

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 773  
Tuesday, May 25, 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>   |
|--|-------------------------|----------------------|---|
| Cooper<br>Dunham, Vice Chair<br>Turnbo | Perkins<br>White, Chair | Arnold<br>Beach      | Ballentine,<br>Neighborhood Insp.<br>Prather, Legal Dept.<br>Ackermann,<br>Zoning Officer |

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, May 21, 1999, at 10:40 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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**MINUTES:**

On **MOTION** of **COOPER**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins, White "absent") to **APPROVE** the Minutes of April 27, 1999 (No. 771).

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**UNFINISHED BUSINESS**

**Comments and Questions:**

Mr. Beach mentioned that there is one item that does not appear on the agenda but it was continued to today's meeting from a previous meeting several months ago. That case was the Continental Paper case. The applicant has withdrawn the request. Mr. Beach informed the Board that there is no action needed on the case.

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**Case No. 18373**

**Action Requested:**

Variance of lot width from the required 200' to 182' and 100'. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6;** a Variance of lot area from 2 acres to 1.12 acres and 1.0 acres. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6;** and a Variance of land area from 2.2 acres to 1.328 acres and 1.03 acres in an AG district to permit a lot split. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6;** located 2515 West 91<sup>st</sup> Street South.

**Comments and Questions:**

Mr. Beach informed the Board that this case needs to be stricken from the Agenda. On April 27 the case was heard and the balance of the application was continued to give additional notice. After further review, the additional relief is not needed because what is shown on the illustration is a panhandle connecting Tract A to 91<sup>st</sup> Street South. The property has frontage on the public street and no additional relief is needed.

**Interested Parties:**

None.

**Board Action:**

None taken.

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**Case No. 18394**

**Action Requested:**

Special Exception for use of land in RS-2 for a public park including the following development: roadways, parking, sidewalks, shelters, restrooms, playgrounds, picnic tables, benches, ornamental horticultural displays, Tulsa Garden Center, visitor center, gift shop, arboretum, green houses, pole barn, storage bins and maintenance employees offices. **SECTION 402. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2,** located East 21<sup>st</sup> Street and Peoria.

**Comments and Questions:**

Mr. Beach informed the Board that a timely request for continuance has been made by the applicant (Exhibit D-1). They are still in discussions with the neighborhood and are trying to resolve some issues and anticipate being ready in 30 days.

**Interested Parties:**

None.

Case No. 18394 (continued)

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins, White "absent") to **CONTINUE** Case No. 18394 to the meeting of June 22, 1999.

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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. PRINIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS – Use Unit 5**, located 8555 East 91<sup>st</sup> Street.

**Presentation:**

The applicant, **Bruce Masters**, 3840 South 121<sup>st</sup> East Avenue, submitted a site plan (Exhibit E-1) and requested permission from the Board to build a porte-cochere on the front of the church building and to add a storage building for lawn equipment north of the parking lot.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins, White "absent") to **APPROVE 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, 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. PRINIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS – Use Unit 5**, per plan submitted, on the following described property:

Lot 1, Block 1, Calvary Bible Church, City of Tulsa, Tulsa County, State of Oklahoma.

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**NEW APPLICATIONS**

**Case No. 18274**

**Action Requested:**

Special Exception to amend a previously approved site plan.

**Presentation:**

The applicant, **Ronald E. Smith**, submitted a letter stating the change in the number of units (Exhibit B-1) and mentioned to the Board that the original site plan called for 48 units for a low income elderly housing project. At this time, they wish to decrease the number of units to 44 to increase their competitive bids.

**Interested Parties:**

**Councilor Roscoe Turner, District 3**, mentioned that he was in support of the application.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins, White "absent") to **APPROVE** 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, on the following described property:

Tract "C" South tract of land. A tract of land located in the NE/4 of the SE/4 of Section 2, T-19-N, R-13-E, Tulsa County, Oklahoma more particularly described as follows: Commencing at the SE/c of said NE/4 SE/4 Section 2; thence N 00°05'28" W along the E line of said NE/4 SE/4 a distance of 35', thence N 90°00'00" W a distance of 100.00' to the True Point of Beginning, thence N 90°00'00" W a distance of 257.00', thence N 00°05'28" W a distance of 399.09', thence S 90°00'00" E a distance of 307.00', thence S 00°05'28" E a distance of 101.86', thence N 90°00'00" W a distance of 15.00', thence S 00°05'28" E a distance of 207.23', thence N 90°00'00" W a distance of 35.00' thence S 00°05'28" E a distance of 90.00 to the True Point of Beginning, Less the E 10' of the N 101.86' thereof, containing 2.61 acres or 113,893 SF, more or less, AND beginning SE/c NE/4 SE/4 thence N 125.00' thence W 100.00' thence S 125.00', thence E 100.00' to the Point of Beginning, LESS E 65.00' of the N 90.00' and the S 35.00' for streets, containing .07 acres or 3,150 SF, more or less, Section 2, T-19-N, R-13-E.

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**Case No. 18409**

**Action Requested:**

Variance of the required landscaping for an existing parking lot. **SECTION 1002. LANDSCAPE REQUIREMENTS – Use Unit 17**, located 1123 South 73<sup>rd</sup> East Avenue.

**Presentation:**

The applicant, **Billy L. Young**, was represented by **Roger Ellers**, Route 7 Box 510, Sand Springs, OK. Mr. Ellers submitted a site plan (Exhibit F-1) and mentioned that he is an employee of Action Transmission which is located at 1111 South 73<sup>rd</sup> East Avenue, Tulsa, OK. Mr. Ellers mentioned that the shop is located two lots to the south and the area that is highlighted on the map is a parking lot for customer vehicles waiting to be repaired and picked up. The parking lot is not open to the public. They plan on putting privacy screening on the sides abutting residential. They would also like to put a screening fence on the front of the lot. They own the two lots that face the parking lot and that would not be a problem. Mr. Ellers mentioned that there are a few trees currently on the lot and since the fence will surround the entire lot, there is not a need for additional landscaping.

**Comments and Questions:**

Mr. Beach mentioned to the applicant that there was no request for relief from the screening requirements.

**Interested Parties:**

**John Roy**, 9018 E. 38<sup>th</sup> Street, Tulsa, OK 74145, stated that he has looked at this property several times and it does need landscaping. The lot is across the street from an apartment complex and abuts a residential neighborhood to the south.

**Ted Fitzgerald**, 1147 South 73<sup>rd</sup> East Avenue, mentioned that his house is currently for sale. The property in question is not an eyesore and he has had no problems with qualified buyers looking at his house.

**Comments and Questions:**

Ms. Turnbo asked the applicant if the proposed paving will be laid over an existing paved area or over an unpaved area? Mr. Ellers replied that the area that has been black-topped was laid over a gravel bed that had been in existence for about 20 years.

Mr. Cooper asked Staff if he is merely maintaining an existing lot. Why is the applicant before the Board? Mr. Ackermann responded that the applicant applied for a building permit to pave his parking area and the rear of the existing shop. The landscape provision does not give an exception to the rule. The provision states that when you increase the developed area of the lot by more than 30 square feet, a landscape plan will be required. So the additional paving triggered the landscape requirement.

Case No. 18409(continued)

Mr. Cooper asked if the applicant is claiming the fact that this is an existing situation as his hardship and Mr. Ellers replied that since the landscaping will be inside the fencing it will not be seen. Mr. Beach mentioned that it appeared from the site plan that there was going to be construction of a new paved parking lot and he presumed that it was going to be constructed over an existing open ground area.

Mr. Cooper asked the applicant if they will be eliminating any of the trees on the lot? Mr. Ellers replied no, the two trees will remain.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins, White "absent") to **APPROVE** Variance of the required landscaping for an existing parking lot. **SECTION 1002. LANDSCAPE REQUIREMENTS – Use Unit 17**, subject to the property retaining two trees that qualify under the landscape requirements as landscaping; finding the hardship to be the location of the parking lot on the site, on the following described property:

Lot 18, Block 4, Eastmoor Park, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18410**

**Action Requested:**

Special Exception to permit a beer bar within 150' of an R district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 12a**; Variance of required parking from 14 to 6 spaces. **SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements** and a Variance of spacing from another adult entertainment establishment. **SECTION 1212a.C.3.c. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS**, located 1137 North Sheridan Road.

