

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 772  
Tuesday, May 11, 1999, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Dunham, Vice Chair Perkins White, Chair	Cooper Turnbo	Arnold Beach Stump	Ballentine, Neighborhood Insp. Prather, Legal Dept. Ackermann, Zoning Officer

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, May 7, 1999, at 11:38 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 1:05 p.m.

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**UNFINISHED BUSINESS**

**Case No. 18372**

**Action Requested:**

Special Exception to allow Use Unit 17 in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 17 and a Variance to permit outdoor display of merchandise offered for sale within 300' of an R district down to 150'. **SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions**, located W of NW/c E. 49<sup>th</sup> St. S. & S. Memorial.

**Presentation:**

The applicant, **Gale Plummer**, 2105 N. Yellowwood, Broken Arrow, OK, submitted a site plan (Exhibit A-1) and stated that this request is to allow Ernie Miller to extend their parking of cars for sale and to allow the westerly portion of the property to be used for some of other functions such as parts.

**Comments and Questions:**

Mr. White asked Mr. Plummer to explain his hardship. Mr. Plummer stated that it would be hard for Ernie Miller to sell cars without the granting of this application. The 150' line is the east wall of a building. Ernie Miller wants to be able to display and sell cars on the easterly portion of their property. The building would essentially screen the residential district from anything happening on the property. This would be an expansion of their current operations.

Mr. Beach mentioned that this property is an anomaly. If you look at the zoning pattern in the area, 49<sup>th</sup> Street is a dividing line between mostly IL zoning to the north and the Fontana Shopping Center to the south which is zoned CS. This property is zoned CS but if it were to go with the zoning pattern in the area it would be a likely candidate for IL zoning and less relief would be needed.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **APPROVE *Special Exception*** to allow Use Unit 17 in a CS zoned 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 outdoor display of merchandise offered for sale within 300' of an R district down to 150'. **SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions**, finding the hardship to be that there is an existing building there, the zoning pattern and configuration of the lot, on the following described property:

Lot 2, Block 1, Phillip Smith, less W 257.75' of Lot 2, Block 1, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18375**

**Action Requested:**

Variance to permit outdoor display of autos offered for sale within 300' of an R District. **SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions**, located 13148 E. 11<sup>th</sup> St.

**Comments and Questions:**

Mr. Beach pointed out that the Board approved a request for the auto sales on April 13, 1999 and it was discovered at that meeting that this relief was also needed. The case was continued to allow time for additional notice.

**Presentation:**

The applicant, **Chris Turner**, stated that he needs this relief to operate auto sales on his lot.

**Interested Parties:**

**John Roy**, 9018 E. 38<sup>th</sup> Street, Tulsa, OK, stated that he represents the East Tulsa Mingo Valley Association. Mr. Roy urged the Board to approve this application.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **APPROVE Variance** to permit outdoor display of autos offered for sale within 300' of an R District. **SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** finding the hardship to be the size of the lot and the precedent on either side of it, on the following described property:

The N 150' of the E 202' of the E/2 of the NE/4 of the NW/4 of the NW/4 of Section 9, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma.

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**Case No. 18386**

**Action Requested:**

Special Exception reducing the number of required off-street parking spaces from 24 to 13 to permit a restaurant to continue to operate. **SECTION 1407.C. PARKING, LOADING AND SCREENING NONCONFORMITIES – Use Unit 12**, located 1517 S. Main Street.

**Presentation:**

The applicant, **Robert A. Huffman, Jr.**, 6120 S. Yale, Suite 1470, Tulsa, OK, submitted a site plan (Exhibit B-1) and stated that they are asking for a reduction of the off-street parking spaces to allow a Bill & Ruth's Sandwich Shop to continue to operate. In 1995, the applicant originally asked for a Variance to reduce the number of spaces from 24 to 20. At that time, the applicant owned a lot immediately to the north of the subject property which contained an additional eight spaces. In 1996, the applicant lost title to the property in a title dispute which initiated an additional variance request (Case No. 17787) and was denied by the Board. The case was appealed and in March of this year, at pretrial, it was discovered by Mr. Alan Jackere, City Legal Department, that the applicant may have asked for the wrong relief since the building had existed at the time the Zoning Code was enacted. Mr. Huffman mentioned that the property is a few blocks away from the Central Business District. There are a lot of day workers that walk to the restaurant for lunch. Mr. Huffman submitted letters (Exhibit B-2) from neighbors in support of the application.

