

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 777  
Tuesday, July 27, 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 Turnbo White, Chair	Cooper	Arnold Beach Stump	Jackere, Legal Dept. Ackermann, Zoning Officer Parnell, Code Enforcement

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, July 23, 1999, at 8:04 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. 18453**

**Action Requested:**

Special Exception to remove the screening requirement from an abutting R district for a parking lot and abutting apartments in a PUD. **SECTION 504.B. GENERAL USE CONDITIONS IN THE PARKING DISTRICT** and **SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 10** and a Variance of the requirement of a 5' landscaped area to 0' from an abutting RS-1 property. **SECTION 1002.A.3. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements**, located East 96<sup>th</sup> Street South & South Memorial.

**Presentation:**

The applicant, **Jeff Levinson**, 35 East 18<sup>th</sup> Street, stated that he represents Spirit Bank, the prospective purchaser of the tract. Mr. Levinson submitted a site plan (Exhibit A-1) and mentioned that the tract is 48' wide by 412' deep and is going to be used exclusively as a parking lot to service the existing Spirit Bank facility on South Memorial. Mr. Levinson pointed out that the tract is bordered by RS-1 and the owners of the RS-1 tract do not anticipate it ever being developed as a residential use. Those owners support this application fully.

**Interested Parties:**

None.

**Comments and Questions:**

Mr. White asked Staff if a tie agreement is required? Mr. Levinson informed the Board that this lot is also the subject of a pending lot-split application. The 48' tract will be tied to the Lot 1, Block 1, 9600 Memorial, which is Spirit Bank. Mr. Beach mentioned that as soon as the PK zoning is approved, it will be subject to plat and they can incorporate the lot into their plans.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **APPROVE *Special Exception*** to remove the screening requirement from an abutting R district for a parking lot and abutting apartments in a PUD, 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 504.B. GENERAL USE CONDITIONS IN THE PARKING DISTRICT** and **SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 10** and a **Variance** of the requirement of a 5' landscaped area to 0' from an abutting RS-1 property, finding that the hardship meets the requirements of Section 1607.C., **SECTION 1002.A.3. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements**, on the following described property:

A tract of land that is part of the NE/4 of the SE/4 of Section 23, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, said tract being described as follows: Beginning at a point on the Sly line of 9600 Memorial, said point being 5' Wly of the SE/c of said 9600 Memorial; thence S 01°07'48" E along the present right-of-way line of S. Memorial for 48.00'; thence S 88°45'34" W 48' Sly of as measured perpendicularly to and parallel with the Sly line of said 9600 Memorial for 412.30'; thence N 01°07'48" W for 48.00'; thence N 88°45'34" E along a Wly extension of the Sly line of said 9600 Memorial and along the Sly line of said 9600 Memorial for 412.30' to the beginning.

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**NEW APPLICAITONS**

**Case No. 18458**

**Action Requested:**

Special Exception to permit an existing public park in RS-3 and AG Districts and to permit improvements to the park. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5**, located 2877 South 77<sup>th</sup> East Avenue.

**Presentation:**

The applicant, **Clarence T. Ruby, Jr.**, City of Tulsa, Parks Department, submitted a site plan (Exhibit B-1) and mentioned that the City plans to do some excavating work including new picnic tables and a trail around the park.

**Interested Parties:**

None.

**Comments and Questions:**

Mr. Beach stated that the site plan submitted indicates an accompanying list of funded items over the next ten years. If the Board approves this application, per plan, they should limit it to the items contained in the already funded list.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; "nays", no "abstentions"; Cooper "absent") to **APPROVE *Special Exception*** to permit an existing public park in RS-3 and AG Districts and to permit improvements to the park, 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** and **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5**, subject to the conceptual site plan, and that minor revisions may be made to the plan without further approval by the Board; and being limited to only those items that are included in the 10 year funded list (Exhibit B-2), on the following described property:

Lots 2 and 3, Block 1, Hodges Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18459

Action Requested:

Special Exception to permit an existing public park (Woodland View II) in an RS-3 district and to permit improvements to the park. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, located North of east 58<sup>th</sup> Street between South 85<sup>th</sup> East Avenue and South 84<sup>th</sup> East Avenue.