**Presentation:**

The applicant, **Jesse L. Blevins**, 6924 East Pine, submitted a site plan (Exhibit G-1) and stated that the variance on the spacing from another adult entertainment center has basically been resolved. The other business has been closed for about two months. Mr. Blevins mentioned that there is a screening fence between the bar and the residential property.

**Comments and Questions:**

Ms. Turnbo asked the applicant how far away from the R district he is located? Ms. Blevins replied that he is not sure. Mr. Beach stated that the subject property abuts the R district.

Case No. 18410 (continued)

Mr. Blevins mentioned that this business has been operating for many years. The previous owner did not have enough parking spaces to meet the Code. Parking has never been a problem with the bar. They have access to both vacant lots on either side and have approval to use them both for parking.

Ms. Turnbo asked the applicant how long his business has been in existence? Mr. Blevins just recently bought the business but the beer bar has been at this location for over 18 years. Mr. Blevins stated that the bar has never been closed. He and his wife just bought the business and when they went to apply for their license they were informed that they needed to get a Certificate of Occupancy. Mr. Blevins was told at the time of sale that the business had a Certificate of Occupancy but apparently it never did.

Ms. Turnbo inquired as to whether or not there is a lease agreement with the adjacent property owners for use of the lots for parking. Mr. Blevins stated that it is a verbal agreement. The bar can use the lots and the owner of the bar maintains the lots by mowing and cleaning, etc.

Ms. Turnbo asked Staff if the other adult entertainment business has permission to be located where it is and if it reopens in a few months, what happens to this bar application? Mr. Beach stated that if the other bar is closed, then there is not another bar. Mr. Blevins is the first one before the Board asking for approval.

**Interested Parties:**

**Sandy Cantor**, 6515 E. Latimer Place, Tulsa, OK 74115, stated that he property adjoins the subject property. There has never been any problems with the business.

**Councilor Roscoe Turner, District 3**, stated that he opposes this application. Mr. Turner believes that there are too many bars in the area. Mr. Turner asked the Board to deny the application.

**Applicant's Rebuttal:**

Mr. Blevins asked the Board to take into consideration how long the business has been in existence at this same location.

**Comments and Questions:**

Ms. Turnbo asked Staff to find out if the other bar has an occupancy permit and if it is closed permanently or just temporarily. Mr. Beach mentioned to the Board that the only thing before them today is if a bar is appropriate to be located within 150' of a residential district. There is also the question of a variance of spacing from another adult entertainment establishment and the Board should assume that there is one. The applicant stated that it was located 240' away. If there is a hardship to support the variance of the spacing requirement, the Board can grant the request. All of this is without regard as to how the other bar got there or if is still there today.

Case No. 18410 (continued)

Ms. Turnbo indicated that she has a problem with the bar abutting an R district. She does not feel comfortable with the applicant not having a written lease agreement for the extra parking spaces on the adjoining lots and would have a hard time supporting the request to reduce the number of parking spaces without the written lease agreement.

Mr. Beach reminded the Board that it is not a variance to allow a bar within 150' of an R district it is a special exception. Bars are permitted by right in a CS zoning district. The only time they must come before the Board, in a CS district, is if they are within 150' of an R district.

Mr. Dunham stated that this bar has been there for a number of years. The person who is most affected by the bar has spoken and is in support of the bar.

Mr. Cooper supports the first two items of the request but is having a problem with the third. The Board is going to have to assume that the other bar is there properly. Mr. Cooper suggested a continuance to allow the applicant to provide the Board with information about the other bar.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 2-1-0 (Cooper, Dunham, "aye"; Turnbo "nays", no "abstentions"; Perkins, White "absent") to **APPROVE *Special Exception*** to permit a beer 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; Variance** of required parking from 14 to 6 spaces, the hardship being the size of the site and it being doubtful that the parking will spill into the neighborhood. **SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements** and **CONTINUE** a **Variance** of spacing from another adult entertainment establishment. **SECTION 1212a.C.3.c. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS** to allow the applicant the opportunity to provide information on the bar that causes him to violate the spacing requirement.

**Comments and Questions:**

After discussion between the Board members it was decided to continue the application.