**Clifford Archer**, 2515 S. Florence Place, Tulsa, OK 74114, stated that he is the Vice President of Main Square Towers, Inc., which owns the property in question. Mr. Archer stated that Chong Kim is the owner of Bill & Ruth's Sandwich Shop. Mr. Archer submitted a copy of an affidavit signed by Mr. Kim. Mr. Kim estimated that even though they are open from 10:30 a.m. to 5:00 p.m., he serves about 150 people from 11:30 a.m. to 1:30. This business is primarily a lunch and take out business. While there are a few people who come in by car, they are usually the people who come in and take out the food and are usually there for about five minutes.

**Comments and Questions:**

Mr. White asked Mr. Archer if there are two or four apartments in the back of the sandwich shop? Mr. Archer replied that there are four, one-room efficiency apartments.

Mr. White asked Staff what is the parking requirement for the apartments and how will it be dealt with? Mr. Jackere stated that they are nonconforming.

**Interested Parties:**

None.

Case No. 18386 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **APPROVE *Special Exception*** reducing the number of required off-street parking spaces from 24 to 13 to permit a restaurant to continue to operate. **SECTION 1407.C. PARKING, LOADING AND SCREENING NONCONFORMITIES – Use Unit 12**, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, per plan submitted, on the following described property:

Lot 5 and the S 21' of Lot 4, Block 1, Stansberg Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**NEW APPLICATIONS**

**Case No. 18397**

**Action Requested:**

Variance of the allowable square footage for accessory buildings in an R district from 1,243 to 1,636. **SECTION 402.B.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6**, located N of NW/c W. Edison & N. 41<sup>st</sup> W. Ave.

**Presentation:**

The applicant, **Freddie P. Blevins** 630 N. 41<sup>st</sup> W. Ave., submitted a site plan (Exhibit C-1) and stated that he would like to construct a garage on his property.

**Comments and Questions:**

Mr. White asked Mr. Blevins how many outbuildings will be on the property once the garage is constructed? Mr. Blevins replied that there will only be one.

Mr. Dunham asked the applicant if he will be doing any commercial activity out of the building? Mr. Blevins replied no, he will be using it for storage of his truck, camper and bass boat.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **APPROVE *Variance*** of the allowable square footage for accessory buildings in an R district from 1,243 to 1,636. **SECTION 402.B.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6**, finding the hardship to be the size of the lot, subject to no commercial activity being conducted on the property, on the following described property:

Case No. 18397 (continued)

The S/2 of the S/2 of the N/2 of the E/2 of the NE/4 of the NE/4 of the SE/4 of Section 32, T-20-N, R-12-E, Osage County, State of Oklahoma.

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**Case No. 18398**

**Action Requested:**

Minor Special Exception to permit the addition of a porte-cochere to the front of the building and a 16' x 32' storage building to the north of a church building. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS – Use Unit 5**, located 8555 E. 91<sup>st</sup> St.

**Comments and Questions:**

Mr. Beach mentioned that Mr. Masters has had a death in the family and will not be able to attend today. Mr. Masters has requested a continuance to May 25, 1999.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **CONTINUE** Case No. 18398 to the meeting of May 25, 1999.

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**Case No. 18399**

**Action Requested:**

Special Exception to permit a home occupation in an RS-3 district. **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 6** and a Variance of home occupation guidelines to permit a 4' x 3' ground sign. **SECTION 404.B.3. AND 404.F.2. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located 3115 S. Memorial Drive.

**Presentation:**

The applicant, **Andy S. K. Ting**, 3115 S. Memorial Drive, submitted a site plan (Exhibit D-1) and a sign plan (Exhibit D-2) and mentioned that his mother is living with him and he would like to run his accounting practice out of his home in order to stay home with his ailing mother. There will not be any traffic because he will use a delivery service to deliver his documents. The few appointments that will be conducted at his home will be done by appointment only. Mr. Ting asked the Board to approve the application because this business will not harm the neighborhood.

**Comments and Questions:**

Mr. White asked Mr. Ting if he has spoken with any of his neighbors about the request? Mr. Ting replied that he did speak with some of the neighbors and they seemed okay with the request.

Mr. White asked how many employees Mr. Ting will have and he responded that he will not have any.