Presentation:

The applicant, **Clarence T. Ruby, Jr.**, City of Tulsa, Parks Department, submitted a site plan (Exhibit C-1) and stated that the site map sent out by INCOG has an error on it. The map shows an entrance at the east side of the park and that entrance will not exist. Mr. Ruby explained that the entrance exists on the plat but it is not used or accessible. The entrance on the south will be the main entrance. There is another access in the northwest corner

Interested Parties:

**Dr. Jerry Powell**, President of the Homeowners' Association of Woodland View Park I. Dr. Powell indicated that the association is in support of the application. There have been no improvements made to the park since it was built in 1969.

**Craig Stuttsman**, 5643 S. 85<sup>th</sup> E. Ave. stated that the entrance on the east side of the park is directly across the street from him. He is concerned about it being used in the future. Mr. Stuttsman suggested that the City just divide up the small parcel of land and deed it to each homeowner on either side of it.

Mr. Jackere mentioned to Mr. Stuttsman that if the property is platted right-of-way, it can be closed and ultimately vacated. Mr. Jackere asked Mr. Stuttsman if there are any utilities on the property? Mr. Stuttsman replied that he can see no utilities.

Applicant's Rebuttal:

Mr. Ruby stated that they have an agreement with one of the property owners that they would not reopen the access nor would they cut down the trees. Mr. Ruby stated that the 6' strip was originally acquired with the park. The park was donated to the City by the developers.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE Special Exception** to permit an existing public park (Woodland View II) in an RS-3 district and to permit improvements to the park, 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**, subject to the improvements as shown on the conceptual site plan (Exhibit ), on the following described property:

Case No. 18459 (continued)

A tract of land located in the SW/4 of Section 36, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma described as Beginning at the NE/c of Woodland View Park I Addition; thence due S 405'; thence S 27°00'00" W a distance of 365'; thence S 41°00'00" W a distance of 352'; thence due E a distance of 255'; thence due S a distance of 125.63'; thence due E a distance of 20'; thence due N a distance of 123.63'; thence N 30°15'00" E a distance of 430'; thence N 9°50'00" E a distance of 145'; thence S 80°10'00" E a distance of 115.01'; thence N 9°50'00" E a distance of 6'; thence N 80°10'00" W a distance of 115.01'; thence N 9°50'00" E a distance of 189'; thence N 30°00'00" E a distance of 334.20'; thence due W a distance of 320.15' to the point of beginning.

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Case No. 18460

Action Requested:

Special Exception to permit a manufactured home in an RS-4 District and a Special Exception of the one-year time limit to permanent. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS – Use Unit 9**, located 1850 North Owasso Avenue

Presentation:

The applicant, **Tasha Alexander**, 445 East Oklahoma Place, submitted a site plan (Exhibit D-1) and stated that she would like to place a mobile home on land that has been passed down through her family.

Comments and Questions:

Mr. Dunham stated that there are some improvements shown on the aerial photo. He asked the applicant if those improvements will remain? Ms. Alexander replied that it was torn down. She hopes to one day open a beauty salon adjacent to her home. The houses that are on the same side of the street are vacant. Ms. Alexander submitted photos of the surrounding area (Exhibit D-3).

Interested Parties:

**Carol Matthews**, 1851 North Owasso, stated that she is directly across the street from the proposed mobile home. Ms. Matthews is opposed to allowing a mobile home in a residential area because it will lower property values.

**Leneta Dyer**, 2005 North Madison Place, is opposed to the mobile home being allowed in the neighborhood. Ms. Dyer would like to see more stick built homes in the area and not more mobile homes.

Case No. 18460 (continued)

**Esther Oggins**, stated that she represents the Lacey Park Task Force, stated that this area is strictly opposed to any mobile homes in the neighborhood. Ms. Oggins feels that they bring down property values. She stated that they are trying to rebuild their neighborhood and allowing mobile homes will not help their efforts.