**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins, White "absent") to **CONTINUE *Special Exception*** to permit a beer bar within 150' of an R district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 12a; Variance** of required parking from 14 to 6 spaces, **SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements** and a **Variance** of spacing from another adult entertainment establishment. **SECTION 1212a.C.3.c. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS** to allow the applicant time to produce a written agreement for parking and so that Staff and the applicant can ascertain whether the other adult entertainment establishment is legally operating; **to the meeting of June 8, 1999**, on the following described property:

N 50' of S 180' of W 150' of Lot 3, Block 1, Aviation View Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18411**

**Action Requested:**

Special Exception to allow a manufactured home in an RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9;** Special Exception to allow the manufactured home permanently on the property. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS;** and a Variance to allow two dwelling units on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, located 1943 E. Newton Place.

**Presentation:**

The applicant, **Lee E. Ledbetter**, 1947 East Newton Place, Tulsa, OK, submitted a site plan (Exhibit H-1) and stated that she applied for this relief a year ago and it was approved. The Board denied the variance of time limit to permanent. Ms. Ledbetter does not want to split the property. Ms. Ledbetter wants to move her elderly father into the mobile home so she can take care of him. Ms. Ledbetter submitted a photo of other mobile homes in the area (Exhibit H-2).

**Interested Parties:**

**Councilor Roscoe Turner, District 3**, stated that he is opposed to mobile homes in the area. Councilor Turner asked the Board to deny the application.

Ms. Turnbo asked Councilor Turner if the Board approved the application but put a time limit of 4 or 5 years on the mobile home, would he support it? Councilor Turner said that he could support at time limit of one year.

**Applicant's Rebuttal:**

Ms. Ledbetter indicated that she agreed to a one year time limit last time and does not want to have to come before the Board every year because it is very expensive. There is another mobile home in the area that has been made permanent.

**Comments and Questions:**

Mr. Cooper indicated that he is not in favor of approving the mobile home on a permanent basis but he could support a time limit. Mr. Cooper suggested a time limit of three years.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins, White "absent") to **APPROVE *Special Exception*** to allow a manufactured home in an RM-2 zoned district for a period of three 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 9;** Variance to allow two dwelling units on one lot of record, finding that it meets the requirements of Section 1607.C. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, and DENY a *Special Exception*** to allow the manufactured home permanently on the property. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS;** on the following described property:

The W 58' of the S/2 of Lot 35, less the S 25' dedicated for roadway, Springdale Acre Lot Addition, City of Tulsa, Tulsa County, State of Oklahoma **AND** the E 58' of the W 116' of the N 130' of the S 150' of Lot 35, Springdale Acre Lot Addition.

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**Case No. 18413**

**Action Requested:**

Special Exception to allow 5'-9" fence height (columns) in a required front yard and 4'-5" fencing in required yard. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 8;** and a Special Exception to allow alternative screening (iron picket fence) since solid fencing is not allowed in a flood zone. **SECTION 212.C.2. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement,** located 4733 South Harvard.

**Presentation:**

The applicant, **George C. Twilley**, P.O. Box 35651, Tulsa, OK, submitted a site plan (Exhibit I-1) and stated that the 5'9" height would actually be the columns that would be a part of the fence.

Case No. 18413 (continued)

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins, White "absent") to **APPROVE *Special Exception*** to allow 5'-9" fence height (columns) in a required front yard and 4'-5" fencing in required yard. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 8**; and a ***Special Exception*** to allow alternative screening (iron picket fence) since solid fencing is not allowed in a flood zone, 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 212.C.2. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement**, on the following described property:

Lot 4, Patrick Henry Village, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18414**

**Action Requested:**

Appeal of the decision of the Tulsa Preservation Commission denying a storm door with security bars. **SECTION 1055.F. CERTIFICATE OF APPROPRIATENESS; Appeal of Preservation Commission Action – Use Unit 6**, located 1527 South St. Louis.