**Interested Parties:**

**John Roy**, 9018 E. 38<sup>th</sup> Street, Tulsa, OK 74145, East Tulsa Mingo Valley Association, stated that they are opposed to the application and urged the Board to turn it down. Mr. Roy submitted a petition of opposition sign by the neighbors (Exhibit D-3). This is a neighborhood of single-family dwellings surrounded by commercial uses. The neighborhood association has acquired a grant to improve the screening from Memorial to keep the houses private. Mr. Roy pointed out that Mr. Ting has two listings in the phone book at two different locations. Which one is his primary residence?

**Anabelle Hannah Thompson**, 8144 E. 31<sup>st</sup> Place, pointed out to the Board that the house he is proposing to locate the business in is not his house but his mother's house. Mr. Thompson mentioned that she has had to call Code Enforcement out because there have been a few times that the residence has had four or five vehicles on the grass. Ms. Thompson feels that since there are so many businesses located in and around the 31<sup>st</sup> and Memorial area they should not be allowed within the neighborhoods.

**Bill Shelton**, 3211 S. 85<sup>th</sup> E. Ave., Tulsa, OK 74145, is not supportive of the application.

**Applicant's Rebuttal:**

Mr. Ting mentioned that he is from a large family and has five brothers that live in Tulsa. When they all get together to visit his sick mother, they park some of the cars in the yard. It is not done all the time.

**Comments and Questions:**

Mr. White asked Mr. Ting which residence is his primary residence? Mr. Ting replied that he actually owns both homes. His wife and children live in one residence and he and his mother live in the other. Mr. Ting's mother used to live with them and it was too much to handle for his wife and children since his mother was so sick so he bought a house for her to live in and he stays there and takes care of her.

Mr. Dunham asked Staff what the parking requirement would be on this. Mr. Beach stated that a home occupation is an accessory use to a residential use so the only parking requirement is two off-street parking spaces for the dwelling.

Case No. 18399 (continued)

Mr. Dunham asked Mr. Ting what his days and hours of operation will be. Mr. Ting replied that his practice will be spread out from morning through night in his spare time when he is not taking care of his mother. Mainly, he would see clients 8:00 a.m. to 5:00 p.m., Monday through Friday.

Mr. White mentioned that as far as parking is concerned, the street in front of the house is a service road and is less than the standard width. A parked car would narrow the street down to one lane. Mr. White is opposed to the ground sign. The Board agreed.

Mr. White mentioned that one of the requirements of a special exception is that the Board finds that it is not injurious to the neighborhood and the Board has been presented with a petition signed by 78 neighbors who believe that it will be injurious to their neighborhood.

Mr. Dunham asked the Board how this home occupation is different from any other that has been approved. Mr. White responded that this is a professional field and it should be in a proper office space as opposed to a residence.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **DENY *Special Exception*** to permit a home occupation in an RS-3 district. **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 6** and a **Variance** of home occupation guidelines to permit a 4' x 3' ground sign. **SECTION 404.B.3. AND 404.F.2. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, on the following described property:

Lot 16, Block 1, Longview Acres 3<sup>rd</sup>, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18400**

**Action Requested:**

Variance of the requirement that an accessory building may not occupy more than 20% of the required rear yard. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards – Use Unit 6** and a Variance of the maximum 750 SF of floor area for a detached accessory building to 1,280 SF. **SECTION 402.B.1.d. ACCESSORY USE CONDITIONS**, located 4605 S. Gary Ave.



**Presentation:**

The applicant, **Kelly Craig Clifton**, 4605 S. Gary Ave, submitted a site plan (Exhibit E-1) and stated that there is already an outbuilding in the back yard that is the same square footage as what they are proposing to put there. The existing building is falling down and he would like to tear it down, rebuild it and store his antique cars in it. Mr. Clifton mentioned that most of the lots in the neighborhood are large. There will not be any commercial activities done within the building, it is to be strictly used for storage of cars. Mr. Clifton stated that they will have to take down the building. He will be using most of the existing slab and removing a tree.

**Comments and Questions:**

Mr. Dunham asked the applicant what the square footage of his home is. Mr. Clifton replied about 3,600 square feet, covered area.

Mr. White asked Mr. Clifton if he could move the building forward so he will not be in the 20% rear yard area. Mr. Clifford stated that the idea of moving it forward is because it needs to be moved away from the fence, it currently sits right next to the fence.