Mr. White mentioned that the Board is in receipt of a petition of opposition (Exhibit D-2) signed by 20 neighborhood residents.

Mr. White reminded the Board that they do have, on record, a written opposition from Councilor Williams, that he is in opposition to any manufactured or mobile homes in the district.

**Applicant's Rebuttal:**

Ms. Alexander impressed upon the Board that a manufactured home will do nothing but bring up the value and quality of the neighborhood. The houses that are there have never been improved any way. Ms. Alexander is planning to brick the house and add a garage to help the appearance.

**Comments and Questions:**

Mr. Dunham asked the applicant if the plan submitted is the one she plans on moving onto the property? Ms. Alexander replied affirmatively.

Mr. Dunham asked if the home will be placed on a permanent foundation and Ms. Alexander responded that it will.

Mr. Dunham asked if the applicant has any plans to pave the driveway and Ms. Alexander replied affirmatively.

Mr. Dunham asked the Board if there are any other mobile homes in the area. Mr. White replied that he has driven the neighborhood and did not see any other mobile homes.

Ms. Turnbo stated that the house looks nice in the pictures but she believes that this neighborhood is trying to rebuild and the neighborhood strongly opposes mobile homes. She is leaning towards denial of the application. Mr. White does not believe that this home will be a benefit to the area.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY *Special Exception*** to permit a manufactured home in an RS-4 District and a Special Exception of the one-year time limit to permanent. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS – Use Unit 9**, on the following described property:

Case No. 18460 (continued)

Lots 7-8, Block 7, Liberty Second Addition, an addition to the City of Tulsa,  
Tulsa County, State of Oklahoma.

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**Case No. 18461**

**Action Requested:**

Variance of the required 60' lot width to 50' to permit a lot split in an RS-3 zoned district. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS;** Special Exception to allow duplexes in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS;** Variance of the required lot area from 9,000 square feet to 6,750 square feet; Variance of the required land area per dwelling unit from 5,000 square feet to 4,000 square feet; Variance of minimum lot frontage from 75' to 50' to permit duplexes. **SECTION 404.C. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; OR in the alternative:** Variance of the required lot area from 6,900 square feet to 6,750 square feet and Variance of the required land area per dwelling unit from 8,400 square feet to 8,000 square feet to permit a lot split. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS,** located East of the NE/c East 3<sup>rd</sup> Street & South Delaware.

**Comments and Questions:**

Mr. Beach informed the Board that all of the requests related to duplexes are being withdrawn.

**Presentation:**

The applicant, **Linda Morrissey**, was represented by **John Nicks**, 1325 South Guthrie, who submitted a site plan (Exhibit E-1) and stated that he is one of the owners of the property. After talking to the neighborhood association last week, they have decided to withdraw the request to allow duplexes. Their application now is to conform these lots to the rest of the lots on the block.

**Interested Parties:**

**Maria Barnes**, 2252 East 7<sup>th</sup> Street, stated that she is the President of Kendall-Whittier Neighborhood Association. The Association supports the lot-split for single-family residences.





Case No. 18462 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE Variance** of the required setback from an arterial street from 90' to 50', finding the existing conditions in the neighborhood to be the hardship, **SECTION 904. SPECIAL EXCEPTION USES, REQUIREMENTS – Use Unit 23**, per plan submitted, on the following described property:

Part of Government Lot 6, in Section 3, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Beginning at a point 562.2' N and 1537' N 79°10' E of Meander Corner on the left bank of the Arkansas River between Sections 3 and 4, T-19-N, R-12-E, being a point which is 30' perpendicularly distant in a SEly direction from the center line of paved highway known as Sand Springs Road; thence N 79°10' E on and along the Sly line of said Sand Springs Road, a distance of 257.5'; thence S 2°26' E, a distance of 212.1' to a point on the Nly right-of-way line of Sand Springs Railway Company, said point being 38.8' perpendicularly distant in a NWly direction from the center line of the west bound main track of said railway company thence S 78°58' W on and along said Nly right-of-way line a distance of 259.0'; thence N 2°2' W a distance of 213.5' to the point of beginning.

