception to allow outdoor plant sales from April 18, 1999 to June 13, 1999. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 2** and a Special Exception to allow alternative parking material (gravel). **SECTION 1202.C.1. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Use Conditions**, located SW/c 71st St. S. & 69th E. Ave.

Presentation:

The applicant, **Rachel Ward**, 312 E. Freeport, Broken Arrow, OK, submitted a site plan (Exhibit J-1).

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 outdoor plant sales from April 18, 1999 to June 13, 1999. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 2** and a **Special Exception** to allow alternative parking material (gravel) 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.. **SECTION 1202.C.1. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Use Conditions** per plan submitted, on the following described property:

Lot 1, Block 2, Kirkdale Commercial Center, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18347

Action Requested:

Special Exception to permit produce, plant sales and Christmas tree sales for three consecutive years. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 2**; a Variance of the required 85' setback from S. Delaware Ave. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** and a Special Exception of the all-weather surface to permit gravel parking. **SECTION 1202.C.1. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Use Conditions**, located 9220 S. Delaware Ave.

Presentation:

The applicant, **Mike McLearan**, stated that he owns M&M Produce, 8801 E. 191st St. S., Bixby, OK. and submitted a site plan (Exhibit K-1).

Case No. 18347 (continued)

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** a **Special Exception** to permit produce, plant sales and Christmas tree sales for three consecutive years, 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 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 2;** a **Variance** of the required 85' setback from S. Delaware Ave., finding that the Variance meets the requirements of Section 1607.C., **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** and a **Special Exception** of the all-weather surface to permit gravel parking, 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 1202.C.1. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Use Conditions**, being limited to 150 days per year, per plan submitted, on the following described property:

S/2 of E 20 acres of Government Lot 1, less the E 50' of the N 290' and the 30' of the S 370' thereof, Section 20, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18348

Action Requested:

Special Exception to allow RV sales on CS zoned property. **SECTION 1217.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES – Use Unit 17** and a Variance to allow open-air storage and display of merchandise within 300' of an R zoned district. **SECTION 701 PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, located NE/c E. 11th St. & S. 83rd E. Ave.

Presentation:

The applicant, **Ron Shepherd**, 8347 E. 11th Street, submitted a site plan (Exhibit L-1) and stated that this the address of Nichols RV World which is located immediately east of the subject property. The woman who has owned the property for 50 years is willing to sell the property to Nichols RV World. They need the space to display their RVs.

Comments and Questions:

Mr. Dunham stated that Staff has a concern about the storage along the north property line. Is that absolutely necessary? Could they provide a buffer for the neighbors adjacent to the property on the north? Mr. Shepherd replied that they are going to

display the sales units. He is not sure what is required for the buffer to the neighbors. Mr. Dunham replied that Staff is suggesting an 8' high screening fence along the north property line.

Mr. White stated that the zoning map shows that the property is zoned RS-1 but the case report shows CS. Mr. Beach replied that there is a zoning application pending City Council final approval right now.

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 RV sales on CS zoned property, 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 1217.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES – Use Unit 17** and a **Variance** to allow open-air storage and display of merchandise within 300' of an R zoned district, finding that the Variance meets the requirements of Section 1607.C. **SECTION 701 PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** subject to an 8' screening fence being located along the north property line and subject to the CS zoning being approved by the City Council, on the following described property:

Lot 3, Block 4, Clarland Acres, City of Tulsa, Tulsa County, State of Oklahoma

..***.***.

Case No. 18349

Action Requested:

Variance of the required number of off-street parking spaces. **SECTION 1213.D. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Off-Street Parking and Loading Requirements; SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements; and SECTION 1212.D. USE UNIT 2. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements – Use Unit 12, 13 and 14**, located SE/c 38th St. S. & Peoria Ave.

Presentation:

The applicant, **Roy D. Johnsen**, 201 W. 5th Street, Suite 501, submitted a site plan (Exhibit M-1), photos (Exhibit M-2) and stated that this application is for the Brookside Center. Mr. Johnsen stated that 38th Street has been closed by an ordinance and is used for parking. Mr. Johnsen explained that his client bought the property and