Mr. Beach stated that since the applicant's house is 3,600 square feet he is entitled to an accessory building that is equal to 40% of the square footage of the house. That would allow him to put in 1,440 square foot building by right. He does not need relief on the size of the building. All he needs to do is show the Board a hardship for why he has to occupy more than 20% of the required rear yard.

Mr. Stump asked the applicant what he meant by "3,600 square feet, covered area"? Mr. Clifton replied that the covered area of the house is 3,600 square feet. There is a one car detached garage that also needs to come down. It will eventually come down after he constructs the larger building.

**Interested Parties:**

**Richard Spears**, 4610 S. Gary Ave., stated that he lives across the street from Mr. Clifton. Mr. Spears mentioned that the previous owner had a business in the building and was shut down because he was in violation of the zoning laws. Mr. Spears pointed out that a variance may be granted if it will not cause substantial detriment to the public good. In the past four years, eighteen houses have been constructed in the neighborhood and they are selling for \$300,000 to \$400,000. As a result, house prices for all the houses in the neighborhood are going up. The one exception is their street where slight variations to the zoning laws have made the construction of new houses on their street less attractive. Mr. Spears believes that sometime in the future, Mr. Clifton may begin working on those cars in the proposed garage. Mr. Spears urged the Board to deny the application.

**Comments and Questions:**

Mr. Dunham asked Mr. Spears how he arrived at his estimates of value? Mr. Spears replied that there are a variety of houses under construction now and it is easy to ask what the asking price is. Mr. Dunham does not see where adding a non-commercial building in the back yard would affect property values. Ms. Perkins pointed out to Mr. Spears that a new building would be more attractive and help property values than an old dilapidated building. Mr. Spears does not want to see any more commercial activity on this street.

Mr. Dunham believes that some of the difference in property values could be the proximity to Harvard and backing up to OL.

Mr. Beach reminded the Board that there are two issues before the Board today and one of them has gone away. The applicant does not need permission from the Board to build a 1,280 square foot accessory building. If he constructs the building and begins to operate a business in the building the neighborhood has the right to call Code Enforcement to come out and investigate. The only question before the Board is the location of the building. If the applicant was to move the building 2½' closer to the house he would not need any relief and the application would not be needed.

**Applicant's Rebuttal:**

Mr. Clifton believes that the addition of the building would not be harmful to the neighborhood. Mr. Clifton mentioned that he has an auto business on 21<sup>st</sup> and Sheridan. He does not want to come home and work on his cars but just be able to store them and lock them away.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **APPROVE** a **Variance** of the requirement that an accessory building may not occupy more than 20% of the required rear yard, per plan, subject to the existing two outbuildings being removed; finding the hardship to be the size of the lot and the size of the house and that it will not be a detriment to the neighborhood. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards – Use Unit 6** and **FINDING** that the **Variance** of the maximum 750 SF of floor area for a detached accessory building to 1,280 SF. **SECTION 402.B.1.d. ACCESSORY USE CONDITIONS**, is not needed and was **Withdrawn**, on the following described property:

N 102' of W/2 of Lot 1, less the W 5', Claypool Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18401**

**Action Requested:**

Variance to permit more than 20% coverage of required rear yard by an accessory building. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, located 2224 E. 20<sup>th</sup> St.

**Presentation:**

The applicant, **Bob Stewart**, 2220 E. 20<sup>th</sup> Street, submitted a site plan (Exhibit F-1) and stated that he lives adjacent to the property in question. There was an existing two car garage that was falling down and had to be torn down. When he contracted with someone to build a new garage he was informed that they needed to come before the Board of Adjustment to get a variance to construct the garage. The neighborhood is in the Utica Square area and the lots are approximately 50' wide and 140' deep and it is impossible to have an attached garage on the house.

**Comments and Questions:**

Mr. Dunham began to make a motion and was interrupted by Mr. Stump who informed the Board that the applicant has not submitted a plan for the proposed garage. It needs to be stated in the record what size the proposed building will be.

Mr. Stewart mentioned that the new garage will sit on top of the site of the old garage. The existing slab does not have a foundation so a new slab will have to be constructed. The new garage will be slightly larger than the existing slab.