**Presentation:**

The applicant, **Antonia Z. Saffa**, 1527 South St. Louis, stated that she would like to have a security storm door with security bars on her house. Ms. Saffa mentioned that she lives within a block of Cherry Street and several bars. There are many strange people that walk in front of her house at all hours of the day and night. Ms. Saffa submitted photos (Exhibit J-1) of houses within the Swan Lake Neighborhood that have security doors. Ms. Saffa mentioned that she cools her house mainly with an attic fan and window air conditioner. She would like to have the ability to use a screen door and still have security. Ms. Saffa stated that since she saw so many of the security doors in the neighborhood she bought one and did not know it had to be approved by the TPC. She submitted a letter from a neighbor who has a security door with bars on it. Also submitted was a letter from the manufacturer of the door (Exhibit J-2).

**Interested Parties:**

**Charles Gilmore**, Vice Chairman, Tulsa Preservation Commission (TPC), and Chairman of the Certificate of Appropriateness Committee (COA). The TPC was created by ordinance by the City of Tulsa to administer the various historical neighborhoods in Tulsa. The Swan Lake neighborhood is classified as an historical neighborhood. Mr. Gilmore explained that each neighborhood develops their own guidelines as to what is required and allowed in that neighborhood. The TPC is typically most concerned what is done to the house that can be seen from the street. In this particular case, the applicant had requested that a storm door be put on. The case was heard by the COA and they approved the request for the storm door but recommended that the applicant use a full view type storm door so as to not obscure the original door on the house. The decision was unanimous at both the COA committee meeting and the TPC meeting.

Ms. Turnbo asked Mr. Gilmore if he could assume that most of the security doors were put up before Swan Lake adopted the Historic Preservation Guidelines? Mr. Gilmore replied that he could not say for sure but assumed so.

Mr. Cooper asked Mr. Gilmore if it is primarily the visual aspect of the door that the TPC is objecting to? Mr. Gilmore replied that it is the look of the door, not the color. Mr. Cooper asked if there could be any compromise to allow the applicant the safety she desires while still allowing for the air flow? Mr. Gilmore replied that the air flow should not be a problem, the applicant can put in a self storing storm door. Mr. Gilmore stated that security is not something that is addressed in the guidelines.

**Comments and Questions:**

Mr. Prather read Section 1055.C. of the City of Tulsa Zoning Code to the Board.

**Applicant's Rebuttal:**

Ms. Saffa mentioned that there has been a lot of crimes committed in the area. Ms. Saffa spoke with the manufacturer of the door and they informed her that the scroll work on the door could be removed. Ms. Saffa feels that the security door is a deterrent to crime and it gives her a feeling of security.

**Comments and Questions:**

Mr. Dunham stated that he can see both sides of the argument.

Ms. Turnbo mentioned that she is a founding member of the Tulsa Preservation Commission and worked over 10 years to get the ordinance passed. The people of the neighborhood made the guidelines, not the TPC. Ms. Turnbo feels that the TPC followed the guidelines and made the right decision.

Case No. 18414 (continued)

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 1-2-0 (Turnbo "aye"; Cooper, Dunham "nays", no "abstentions"; Perkins, White "absent") to **UPHOLD** the decision of the Tulsa Preservation Commission denying a storm door with security bars. **SECTION 1055.F. CERTIFICATE OF APPROPRIATENESS; Appeal of Preservation Commission Action – Use Unit 6**, on the following described property:

Lot 10, Block 4, Orcutt Addition, City of Tulsa, Tulsa County, State of Oklahoma.

**Comments and Questions:**

Mr. Cooper asked Staff if there would be any point to him making a motion that is contrary to what Ms. Turnbo made? Mr. Beach replied that the resulting vote would likely be the same. Mr. Prather suggested continuing the case to the next meeting. Mr. Dunham thought that was a good idea since there are only three members present. Ms. Turnbo objected to continuing the case just because there are only three members present. Mr. Beach stated that when the applicant realizes that there are only three members and it takes all three members to approve something, it should be the applicant's responsibility to request that continuance and that it is something that the Board should not volunteer to do.

There was discussion as to whether or not the decision of the Tulsa Preservation Commission was upheld. Mr. Prather, City Legal Department, stated that in Section 1055.F., it talks about the appeal of a Preservation Commission action. It says that "an appeal may be taken pursuant to Section 1605." Section 1605.C. states, "the concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative official enforcing this Code." Therefore, without three votes, the Board cannot reverse the decision. Mr. Prather stated that the decision of the administrative official stands.