received some permits for changes to the center. At that time, no one ever said anything about the parking and Certificates of Occupancy were issued. Everything went along fine for 10 years until Mr. Johnsen's client decided to refinance the property and the lender required a zoning endorsement as an attachment to a title policy. During this process it was identified that, by applying today's Code, the off-street parking is not adequate. Mr. Johnsen stated that the number, aisle widths are not up to today's Code. Mr. Johnsen mentioned that this tract was developed several years ago, prior to 1987, and was nonconforming as to the design parking. Mr. Johnsen asked his client if he has a parking problem on the property and he responded that sometimes on the lunch hour it can get tight. That is the only time that all of the food places are open. The bakery is open 7:00 a.m. to 4:00 p.m., the yogurt shop stays open until 9:00 p.m., the restaurant is open until 2:30 p.m. The parking works except on occasion at noon. Mr. Johnsen believes the gross floor area to be 15,355 square feet, with the normal retail of 1 space per 225 square feet, the requirement would be 69 spaces. When you add their tenant mix with the restaurants and disregard the parking on 38th Street, their requirement would be 81 spaces. Mr. Johnsen stated that when the property was developed prior to this owner, the parking area was paved 6' into the Peoria right-of-way. Because this is an infill area and this is a portion of Peoria that has been identified for a reduction of the planned right-of-way from 100' to 70', Mr. Johnsen believes that their use of the 6' is harmless. Mr. Johnsen suggested some conditions for the Board to consider if they decide to approve the application. He asked the Board to approve the parking as-built as depicted on the drawing with the requirement that the area at the northeast corner of the building be striped for parking. The tenant mix, that has been placed of record, shall not be changed if it will affect the parking requirement.

Interested Parties:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-1 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", White "abstentions"; no "absent") to **APPROVE Variance** of the required number of off-street parking spaces. **SECTION 1213.D. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Off-Street Parking and Loading Requirements; SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements; and SECTION 1212.D. USE UNIT 2. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements – Use Unit 12, 13 and 14**, finding that the Variances meet the requirements of Section 1607.C., per plan submitted; subject to the northeast corner of the property being striped for parking and subject to no change to the tenant mix that would increase the parking on the property; on the following described property:

Case No. 18349 (continued)

Lot 1, Block 2, South Brookside, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18350

Action Requested:

Variance of building setback from abutting residential district from west boundary (75' to 50'); from north boundary (75' to 20'). **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 14** and a Special Exception to permit Use Unit 14 (retail use) in an IL District. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 14**, located S of SW/c E. 56th St. S. & S. Mingo Road.

Presentation:

The applicant, **Roy D. Johnsen**, 201 W. 5th Street, Suite 501, submitted a site plan (Exhibit N-1) and stated that he is representing Liberty Flag Company which is presently located on South Sheridan. Their business has a retail area where you can walk in and buy a flag. 90% of their business is with schools and government offices across the country. The assembly is extremely limited. They do not make the flags, they buy the flags and the assembly may be to put it on the pole or place a brass ornament on it, packaged and shipped out. This property is zoned IL. Mr. Johnsen mentioned that a retail use in an IL District must be approved by a special exception. Because the property is zoned IL, the setback from adjacent residential properties is 75'. There are residential properties abutting the west boundary and on the north boundary. The planned use for the properties fronting Mingo is industrial. These lots were probably platted for residential use many years ago and there are actually a few homes along there. Mr. Johnsen stated that the depths are such that if you put the 75' setback on the rear, there will not be enough room for the two rows of parking, aisle space and landscaping that is required. They came up with a 52' setback from the west; a 20' setback from the north; 10' from the south. Mr. Johnsen stated that this is a very light use. They operate Monday through Friday with normal business hours. They have four employees and one temporary employee. Mr. Johnsen stated that this business is a mixed use retail and very light industrial. Mr. Johnsen stated that their hardship is that the property was platted years ago at those depths then changed to industrial uses.

Comments and Questions:

Mr. Beach pointed out that there is a requirement for a 5' strip of landscaping along the residential boundary to the north.

Interested Parties:

Shannon Marlow, stated that she is appearing on behalf of her mother, 5626 S. Mingo which is the house directly to the north of this property. Her mother has owned the residence for 26 years. Ms. Marlow stated that she would like to see a site plan so she can see how the 20' will impact the residence. Ms. Marlow asked if there is a reason why the building couldn't be shifted to the south 5' to make it less of an impact on their property.

Applicant's Rebuttal:

Mr. Johnsen stated that he has spoken with his client and they can accept a 5' setback from the north and make it a total of 25'.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-1 (Cooper, Turnbo, Perkins, White "aye"; no "nays", Dunham "abstentions"; no "absent") to **APPROVE Variance** of building setback from abutting residential district from west boundary (75' to 50'); from north boundary (75' to 25'), finding that the Variances meet the requirements of Section 1607.C. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 14** and a **Special Exception** to permit Use Unit 14 (retail use) in an IL District, 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 14**, on the following described property:

Lot 4, Block 1, Andersen Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18352

Action Requested:

Special Exception to amend a previously approved site plan to include a multi-use church facility with seating for 2,800, four unlighted sports fields, a 4,500 SF central power plant building and accessory parking and stormwater drainage facilities. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5**, located E 96th St. S. & S. Garnett Road.

Presentation:

The applicant, **Darin Akerman**, Sisemore, Weisz & Associates, Inc., 1602 S. Main, Tulsa, submitted a site plan (Exhibit O-1) and stated that his firm represents Grace Fellowship Church. They would like to locate a new auditorium in the central portion of the site. In addition to that, they are looking to locate several sports fields throughout

Case No. 18352 (continued)

the site. There will be no bleachers or lighting at this time for the sports fields. The project will be a long term project.