Mr. Beach asked what the dimensions of the proposed garage will be. Mr. Stewart replied 18' x 18'. Mr. Beach stated that the maximum size of the garage could be 750 SF.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **APPROVE Variance** to permit more than 20% coverage of required rear yard by an accessory building, finding that it meets the requirements of Section 1607.C. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, subject to the new garage being placed in the general location of the existing garage; that the size not exceed 20' x 24', and that the new garage not be located any closer than the existing garage is on the west side and no closer than the existing utility easement or 3', whichever is greater, on the south, on the following described property:

Lot 5, Block 11, Woodward Park Addition, City of Tulsa, Tulsa County,  
State of Oklahoma.

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**Case No. 18402**

**Action Requested:**

Special Exception to amend a previously approved site plan. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2**, located E. 33<sup>rd</sup> St. & Mingo.

**Presentation:**

The applicant, **Randy C. Nicholson**, was represented by Kerry Miller. Mr. Miller submitted a site plan (Exhibit G-1) and mentioned that he is with the City Parks Department. The application is for an 11,000 square foot expansion to the existing community center at Hicks Park. It entails men's locker rooms, a kitchen/multipurpose room, new lobby room, new office space and a new fitness room.

**Interested Parties:**

**John Roy**, 9018 E. 39<sup>th</sup> Street, stated that he represents the Fulton Neighborhood Association and the East Tulsa Mingo Valley Association. Mr. Roy urged the Board to approve this application.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **APPROVE** a **Special Exception** to amend a previously approved site plan 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**, per plan submitted, on the following described property:

All that part of the N/2 of the W/2 of the SW/4 and the N/2 of the S/2 of the W/2 of the SW/4 of Section 19, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma, less and except that land included within the plat of Millwood Estates, and less and except that land included within the General Warranty Deed to Public Service Company of Oklahoma, said real property herein conveyed being also described as follows: Beginning at the NW/c of the SW/4 of said Section 19, T-19-N, R-14-E, thence S along the E line of said SW/4 a distance of 70' to the NW/c of the plat of the said Millwood Estates, thence N 89°56'45" E 754.00' along the N line of said Millwood Estates to the NE/c of Block 1 of said Millwood Estates, thence N 0°01'04" W a distance of 70' to a point on the N line of the SW/4 thence W along the N line of said SW/4 a distance of 753.98' to the NW/c thereof and the point of beginning; and beginning at the NE/c of the W/2 of the SW/4 of Section 19, T-19-N, R-14-E, thence due W along the N line of said SW/4 to a point which is the NE/c of that tract referred to above and conveyed to Public Service Company of Oklahoma, said point on said N line being approximately 1,021.5' E of the NW/c of said SW/4, thence S 13°59'51" W a distance of 263.78' to the NE/c of Lot 1, Block 7, of said Millwood Estates, thence continuing along

Case No. 18402 (continued)

the E line of said Block 7, Millwood Estates, as follows: S 13°59'51" W 400' S 44°39'44" W 272.23' due S 235', S 31°42'05" E 450' thence due E 187.81' thence S 67°40'37" E 150.43' to the E line of said W/2 of the SW/4 said point being the NE/c of Lot 20 Block 7 of said Millwood Estates, thence N along the E line of the said W/2 of the SW/4 a distance of 1,511.81', more or less, to the NE/c of said W/2 of the SW/4 thereof and the point of beginning AND Beginning at the SW/c of Lot 2, Section 19, T-19-N, R-14-E of the IBM, thence N a distance of 1,203'; thence N 89°53' E a distance of 265.46' to a point; thence S 37°23' E a distance of 1,511.24' to a point; thence S 89°53' W a distance of 1,183' to the place of beginning.

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**Case No. 18403**

**Action Requested:**

Special Exception to permit expansion of an existing church use in an R zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5;** a Variance to allow buildings in excess of 35' in height. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS;** a Variance of the required setback from the centerline of abutting street from 50' to 32'. **SECTION 1302. SETBACKS;** a Variance to allow parking in the required front yard. **SECTION 1205.B.1. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses;** a Variance to allow required off-street parking to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. GENERAL REQUIREMENTS;** and a Variance of the required landscaping. **SECTION 1002. LANDSCAPE REQUIREMENTS,** located 2247 N. Peoria.