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**Case No. 18463**

**Action Requested:**

Variance of the required setback from an abutting street from 55' to 30' to permit an accessory building which will be 5' from the property line. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 5**, located 5502 South Harvard Avenue.

**Presentation:**

The applicant, **Daryl F. Southard**, 5652 South Delaware, submitted a site plan (Exhibit G-1) and stated that he represents Harvard Avenue Christian Church. The church would like to place an accessory building within 5' of the property line. The building will be utilized as classroom space for the church.

**Interested Parties:**

None.

Case No. 18463 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE Variance** of the required setback from an abutting street from 55' to 30' to permit an accessory building which will be 5' from the property line, finding that the hardship meets the requirements of Section 1607.C., **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 5**, per plan submitted, on the following described property:

That part of the NE/4 of Section 32, T-19-N, R-13-E, Tulsa County, Oklahoma described as follows: Beginning at a point 466.69' S of the NE/c of the SE/4, NE/4; thence W parallel with the N line of said SE/4, NE/4 466.69' to a point; thence S 300' to a point; thence E 466.69' to a point on the E line of said section; thence N along said line 300' to the point of beginning.

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**Case No. 18464**

**Action Requested:**

Variance of the required 65' setback from the centerline of East 47<sup>th</sup> Place to 40'. **SECTION 902. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 15**, located 4711 South Mingo.

**Presentation:**

The applicant, **Charles Chief Boyd**, 4998 East 26<sup>th</sup> Street, submitted a site plan (Exhibit H-1) and stated that he is replacing a lumber warehousing facility with a different structure in essentially the same location. The building will be slightly larger.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM** the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE Variance** of the required 65' setback from the centerline of East 47<sup>th</sup> Place to 40', finding the hardship to be the configuration of the lot, **SECTION 902. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 15**, per plan submitted, on the following described property:

Lots 4 through 11, Block 26, and vacated portions of Main Street, in Block 26, Alsuma, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18465**

**Action Requested:**

Variance of the requirement that corridor access shall be principally from internal collector streets. **SECTION 804. ACCES REQUIREMENTS – Use Unit 11**, located South of he SE/c East 91<sup>st</sup> Street & South Mingo Road.

**Presentation:**

The applicant, **Wayne Alberty**, 201 West 5<sup>th</sup> Street, Tulsa, OK 74103, stated that he is representing the Sutherland family who owns the property. Mr. Alberty submitted a site plan (Exhibit I-1) and mentioned that the Sutherlands were before the Board approximately three years ago and at that time they had a different use in mind. The use that was approved was never completed. The Sutherland family wants to develop a project which will partially be for their own use (headquarters for Sutherland Companies) and to provide extra space for medical offices. The Sutherlands believe that medical offices will soon be in demand as direct result of the new SouthCrest Hospital being located nearby. Mr. Alberty explained that this tract is long and narrow and could not accommodate a collector street.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of the requirement that corridor access shall be principally from internal collector streets, finding that the hardship meets the requirements of Section 1607.C., **SECTION 804. ACCES REQUIREMENTS – Use Unit 11**, subject to an approved site plan, on the following described property:

Property described as Part of the N 330' of the S 660' of Government Lot 1, Section 19, T-18-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at a point on the S line of said N 330' of the S 660', said point lying 50' E of the SW/c thereof; thence N 01°09'30" W parallel to the W line of said Lot 1, a distance of 165.24' to a point; thence N 88°58'07" E a distance of 325.66' to a point; thence S 86°47'19" E a distance of 234.21' to a point; thence S 78°55'39" E a distance of 92.99' to a point; thence S 68°32'06" E a distance of 81.25' to a point; thence N 64°03'00"E a distance of 40.81' to a point; thence S 89°29'03" E a distance of 107.20' to a point; thence S 71°05'02" E a distance of 236.74' to a point; thence S 52°21'25" E a distance of 49.39' to a point on the said S line of the N 330' of the S 660'; thence S 88°58'08" W along said S line a distance of 1,130.13' to the point of beginning, containing 3.38 acres more or less.