Comments and Questions:

Mr. Beach stated that this is a complicated site plan and there was not enough information on the site plan to determine the parking. Mr. Beach stated that there needs to be at least 934 parking spaces.

Mr. Akerman stated that they are willing to abide by the Zoning Code standards and will comply with the parking.

Mr. Stump stated that because they have proposed two principal uses on the property, a church and a school. They would have to provide required parking for both uses.

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 amend a previously approved site plan to include a multi-use church facility with seating for 2,800, four unlighted sports fields, a 4,500 SF central power plant building and accessory parking and stormwater drainage facilities, 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 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5**, when the multi-use facility is constructed there should be at least 934 parking spaces provided for that use; no lighting permitted on the playing fields; per plan submitted, on the following described property:

Lot 1, Block 1, Grace Fellowship church and School, City of Tulsa, Tulsa County, State of Oklahoma.

..***.***.

Case No. 18353

Action Requested:

Special Exception to permit auto sales in a CS District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** and a Variance to permit open air storage or display of merchandise offered for sale within 300' of an adjoining R District. **SECTION 1217.C. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions**, located 7901 E. 21st St. S.

Presentation:

The applicant, **Ralph Gray**, was represented by Bob Gardner, 4211 E. 80th Place, Tulsa, OK 74136, who submitted a site plan (Exhibit P-1) and stated that Mr. Gray is requesting to sell late model cars on the subject property which is located on the northeast corner of 79th East Avenue and 21st Street. A majority of the automobiles will be 1995 or newer models. No automobiles will be older than 1990. The average number of automobile to be displayed on the site will be 12 and the maximum number of automobiles for display will not exceed 16. The business will be conducted during daylight hours. The lot has access to both 79th East Avenue and 21st Street. Mr. Gardner submitted photos (Exhibit P-4) showing the adjoining businesses and apartment complex. There are commercial uses on three sides of the subject property. An apartment complex is located to the rear of the property. There are two Use Unit 17 uses existing in the area. There is a muffler and brake shop immediately south of the property and there is an automobile sales lot three lots over to the east. The apartments are located 70' from the paved display area. The paved area is 10' higher in elevation than the apartment complex and there is a row of trees along the common property line. The auto sales will be setback and screened from the apartment complex and will not be injurious to the neighborhood. Mr. Gardner stated to the Board that the open air storage and sale of late model automobiles will not be unsightly from 21st Street and will not be seen from the apartment complex to the north. It is difficult to distinguish between customer parking and automobiles for sale. Mr. Gardner submitted to the Board a copy of the applicant's development standards (Exhibit P-2) and suggested that the Board make them a condition of approval.

Ralph Gray, the owner of the property stated that the proposed car lot will have late model cars. He will not repossess cars or finance on his own. He will be using banks for his financing. There will be trades involved in the business but the trades will go to the auction.

Comments and Questions:

Mr. Beach stated that one of the conditions submitted was a 5' screening fence along the north side of the paved area. There is still a requirement for a 6' screening fence along the north property line. Mr. Gardner mentioned to the Board that they continue the case and readvertise for the needed relief. Mr. Gardner stated that a 6' screening fence along the property line will not be effective with the 10' difference in elevation.

Mr. White asked Staff if the proposed 5' screening fence could be considered in lieu of the required 6' screening fence along the property line instead of readvertising? Mr. Beach replied no. Mr. Prather, City Legal, replied no also.

Interested Parties:

One objection letter was submitted to the Board (Exhibit P-3).

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 permit auto sales in a CS District, 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 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** and a **Variance** to permit open air storage or display of merchandise offered for sale within 300' of an adjoining R District, finding that the Variance meets the requirements of Section 1607.C. **SECTION 1217.C. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions**, subject to the development standards submitted by the applicant:

Average number of autos for sale: 12;
Maximum number of autos for sale: 16;
Majority of autos for sale 1995 and newer models (no autos older than 1990);
Business to be conducted during daylight hours;
5 ft. screening fence to be completed along north side of paved area (to be determined at April 13, 1999 meeting).

AND

CONTINUE the requirement of a 6' screening fence along the north property line to April 13, 1999. on the following described property:

The E 125' of the W 155' of the N 115' of the S 165' of the SW/4 of the SE/4 of the SE/4 of the SE/4 of Section 11, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma.

*****.

Case No. 18354

Action Requested:

Special Exception to permit a manufactured home in an AG district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 9**, located NW of 31st St. N. & 41st W. Ave.

Comments and Questions:

Mr. Beach mentioned to the Board that this item needs to be continued because the notice was flawed. New notice has already been given for April 13, 1999. Mr. Beach stated that the property is in Osage County and when the notice was written it was stated as being located in Tulsa County.