**Presentation:**

The applicant, **Carlye Jimerson**, 616 South Main, Suite 214, Tulsa, OK 74119, submitted a site plan (Exhibit H-1) and stated that she is the attorney for the North Peoria Church of Christ. **Gary Shelhorn**, McCool and Associates, 1660 E. 71<sup>st</sup> Street, Suite 2A, Tulsa, OK, stated that he is the architect for the church. The building is approximately 40' tall, based on the fact that it is a sanctuary with a balcony and high ceilings. The Variance of the setback from the centerline of an abutting street would be pertaining to Peoria Ave. There are plans underway to move Peoria 100' to the west which would provide a green space from Peoria to the actual church of 100'. Mr. Shelhorn mentioned that there are existing parking areas that are on individual existing lots that have not been incorporated onto one large plat. They are asking for those existing parking areas to be included with the new facility to allow them to meet the parking requirement. The church is also asking for a variance of the required landscaping. On the east side of the property there is a 2' landscape strip. On the south side there is 5' of landscape. The west side of the property varies from 10' to 0' of landscaping.

**Comments and Questions:**

Mr. White asked the applicants if they have considered the PUD process to incorporating the five variances and the special exception request. Ms. Jimerson replied that they have not considered the PUD process but if it will help the Board in making a decision they would be willing to consider the PUD process. Mr. Beach stated that he helped Ms. Jimerson file the application, upon review of the file at a later date it became obvious that there was a lot of relief needed to squeeze this on the site. It is the Board's policy that any development that requires multiple variances should submit to the PUD process.

Ms. Jimerson asked Staff how long the PUD process will take? Mr. Beach replied 90 days. Ms. Jimerson stated that time is of the essence to the church and 90 days may be too long of a time frame.

Mr. Shelhorn stated that the access to the east side is currently abandoned. The City has allowed the church to park and enter on Xyler Street. It was determined that the street has been closed because the City still retains title to the street. Mr. Prather stated that if the street has been closed but not vacated, that means the City can come back at a later date and reopen the street. The church owns three pieces of property behind the church on Quaker Avenue and are in the process of purchasing another. The church plans to purchase all of the property behind it on Quaker Avenue.

**Interested Parties:**

**Warren G. Blakely, Sr.**, 4104 W. Nashville, Broken Arrow, stated that he is the pastor of the church. Mr. Blakely stated that as a means of negotiating with the church on the property they own (for the widening of Peoria) the City said that they would vacate Xyler Street and revert ownership to the church at a later date. As a part of developing this property, they were counting on Xyler Street being closed. The church owns three pieces of property on Quaker Avenue and are in the process of purchasing another. The church plans to purchase all of the property behind it on Quaker Avenue.

**Byron Watson**, 4820 N. Xanthus Ave., stated that he supports the application.

**Comments and Questions:**

Mr. Dunham feels that this is an asset to the neighborhood. Mr. Dunham thinks that 90 days for the PUD process may be detrimental to the church.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **APPROVE Special Exception** to permit expansion of an existing church use in an R zoned 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 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**; a **Variance** to allow buildings in excess of 35' in height. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; a **Variance** of the required setback from the centerline of abutting street from 50' to 32'. **SECTION 1302. SETBACKS**; a **Variance** to allow parking in the required front yard. **SECTION 1205.B.1. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses**; a **Variance** to allow required off-street parking to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. GENERAL REQUIREMENTS**; and a **Variance** of the required landscaping. **SECTION 1002. LANDSCAPE REQUIREMENTS** finding that the Variances meet the requirements of Section 1607.C, per plan submitted; subject to the church building not exceeding 40' in height, on the following described property:

A tract of land that is part of the Nly/2 of Government Lot 2, Section 30, T-20-N, R-13-E, said tract of land being more particularly described as follows, to-wit: Beginning at a point that is the SE/c of Block 2 of De Priest Addition, thence due S along a Sly extension of the Ely line of said Block 2 for 85.88' to a point on the Sly line of the Nly/2 of said Government Lot 2; thence S 89°07'00" W along said Sly line for 265.00' to a point that is 40.00' Ely of the Wly line of Section 30' thence due N and parallel with said Wly line for 85.88' to a point on the Wly extension of the Sly line of said Block 2; thence N 89°07'00" E for 10.00' to the SW/c of Block 2; thence continuing N 89°07'00" E along the Sly line of Block 2 for 255.00' to the point of beginning of said tract of land and Lots 1, 2, 4, 5 and 6, Block 1 and Lots 1 through 6, Block 2 of De Priest Addition and part of the SW/4 of the NW/4 of Section 30, T-20-N, R-13-E, all located within the City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18404**

**Action Requested:**

Variance of the required rear yard from 20' to 13'-6". **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and a Variance from the centerline of E. 19<sup>th</sup> St. from 50' to 41'-7" for a new garage addition to a house. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located SE/c E. 19<sup>th</sup> St. & Florence Pl.