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**Case No. 18466**

**Action Requested:**

Variance of average lot width from the required 60' to 38' and 34' to permit a lot-split with two panhandles for water and sewer access. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 4122 South Madison Avenue.

**Presentation:**

The applicant, **Kenneth Craft**, 4119 South Detroit, submitted a site plan (Exhibit J-1) and stated that he attempted to do a lot split in the Spring and they ran into some utility problems. He has since met with the utility departments and has been told by them that they would have to construct a panhandle to gain access to the utilities. Because of the panhandle length, the average lot width would be reduced. Mr. Craft explained that all of the lots to the south have been split. The lot directly to the south has a panhandle for water access.

**Interested Parties:**

**Steve Pattison**, 4132 and 4136 South Madison avenue, stated that he is in opposition to this proposed lot split. Mr. Pattison explained that the house that exists gains access from Detroit and the proposed lot would gain access from Madison. Mr. Pattison stated that Madison is barely a street and is about 8' wide. There is not enough room to handle the traffic that currently uses the street. Mr. Pattison asked the Board to deny the application.

Mr. White mentioned that the Board is in receipt of a letter of opposition (Exhibit J-2). Ms. Turnbo asked Mr. Pattison if there are houses that currently face onto Madison? Mr. Pattison replied that there are two houses that face onto Madison right now.

**Applicant's Rebuttal:**

Mr. Craft stated that there is more than 8' on Madison. He believes that Madison is closer to 22' or 25'.

**Comments and Questions:**

Mr. Dunham stated that it appears that the lots to the south that have been split are wider than the one proposed to be split.

Mr. White asked Staff when the lots to the south developed with the panhandle? Mr. Beach replied that he did not know. Mr. Stump stated that it was probably not granted a variance of lot width. Mr. Beach noted that if it wasn't for the need to get to the sewer and water the applicant would not be before us. Mr. Stump mentioned that the City requires the lot front the water main and sewer main. If it does not, you are supposed to extend the water or sewer main so the lot does front. A way of getting around that is a panhandle lot.

Mr. White feels that this is a self-imposed hardship.

Case No. 18466 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY** a **Variance** of average lot width from the required 60' to 38' and 34' to permit a lot-split with two panhandles for water and sewer access. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, on the following described property:

S/2 of Lot 2, Block 1, Demorest Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18467**

**Action Requested:**

Variance of the required rear setback from 25' to 15'. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 6**, located 2200 Block east 48<sup>th</sup> Place

**Presentation:**

The applicant, **Michael Dwyer**, was represented by **Nancy Gorley**, 2153 East 48<sup>th</sup> Place South, submitted a site plan (Exhibit K-1) and stated that she and her husband are the owners of the lot. Ms. Gorley is requesting to have the rear setback reduced to 15'. There is a 15' utility easement that runs along the north side of the subdivision. There are 11 lots on the north side of the subdivision. Presently there are six lots occupied and four of them have received the same variance that the Gorley's are requesting today. Ms. Gorley also mentioned that they would like approval of the variance because they do not want to build a two-story house and in order to have sufficient square footage in the house, they need the variance. Their hardship is the fact that there are several other houses in the area that have received the same relief.

**Interested Parties:**

**Mrs. Finlan Boesche**, 2218 East 48<sup>th</sup> Street, stated that she and her husband helped design the subdivision. At the time, he suggested that they design the houses so there would be no lights shining into other houses. Ms. Boesche is very supportive of the one-story house that the Gorley's are proposing to build.

**Maury Stamin**, 2229 East 48<sup>th</sup> Street, was concerned about there being no description of what is being planned. He supports the single-story house.

**Comments and Questions:**

Mr. Beach mentioned that one of the development standards that was imposed in 1977 when the development was permitted, in addition to the 25' rear setback for the northerly tier of lots, was that any garage that faces the street (or entry perpendicular to the street) must be setback 25' from the street. That is not the case according to this site plan and they did not ask for that relief.