Interested Parties:

None.

Case NO. 18354 (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 **CONTINUE** Case No. 18354 to the meeting of April 13, 1999.

*****.

Case No. 18355

Action Requested:

Variance of the required 75' setback to 5' from an abutting R district to facilitate drainage. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 16**, located 1303 N. Garnett Road.

Presentation:

The applicant, **Jake Floyd**, 2909 E. 29th Street, Tulsa, OK 74114, submitted a site plan (Q-1) and stated that he works for a company that is proposing a mini-storage complex on North Garnett Road. This is an odd shaped lot with approximately 300' of frontage running north and south on Garnett. The lot is approximately 1,300' deep. Mr. Floyd stated that the lot is abutted on the north and the south by residences and on the east by agriculture. They are asking for a variance from a 75' setback to a 5' setback on the south to facilitate drainage. Mr. Floyd stated that there is a residence to the north that catches a lot of water that comes across the property and causes problems for that neighbor. The first phase/building is nearing completion. The neighbors to the south had asked about drainage problems. Mr. Floyd had the City of Tulsa's Stormwater Management come out and look at the property. They suggested that if they could get the variance to build additional storage buildings then they could run a swale in between the buildings and contain the water and run it into a bar ditch on North Garnett. Mr. Floyd mentioned that they are only asking for the variance on the east 850'. They are not asking for the variance along the north, west or the AG portion. Mr. Floyd stated that he has visited with his neighbors and they do have some concerns. Mr. Floyd asked the Board to make the restriction on the approval only on the east 850' of the property and for mini-storage use only.

Comments and Questions:

Mr. Stump asked the applicant what the maximum eave height for the buildings will be? Mr. Floyd replied that they will be 8'11" at the eave height. Less than 10' total.

Interested Parties:

George Palmer, stated that he owns two acres south of the subject property and has owned it for 37 years. Mr. Palmer stated that what Mr. Floyd is proposing is good for him and not the neighbors. Mr. Palmer objects to the application in whole. They are going to pave the entire parcel and leave the rest of the neighbors with flooded property.

Mary Ann Yarbrough, stated that she lives south of the subject property. Ms. Yarbrough visited with Mr. Floyd about the project and he showed her his plan for the property. Ms. Yarbrough is opposed to the application. She believes that even though the applicant is providing drainage there is still going to be a lot of run off and drainage problems for the neighbors.

Charles Allen, 11350 E. Newton Place, stated that his property is directly north of the first unit that has been constructed. There is a natural small lake on his property that is wet all the time. Mr. Allen mentioned that the only problem he has with this is that Mr. Floyd has never had anyone come out and do actual drainage plan on the property. Mr. Allen mentioned that he is not against the use on the property but something needs to be done about the drainage problem.

Applicant's Rebuttal:

Mr. Floyd stated that there are no building permits issued for this property except for Phase I which is the bottom row, center building. Mr. Floyd mentioned that before receiving a building permit the drainage must be approved by the City of Tulsa. Mr. Floyd suggested continuing the application to allow him to get a drainage plan drawn up.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo White "aye"; no "nays", no "abstentions"; no "absent") to **CONTINUE** Case No. 18355 to the meeting of April 27, 1999 to allow the applicant time to prepare a drainage/grading plan.

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Case No. 18356

Action Requested:

Variance of the requirement to place a screening fence on the zoning line, in order to permit the fence to be constructed on the property line. **SECTION 1208.C. USE UNIT 8. MULTIFAMILY DWELLING AND SIMILAR USES, Use Conditions – Use Unit 8** and a Special exception to permit Use Unit 8 (assisted living facility) on property zoned RS-3. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located E of the SE/c 81st & Sheridan.

Presentation:

The applicant, **Ricky Jones**, Tanner Consulting, 2202 E. 49th Street, submitted a site plan (Exhibit R-1) and stated that this parcel is 2.7 acres and is part of a 160 acre total development that was rezoned in 1990. At that time, CS, RM-O and RS-3 was applied to the 160 acres. In 1995, The Crescent subdivision plat was filed and it abuts the corner of this property on the east and south. Mr. Jones stated that when The Crescent was developed, it did not line up with the RM-O and the RS-3 zoning line, it

was offset roughly 75'. The theory at that time was that the remaining 22 acre parcel on the corner will be developed under a PUD and they wanted to develop the single family so that the streets line up with the other streets across the street. Mr. Jones stated that he represents Southlake Partners who are developing an assisted living facility on the tract. They have gone through every City process and have been approved for everything. By strict interpretation of the Code, the Code says that they are required to provide a screening fence on the RM-O/RS-3 zoning line. If they erect the fence on the zoning line, it will not buffer the single family residential district and it will actually be down the middle of the parking lot and drive. The intent of the Code is to separate uses but they need a variance to relocate the screening fence from the RM-O-RS-3 zoning line to the property line. The other request is to allow the assisted living facility on the RS-3 zoned part of the property. Mr. Jones mentioned that the zoning atlas is in error.