**Presentation:**

The applicant, **Ridge Kayser**, 7757 S. Hudson, Tulsa, OK, submitted a site plan (Exhibit I-1) and stated that Florence Park lots are 50' x 140'. The existing property has a detached garage that is dilapidated. His plans include demolishing the detached garage and greenhouse and adding an attached two car garage and master bedroom. Mr. Kayser mentioned that he cannot get an attached garage into the same location as the original detached without having the variance on the rear yard setback. The existing garage has a driveway of 19'-10" and his proposed construction increases that to 25'. Mr. Kayser stated that this lot is a corner lot.

**Comments and Questions:**

Mr. White asked Staff if, since this would no longer be a detached garage would his relief needed on 19<sup>th</sup> Street revert back to the existing house? Mr. Beach replied no, the Code allows on a corner lot for you to choose which side is the front. The other side abutting a street becomes the side yard and has a 15' setback requirement for the house and 20' for the garage. Mr. Stump stated that since this is a nonconforming lot, the side yards may be 5' but there are no exemptions for garages.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **APPROVE Variance** of the required rear yard from 20' to 13'-6". **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and a **Variance** from the centerline of E. 19<sup>th</sup> St. from 50' to 41'-7" for a new garage addition to a house. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, finding that the requirements of 1607.C. have been met due to the small size of the lot; per plan submitted, on the following described property:

Lot 13, Block 5, Florence Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18405**

**Action Requested:**

Variance of required trees in the street yard from 8 to 2. **SECTION 1002.C.1. LANDSCAPE REQUIREMENTS, TREE REQUIREMENTS – Use Unit 25;** a Variance of landscape requirement abutting a street from 5' to 0' to permit existing parking area. **SECTION 1002.A.2. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements** and a Variance to waive the requirement for an irrigation system. **SECTION 1002.D.2. LANDSCAPE REQUIREMENTS, Miscellaneous Requirements**, located 6912 East 12<sup>th</sup> Street.

**Presentation:**

The applicant, **Dan Alaback**, stated that he represents the owners, Centrafugal Casting Machine Company. Mr. Alaback submitted a site plan (Exhibit J-1) and stated that this is an Industrial area that is east of Sheridan on 12<sup>th</sup> Street. In this case, the applicant has built an additional building for product assembly. There is pavement all the way to 12<sup>th</sup> Street. There is very little landscaping. Mr. Alaback mentioned that they will be adding additional trees to the property. They cannot meet the parking requirement for the additional property without being at the property line. They have three trees for the street yard.

**Comments and Questions:**

Mr. White stated that there are existing trees that have obviously survived without an irrigation system.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **APPROVE Variance** of required trees in the street yard from 8 to 2. **SECTION 1002.C.1. LANDSCAPE REQUIREMENTS, TREE REQUIREMENTS – Use Unit 25;** a **Variance** of landscape requirement abutting a street from 5' to 0' to permit existing parking area. **SECTION 1002.A.2. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements** and a **Variance** to waive the requirement for an irrigation system. **SECTION 1002.D.2. LANDSCAPE REQUIREMENTS, Miscellaneous Requirements**, finding the hardship to be that the applicant can't meet the parking requirement if they meet the landscaping requirement,, per plan submitted, on the following described property:

Lot 6, Block 5, Sheridan Industrial District, Blocks 4-13, City of Tulsa,  
Tulsa County, State of Oklahoma.

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**Case No. 18406**

**Action Requested:**

Variance of the allowable 750 SF for an accessory building to 1,500 SF. **SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6**, located 7171 S. Jackson.

**Presentation:**

The applicant, **Tina McClanahan**, 7171 S. Jackson, submitted a site plan (Exhibit K-1) and stated that she would like to build a 30' x 50' building to put a travel trailer and truck in.

**Comments and Questions:**

Mr. Dunham asked the applicant how many buildings are on the property? The site plan shows three small storage buildings to be removed, one detached garage of 720 SF and one new building of 1,500 SF. Ms. McClanahan agreed with that summation. What would be left is the house, the 720 SF detached garage and the new 1,500 SF building.