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**Case No. 18415**

**Action Requested:**

Variance to exceed 750 SF of detached accessory building to permit 1,200 SF on a 2-acre tract zoned RS-3. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6**, located 2203 West 78<sup>th</sup> Street South.

**Presentation:**

The applicant, **Clifford A. Bailey**, was present and submitted a site plan (Exhibit K-1).

**Interested Parties:**

None.

Case No. 18415 (continued)

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins, White "absent") to **APPROVE** Variance to exceed 750 SF of detached accessory building to permit 1,200 SF on a 2-acre tract zoned RS-3. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6**, finding the hardship to be the size of the lot, subject to there being no commercial activities on the property, on the following described property:

NW SE NW SE less S 25' for road, Section 10, T-18-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18416**

**Action Requested:**

Special Exception to waive screening requirement from an abutting R District where the purpose of screening will not be met. **SECTION 1225.C. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY, Use Conditions**, located 6910 E. Virgin Street.

**Presentation:**

The applicant, **Louis Horton**, was present and submitted a site plan (Exhibit L-1).

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins White "absent") to **APPROVE** Special Exception to waive screening requirement from an abutting R District where the purpose of screening will not be met, 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 1225.C. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY, Use Conditions**, on the following described property:

Part of Block 18, Mohawk Ridge Addition to the City of Tulsa, Tulsa County, State of Oklahoma, Section 26, T-10-N, R-13-E, described as follows: the W 18.00' of Lot 8 and all of Lots 9 through 16 and the W 18.00' of Lot 17, Block 18, Mohawk Ridge Addition and located on the SE/c of E. Apache St. and N. 69<sup>th</sup> E. Ave.

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**Case No. 18417**

**Action Requested:**

Special Exception to allow a single-family residence in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6;** and a Variance to permit a gravel drive and parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS,** located NW/c East 21<sup>st</sup> Street & South Lynn Lane.

**Presentation:**

The applicant, **Paul Wood**, 145 South 145<sup>th</sup> East Avenue, Tulsa, OK, submitted a site plan (Exhibit M-1) and stated that he would like to construct a home for his family on a 10-acre tract on the northwest corner of Lynn Lane and 21<sup>st</sup> Street. There are four new residences within a half-mile of this one and his would be compatible with the others. Mr. Wood asked the Board to approve the variance for a gravel drive. The hardship is that all of the other homes in the area have gravel drives.

**Interested Parties:**

**John Roy**, 9018 E. 38<sup>th</sup> Street, stated that he is representing East Tulsa Mingo Valley Association, stated that the Association has no problem with application.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins, White "absent") to **APPROVE** Special Exception to allow a single-family residence 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 6;** and a Variance to permit a gravel drive and parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS,** finding the hardship to be that all of the driveways in the area are gravel, on the following described property:

SE, SE, SE, less S 50' for right-of-way, Section 11, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18418**

**Action Requested:**

Variance of the required side yard from 5' to 4'4". **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICT – Use Unit 6;** a Variance of the required rear yard from 20' to 11'6". **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and a Variance of setback from a street from the required 20' to 15'2½", all to permit joining existing structures. **SECTION 403.5 BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS,** located 1401 South Richmond Avenue.

Case No. 18418 (continued)

**Presentation:**

The applicant, **Kenneth Craft**, was not present.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins, White "absent") to **CONTINUE** Case No. 18418 to the meeting of June 8, 1999.

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**Case No. 18419**

**Action Requested:**

Special Exception to permit a church in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 5;** a Variance to permit required parking on a lot other than the lot on which the church is located. **SECTION 1205. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES OR IN THE ALTERNATIVE** a Variance of the required number of parking spaces. **SECTION 1301. GENERAL REQUIREMENTS**, located SW/c & SE/c South 91<sup>st</sup> East Avenue and Broken Arrow Expressway.

**Comments and Questions:**

Mr. Beach mentioned that the applicant, Mr. Moody has submitted a timely request for continuance (Exhibit N-1).

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins, White "absent") to **CONTINUE** Case No. 18419 to the meeting of June 8, 1999.