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 the requirement to place a screening fence on the zoning line, in order to permit the fence to be constructed on the property line, finding that the Variance meets the requirements of Section 1607.C., **SECTION 1208.C. USE UNIT 8. MULTIFAMILY DWELLING AND SIMILAR USES, Use Conditions – Use Unit 8** and a **Special Exception** to permit Use Unit 8 (assisted living facility) on property zoned RS-3, 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 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** per plan submitted, on the following described property:

Part of the NW/4 of Section 14, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: commencing at the NW/c of said NW/4; thence N 89°50'29" E along the Nly line of the NW/4 for a distance of 540.00' to the point of beginning; thence continuing N 89°50'29" E along the Nly line for a distance of 300.00' to a point said point being the NWly/c of the E. 81st St. S. right-of-way dedicated by the plat of "The Crescent", an addition to the City of Tulsa, Tulsa County, State of Oklahoma; thence S 0°00'00" W along the Wly boundary of said right-of-way dedication and the Wly line of Block 11 of "The Crescent" for a distance of 450.00' to a point; thence S 89°50'29" W and parallel with the Nly line of said NW/4 for a distance of 300.00' to a point; thence N 0°00'00" E and parallel with said Wly line of Block 11 for a distance of 450.00' to the point of beginning less and except the N 50' thereof

Case No. 18357

Action Requested:

Variance of land area coverage by buildings from 30% to 41%. **SECTION 803. BULK AND AREA REQUIREMENTS IN THE CORRIDOR DISTRICT**, located 6336 S. 105th E. Ave.

Presentation:

The applicant, **Ted A. Sack**, Sack and Associates, Inc., 111 S. Elgin, Tulsa, OK 74120, submitted a site plan (Exhibit S-1) and stated that he is requesting floor area coverage from the previously approved 38% up to 41%. The square footage has not changed they just need to dedicate some additional right-of-way.

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 land area coverage by buildings from 30% to 41%. **SECTION 803. BULK AND AREA REQUIREMENTS IN THE CORRIDOR DISTRICT**, finding that the Variance meets the requirements of Section 1607.C., per plan submitted, on the following described property:

Lots 3 and 4, Block 6, Union Gardens, a subdivision in NW/4, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18358

Action Requested:

Variance of the floor area ratio from .5 to 1.0. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 12**; a Variance of the requirement of street frontage. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** and a Variance of off-street parking to permit off-site parking to permit the conveyance (lot split) of a restaurant pad site. **SECTION 1212.D. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements**, located E of NE/c E. 41st St. & Yale.

Presentation:

The applicant, **Roy D. Johnsen**, 201 W. 5th Street, Suite 501, submitted a site plan (Exhibit T-1) and stated that he represents Vector Properties and one of their entities is proposing the redevelopment of what used to be Oshman's sporting goods and Annex Mall and Theater. They are proposing to remove the existing buildings and to develop a new center on the 5 acres. The application was triggered because one of

the proposed users, TGI Friday, wishes to own the pad site. If you take the TGI Friday's (Friday's) proposed parcel, build in accordance with the submitted site plan and the balance of the retail space, if under one ownership it would require no variance requests. Within the Friday's parcel they would exceed the floor area limitation of .5. But within the tract as a whole they are well below the .5. The same is true with the parking and frontage. They are proposing to put a cross parking and access easement filed of record that assures that any user would have parking, viewed as a whole, and would have mutual access to 41st Street. No one would be landlocked and all uses would have adequate parking by easement. Some of this has been done before, one example is Woodland Hills Mall. Some of the anchor stores own their pad and own some of their parking but not necessarily own sufficient parking to meet Code. There will be no impact on the public. Mr. Johnsen disagrees with Mr. Stump's beliefs that this will be very difficult to administer. If you change the use or seek an interior remodel, it triggers a request (at Mr. Ackermann's office) for a records check at INCOG and the records check will reveal the Board of Adjustment action and the conditions imposed upon the case. Mr. Johnsen feels that this will be easy to track. The only thing they are really talking about is an ownership line and not a change on the ground. Mr. Johnsen mentioned that he and Mr. Stump discussed creating three parcels, two would be owned by the principal user and the third would be the Friday's parcel. Mr. Johnsen suggested that he and his client identify on the site plan the parking for Friday's and they will not be used to qualify as the required parking for the balance of the project. Mr. Johnsen mentioned to the Board that it is to the benefit of the community for this property to redevelop in a proper fashion. This application is purely for the benefit of an ownership change and to satisfy requirements of financing. There is no damage to the public done with the approval of these variances. All requirements will be met viewing this property as a whole. Mr. Johnsen stated that they are down to the wire on this. A PUD could be considered but it takes 90 days to complete the PUD process and they will lose the deal in that time frame.