Mr. White asked the applicant if this building will be used for commercial purposes and Ms. McClanahan replied negatively.

Mr. Beach stated that the applicant is not properly advertised because the 720 SF detached garage counts towards the total of all detached accessory buildings on the property. The relief needed would be for 2,220 SF.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **CONTINUE** Case No. 18406 to the meeting of June 8, 1999.

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**Case No. 18407**

**Action Requested:**

Appeal decision of an administrative official that storage of compost and mulch material and storage of vehicles, trailers and loaders constitutes a commercial use in an RS-2 District. **Use Unit 6**, located 1402 E. 62<sup>nd</sup> Street.

**Presentation:**

The applicant, **Tim Titus**, 1340 E. 66<sup>th</sup> Place, submitted a letter of support (Exhibit L-3) and photos of the property (Exhibit L-3) and stated that he stores a couple of trucks and a tractor on the back of the property. The property is 2.3 acres and is in a rural area within the City. The property is being maintained better than the previous owner. Mr. Titus submitted a letter of support from a neighbor. Mr. Titus is in the process of restoring the house on the property and restoring the land. He does store some material on the property that will eventually be used to help renovate the property.

**Interested Parties:**

There were interested parties to the application but they did not wish to speak. An objection letter was submitted to the Board (Exhibit L-4) and a petition of objection was also submitted (Exhibit L-1).

**Comments and Questions:**

Mr. Dunham stated that it appears that the amount of rocks, compost and landscape materials appear to be more than what would be needed for this property. Mr. Dunham asked Mr. Titus if he is in the commercial landscaping business? Mr. Titus replied that he does have a landscape business but he has several pieces of property and all of that material will be used on the various properties.

Mr. Stump asked the applicant if he currently lives on this tract and Mr. Titus responded that he lives a few blocks over on 66<sup>th</sup> Place. Mr. Stump asked the applicant if he is storing some of his commercial vehicles on the property. Mr. Titus replied affirmatively.

Mr. Dunham stated that this is obviously a commercial use of a residential property. The Board agreed. The Board suggested to the applicant that he needs to rezone the property.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **UPHOLD** the decision of an administrative official that storage of compost and mulch material and storage of vehicles, trailers and loaders constitutes a commercial use in an RS-2 District. **Use Unit 6**, on the following described property:

Lot 4, Block 2, Valley View Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18408**

**Action Requested:**

Special Exception to permit a bar within 150' of an R District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 12a.** and a Special Exception to waive the screening requirement from an abutting R district. **SECTION 1212a.C. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions**, located 4561 North Peoria.

**Presentation:**

The applicant, **Dorothy M. Fisher**, 561 E. 42<sup>nd</sup> Place North, Tulsa, OK 74106, submitted a site plan (Exhibit M-1) and stated that she would like to open a bar at 46<sup>th</sup> and Peoria. Ms. Fisher explained that the residential property next to the subject property is owned by the same person who she is leasing the subject property from. He does not have a problem with her putting a bar on the property because there are no houses on the property.

**Comments and Questions:**

Mr. Dunham asked Ms. Fisher what the "open space", as described on the site plan, is used for? Ms. Fisher replied that it will not be utilized.

Mr. White stated that the residentially zoned property is just zoned residential—there is nothing there.

Mr. Beach stated that the site plan does not indicate if they meet the parking requirement or not. They would need at least 33 spaces. Mr. Dunham suggested making a condition of approval that the applicant would have to meet the parking requirement. Mr. Stump suggested the Board condition the approval upon the floor area of the bar not exceeding 2,500 SF.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, White, "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to **APPROVE *Special Exception*** to permit a bar within 150' of an R 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 12a.** and a ***Special Exception*** to waive the screening requirement from an abutting R district, **SECTION 1212a.C. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions**, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, subject to the floor area not exceeding 2,500 square feet, on the following described property:

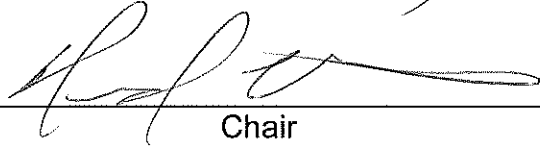
Case No. 18408 (continued)

S 200' N 250' E 190' W 240' W 14.86' of Lot 1, Section 18, T-18-N, R-13-E,  
City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 3:11 p.m.

Date approved: JUNE 8, 1999

  
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Chair