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**Case No. 18420**

**Action Requested:**

Special Exception of the required 110% setback from an R zoned property from 110' to 10' on south and 110' to the west property line to 5'. **SECTION 1204.C.3.g. SECTION 1204.C. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FAILITIES, Use Conditions**, located 1402 South Memorial.



Case No. 18420 (continued)

**Comments and Questions:**

Mr. Beach mentioned to the Board that this case needs to be stricken from the Agenda. An error in the notice was discovered after the newspaper notice had gone out but prior to mailing of the notices to property owners within 300'. Staff has readvertised the case and no action needs to be taken.

**Interested Parties:**

None.

**Board Action:**

None Taken.

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**Case No. 18421**

**Action Requested:**

Special Exception to allow automotive related uses in a CS district to include: sale of automobiles, motorcycles, personal watercraft, boats and motorcycle parts and accessories; and service and repair of motorcycles, located 102 South 111<sup>th</sup> East Avenue.

**Presentation:**

The applicant, **Betty J. Durbin**, 3611 South 130<sup>th</sup> East Avenue, Tulsa, OK, submitted a site plan (Exhibit P-1) stated that she and her husband opened a business called Second Childhood Cars and Toys. They lease the property at 102 South 111<sup>th</sup> East Avenue. Ms. Durbin submitted a photo of the property (Exhibit P-2). Ms. Durbin explained to the Board that they would like to sell used cars and motorcycles. During the day, the vehicles will be parked out in front of the building. There is enough room for about 12 vehicles. Ms. Durbin explained that this is a small business and they cannot afford to keep 12 vehicles at all times so that number will be less. The vehicles will be stored inside the building in the evenings. It is their plan to sell the motorcycle parts and accessories over the internet. Ms. Durbin stated that most of the business in the area is automotive related.

**Interested Parties:**

**Ken Clark**, 3019 South Madison, stated that he owns the business that abuts the subject property. Mr. Clark stated that the streets are narrow and cannot handle on street parking. There is not enough parking to display cars for sale and for people to park and come look at the cars. Mr. Clark urged the Board to deny the application.

Ms. Turnbo asked Mr. Clark if all of the properties within the Industrial Park individually own or is there a governing body? Mr. Clark replied that they need an Owners' Association but until recently they have not needed one, the business owners have always been able to work out their problems.

**Georgia Stephens**, 10914 East 2<sup>nd</sup> Street, stated that she is opposed to the application. There is not enough parking for all of the businesses in the area. Ms. Stephens mentioned that the Board should be in receipt of several letters of protest that were faxed to the Board (Exhibit P-3).

**Marian Clark**, 3019 South Madison, stated that she is opposed to the application.

**Applicant's Rebuttal:**

Ms. Durbin reminded the Board that this is a very small business and they do not plan on having the customers or anyone else park in the street. She and her husband both have other full time jobs and this is just a hobby that they would like to get started. If they grow, they will look for a larger site. The business will mainly consist of motorcycles and motorcycle accessories and much of it will be sold over the internet.

**Comments and Questions:**

Ms. Turnbo asked the applicant how many parking spaces they are proposing? Ms. Durbin replied 18 spaces.

Mr. Beach mentioned to the Board that the Wagon Wheel Trade Center has development standards which were adopted in 1982. It is zoned CS but the uses permitted by the Board allowed for, on the north 200' and the east 250' of this center, all the uses permitted by right in a CS District and in addition the uses permitted in Use Unit 15, Other Trades and Services. The remainder of the property was approved for Use Unit 10, Off-Street Parking; Use Unit 11, Offices and Studios; Use Unit 15, Other Trades and Services; Use Unit 17, Vehicle Repair and Service Only. The subject property is within the East 250' and does not get use Unit 17 by right.

Mr. Cooper is willing to listen to an approval provided that there is no outside storage nor any on-street parking.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins, White "absent") to **APPROVE Special Exception** to allow automotive related uses in a CS district to include: sale of automobiles, motorcycles, personal watercraft, boats and motorcycle parts and accessories; and service and repair of motorcycles, subject to no outside storage or sale of any products and no on-street parking related to the use, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 13, Block 2, Wagon Wheel Trade Center, City of Tulsa, Tulsa County,  
State of Oklahoma.

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

Date approved: June 22, 1999

  
Chair