Comments and Questions:

Mr. Cooper asked Staff about their thoughts on administering the parking. Mr. Stump thinks that one of Mr. Johnsen's earlier cases today is a good example of how difficult it is to administer parking on even a single lot where uses in a shopping center can change from one that required 1 space per 225 SF to 1 space per every 100 SF, etc. This is basically a clean slate and they are not talking about an existing parking lot pattern that is difficult. They will be building new buildings and creating new lots. It appears that Mr. Johnsen is creating a very difficult situation to administer because the Code is based on lots. The required parking is based on the lot, the signage on the lot, the principal and accessory uses on the lot, etc. For the applicant's sole convenience, Staff would be in a difficult position when 10-15 years from now, they want to switch to a different use or put another restaurant in the area where the parking is to be located. Mr. Stump has some doubt about whether or not they can catch that because it is such an unusual situation they have asked for.

Mr. Cooper stated to Mr. Johnsen that he is familiar with some of the reasons, financially, why his clients want to do this but he is trying to understand what the hardship is. If you are seeking a significant variance, particularly if it impacts adjoining property, the hardship finding there may be substantially greater. Here there is no zoning criteria that will not be met when the development is taken as a whole. Mr. Johnsen believes that it is an ordinance created hardship. Given that all they are talking about is an ownership line. Mr. Johnsen stated that hardship relates directly to circumstances and what the purpose of the ordinance provision is. Keeping in mind that if it were one lot, there would be no variances needed.

Mr. White asked Mr. Stump about the freestanding buildings in Southroads towards 41st Street, how are they "separated"? Are they part of a PUD? Mr. Stump replied that there is no PUD on this or on Promenade. There are some out parcels. Mr. Johnsen stated that it is largely zoned CH.

Mr. Dunham asked Staff how they would administer this if it is one lot? Mr. Stump replied that if they propose to add another restaurant on the tract, then they have to submit information as to the uses and the square footage of each use and how many parking spaces they have on the lot. If they have sufficient parking and setback the proper amount, then they would be permitted to build the restaurant. Mr. Stump stated that it is very difficult to check and track the uses as they change over the years in strip centers. They start out with enough parking for the retail use then over the years a restaurant or two moves in and the parking is no longer adequate.

Mr. Dunham asked Mr. Johnsen if his client is committed to the sale, why don't they just sell the 51 parking spaces to the buyer? Mr. Johnsen replied that in the financing stage, the way they finance the construction of the building, they don't want their loan to be subordinated to the mortgage on the whole shopping center. The owner of the big property has control but it is subject to this cross parking easement. Mr. Johnsen is suggesting to record the cross parking easement. The easement states that at all times throughout the tract, the developer (of the big lot) will maintain parking to maintain both parcels and that access will be provided. This document cannot be amended without approval of the Board of Adjustment. Mr. Johnsen does not believe that the administration of this will be a problem.

Mr. Cooper asked Mr. Stump to explain how this case would have been different if it had gone through the PUD process. Mr. Stump replied that the hardship finding would not have been necessary. The Planned Unit Development flexibility allows common parking areas, etc. Administratively, it is different in that there is significantly more review of a proposed site plan, there is a very thick file which is a record of every activity that has gone on in the PUD and it is checked before the detail site plan is presented for approval by the TMAPC. There is not the staffing or the time for this detailed review on non-PUD's. Mr. Johnsen stated that PUDs have more in them than a simple ownership line and a simple parking issue. That is all that is happening here.

Case No. 18358 (continued)

Mr. Johnsen does not see where the public purpose is impaired by it and the administration is there to do it. Mr. Johnsen mentioned that they cannot do a PUD because of the time frame even though it would be a simple PUD to do.

Mr. Dunham stated that the Board has approved cases where the parking has been on lots other than the one with the principal use. The effect is the same as this application even though it is not worded the same. Mr. White reminded Mr. Dunham that they were not separate ownerships and they had frontage.

Mr. Cooper stated that this boils down to an administration issue and whether or not the Board is putting a time bomb in the record 15 or 20 years from now. Mr. Cooper is struggling with understanding both sides' points about administration.

Ms. Turnbo agreed with Mr. Cooper and understands that this would not be easy to track.

Mr. Cooper asked if there could be some sort of tie agreement that would bind the owners together.

Mr. Johnsen stated that the administration is better now than it was ten years ago.

Mr. White believes that this is a cumbersome thing but it is not unusual when it comes to shopping center areas.

Kurt Ackermann stated that on an interior remodel with a change of use they request a records search and are sent the minutes on the property. An interior remodel with no change of use requires no records search.

Mr. Dunham suggested approving the application with the provision that a PUD has to be processed within the next six months to a year that would tie the commitments made today to this action. Mr. Stump stated that it is unusual but you could do that but the Board cannot guarantee that the City Council will approve a PUD acceptable to them. Mr. Johnsen mentioned that there is going to be over \$7,000,000 borrowed and construction will have been started and it is too big a risk to have it turned down by the City Council or Planning Commission.

Mr. Stump agreed to try to administer this approval.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-2-0 (Dunham, Perkins, White, "aye"; Cooper, Turnbo "nays", no "abstentions"; no "absent") to **APPROVE Variance** of the floor area ratio from .5 to 1.0. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 12;** a **Variance** of the requirement of street frontage. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** and a **Variance** of off-street parking to permit off-site parking to permit the conveyance (lot split) of a restaurant pad site. **SECTION 1212.D. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements** finding that the Variances meet the requirements of Section 1607.C., subject to a tie agreement being made to tie the required parking spaces to this pad site, the Board encouraged the applicant to process a PUD; subject to a site plan; mutual access must be provided; per plan submitted, on the following described property:

All that part of the SE/4 of the SW/4 of Section 22, 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 50.00' due N of the S boundary line of said SE/4 SW/4 466.41' from the SE/c thereof; thence N 89°59'40" W parallel to and 50.00' from the S boundary line of said SE/4 SW/4 a distance of 300.00' to the SE/c of Lot 3, Block 1, Southroads Mall, an addition in the City of Tulsa, thence due N along the E boundary line of Lot 3, Block 1, Southroads Mall, a distance of 769.58' to the NE/c of Lot 3, Block 1, Southroads Mall and the S boundary line of Block 9, Highview Estates Addition, an addition in the City of Tulsa, thence due E along the S boundary line of said Block 9, Highview Estates, a distance of 300.00'; thence due S parallel to and 300.00' from the E boundary line of Lot 3, Block 1, Southroads Mall, a distance of 769.58' to the point of beginning, containing 230,869 square feet or 5.30002 acres, more or less.

*****.

Case No. 18359

Action Requested:

Variance to place business sign on lot other than lot of record on which business is located. **SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs; SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs; SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CG, CH, CBD, IL, IM and IH Use Conditions for Business Signs; and SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs, located NE/c E. 91st St. & S. 101st E. Ave.**

Case No. 18359 (continued)

Comments and Questions:

Mr. Beach mentioned to the Board that the applicant, Mr. Moody, has asked for a continuance. The request was not timely.

Presentation:

The applicant, **John W. Moody**, submitted a request for continuance (Exhibit U-1) and mentioned that he and his client have been working with Staff and the Sign Inspector and he believes that they are resolving the situation and the application will be resubmitted for the permit.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-1 (Cooper, Dunham, Perkins, White, "aye"; no "nays", Turnbo "abstentions"; no "absent") to **CONTINUE** Case No. 18359 to the meeting of April 13, 1999.

Case No. 18360

Action Requested:

Variance of required parking from 66.5 spaces to existing. **SECTION 1208. USE UNIT 8. MULTIFAMILY DWELLING AND SIMILAR USES**, locate 6031 S. Newport.

Presentation:

The applicant, **Peter A. Spoto**, was represented by Dave Davis, Retro Development, 1007 Park Ave., Omaha, NE. Mr. Davis submitted a site plan (Exhibit V-1) and stated that they are in the process of refinancing and found that when the original permits were given they did not have the proper number of parking spaces. They are requesting a reduction from 66.5 spaces down to 48 spaces and nothing on the ground will change. The request is to correct an existing condition.

Comments and Questions:

Mr. Beach stated that the site plan was difficult to read. Mr. Stump asked the applicant how many spaces they have and Mr. Davis responded that there are 46 to 48 spaces. They are constricted by a fence line and a property line. Mr. Beach pointed out that the site plan has 49 spaces drawn. Mr. Davis said that he could not remember exactly how many spaces there were but the number on the plan reflects someone actually going out and physically counting the spaces. If it says 49 there are 49 spaces.

Interested Parties:

None.

Case No. 18360 (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 Variance** of required parking from 66.5 spaces to 49 spaces for the existing apartments only, finding that the Variances meet the requirements of Section 1607.C. **SECTION 1208. USE UNIT 8. MULTIFAMILY DWELLING AND SIMILAR USES**, on the following describe property:

Lots 7, 8, 9, 10, 16, 17 and 18, Block 6, Broadview Heights Addition to the city of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18361

Action Requested:

Minor Variance of the required rear yard setback from 20' to 18' for construction of a new room. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 9749 E. 5th Street.

Presentation:

The applicant, **Karen Felkner**, 9749 E. 5th Street, stated that the request is for 20' to 18' and they need the relief to be down to 16'.

Comments and Questions:

The Board informed the applicant that the request would need to be continued for additional notice for the 16'.

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 **CONTINUE** Case No. 18361 to the meeting of April 13, 1999.

*****.

Case No. 18362

Action Requested:

Special Exception to allow an off-site construction office and concrete plant adjacent to a new turnpike for approximately two years. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2**, located NW/c E. 96th St. and S. Garnett Road.

Case No. 18362 (continued)

Presentation:

The applicant, **Randall Low**, 2915 Westside Drive, Durant, OK, submitted a site plan (Exhibit W-1) and stated that he represents Interstate Contracting Corporation. They would like to place a portable concrete plant adjacent to the turnpike to facilitate construction of the turnpike.

Interested Parties:

Mr. Reynolds, 10 E. 3rd Street, Tulsa, stated that he is in support of the application. There was an objection letter submitted to the Board (Exhibit W-2).

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 allow an off-site construction office and concrete plant adjacent to a new turnpike for approximately two years, 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 2**, for the time period of two years, per plan submitted, on the following described property:

SE/4, SE/4, Section 19, T-18-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18364

Action Requested:

Special Exception to allow a tent for temporary sales for one day in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2**, located NE/c E. 21st St. & S. Sheridan Road.

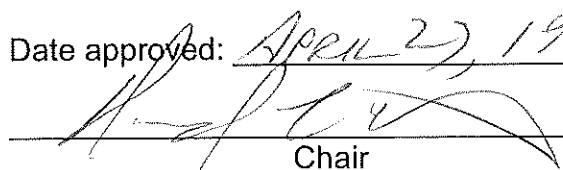
Comments and Questions:

Mr. Beach mentioned to the Board that this item has been withdrawn by the applicant.

Interested Parties:

None.

There being no further business, the meeting was adjourned at 4:59 p.m.

Date approved: APRIL 22, 1999

Chair

UNFINISHED BUSINESS

Retyped Board Action

Case No. 18323

Action Requested:

An appeal of the decision of Code Enforcement officer and request for a Special Exception to permit transmission and automotive repair in a CS District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17**, located 215 S. Lewis Ave.

Presentation:

The applicant, **John W. Moody**, submitted a site plan (Exhibit A-1); a support petition (Exhibit A-2) and mentioned to the Board that he wishes to withdraw the appeal. . The Code Enforcement officer's decision was an appropriate. Mr. Moody is proceeding with the Special Exception portion of the request to permit an automotive transmission repair shop located in the building between 2nd and 3rd Street on South Lewis Avenue. Mr. Moody reminded the Board that this application was continued from the March 9, 1999 meeting to allow the applicants to meet with the Kendall-Whittier Task Force and the City of Tulsa Urban Development Department to see if there are some things that they could do that would be mutually beneficial. Mr. Moody stated that they had some very productive meetings and have come up with some recommendations which his client has agreed to. Mr. Moody stated that this is an old area that is going through a rebuilding phase, which includes business in the area. Mr. Springer (the owner of the property) purchased the building from Otasco many years ago. Even though it appears that Otasco worked on automobiles it wasn't a heavy enough use to be called a nonconforming use. Mr. Springer has invested in the property and less than two years ago he leased a portion of the property to a young man to start a transmission shop. The young man is a hard worker and has built up a very successful business. He now has seven employees in addition to he and his wife and he has had no complaints with the Better Business Bureau. This is the type of business that they are trying to attract to this area. The young man's business was growing and he was running out of space to store the cars while waiting for parts to come in. Since the visit by the inspector he has cleaned up the facility and he has removed any vehicles for which he cannot receive parts within a few days. Mr. Moody stated that one of the conditions that they would attach to the request for the special exception would be that they will agree not to park inoperable vehicles (more than two nights) which cannot be repaired because of unavailability of parts. Mr. Moody mentioned that there is a dumpster on the lot that is not screened. There is an area on the north side of the building, which he has agreed to place a screening fence. He will relocate the dumpster to that area. He has met with Greg Warren with the City and they agree to do

some landscaping and they are in the process of developing a landscape plan.

Interested Parties:

Chris Smith, stated that he the executive director of the Kendall-Whittier Ministry and he is in support of the application.

Comments and Questions:

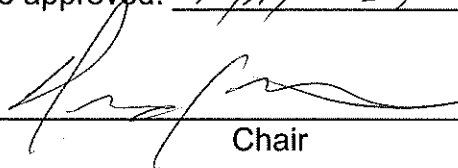
Ms. Parnell, Neighborhood Inspections, mentioned that she has spoken with Tony, the man who runs the transmission shop and he has been very helpful. Ms. Parnell stated that Mr. Springer has also been very helpful and Neighborhood Inspections recommends approval of the application.

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** An appeal of the decision of Code Enforcement officer and request for a Special Exception to permit transmission and automotive repair in a CS District, with the condition that no inoperable vehicles be stored over two days, landscaping installed, the fence per plan submitted be installed, and the cardboard recycling dumpster be moved to a different location, per plan submitted, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

W/2 of Lots 8 and 17, and all of Lots 9 through 16, Block 3, R. T. Daniel Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Date approved: May 22, 2001


Chair