**Applicant's Rebuttal:**

Ms. Gorley mentioned to the Board that the garage setback is a private restriction. None of the existing homes on the north side and on the other perpendicular streets, has a 25' setback from the curb line. Some are as close as 16' or 18'.

**Comments and Questions:**

Mr. Beach stated that the applicant still needs relief from the garage setback and it should be continued to allow for notice of the relief needed.

**Board Action:**

On **MOTION** of **PERKINS**, the Board voted 3-0-1 (Dunham, Perkins, Turnbo, "aye"; no "nays", White "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of the required rear setback from 25' to 15', subject to the house being single-story, finding the hardship to be that there have been four other variances granted in the same neighborhood. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 6**, and **CONTINUE** the case to allow for additional notice for garage setback relief, on the following described property:

Lot 13, Block 1, Bolewood Place, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18468**

**Action Requested:**

Special Exception to allow a Use Unit 17, automobile sales, in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17**, located 6222 South Peoria.

**Presentation:**

The applicant, **Anthony Wayne Hunter**, 4102 South Madison Place, submitted a site plan (Exhibit L-1) and stated that he owns the subject property. Mr. Hunter explained that he would like to sell autos at the location on South Peoria.

**Comments and Questions:**

Mr. Beach informed the Board that additional relief will be needed if the Board approves this application. The relief needed would be from the requirement of no storage or display of merchandise within 300' of an R zoned district.

Case No. 18468 (continued)

Mr. White asked the applicant how many cars he intends on displaying? Mr. Hunter replied no more than 10. The lot will not hold more than 10 or 12. There will be no repairs done on the lot.

Ms. Turnbo stated that she is opposed to this use. She feels that the lot is too small and it is located too close to residential areas. Mr. Dunham agreed with Ms. Turnbo.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **DENY** a **Special Exception** to allow a Use Unit 17, automobile sales, in a CS zoned district, finding that the use will be detrimental to the neighborhood. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17**, on the following described property:

Lot 1, Block 1, South Peoria Gardens, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18469**

**Action Requested:**

Special Exception for a self support tower rather than a monopoly tower in an IL zoned district. **SECTION 1204.C.3.b.2. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions** and a Variance from the requirement of blending with the surrounding environment. **SECTION 1204.C.3.b.1. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions**, located NW/c South 105<sup>th</sup> East Avenue & East 54<sup>th</sup> Street South.

**Presentation:**

The applicant, **Titan Towers, L. P.**, was represented by David Baker, 1500 Industrial Boulevard, Abilene, TX, submitted a site plan (Exhibit M-1) and some supporting exhibits (Exhibit M-2) to the Board. Mr. Baker mentioned that their proposal is for a 300' self-supporting tower. The reason for the request is because a monopole cannot structurally be built that tall to accommodate the number of different users that they intend. The Code indicates that the tower should be galvanized or otherwise blend with the surrounding environment, this tower will be galvanized with aviation style lighting. The site is located near the intersection of Highway 51 and Highway 169. They intend to work with the City so the tower does not interfere with their communications.

**Comments and Questions:**

Mr. Dunham stated that the expressway is zoned RS-3, technically the applicant needs a setback of 110% from an RS district. The applicant is not advertised for that relief. Mr. Baker mentioned that from the site plan, it appears that the edge of the property is about 170' from the center of the tower to the expressway. Mr. Stump stated that the applicant does not need the relief from the expressway. The Code excludes expressways zoned residential.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** for a self support tower in an IL 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 1204.C.3.b.2. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions** and a **Variance** from the requirement of blending with the surrounding environment, finding that it meets the requirements of Section 1607.C., **SECTION 1204.C.3.b.1. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions**, per plan submitted, on the following described property:

Lot 8, Block 16, Tulsa Southeast Industrial District, Blocks 12A and 13 through 18 inclusive, a resubdivision of Block 12 of Tulsa Southeast Industrial District, Blocks 9 through 12 inclusive and part of Block "A" and all of Block "B" of Tulsa Southeast Industrial District Extended, addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18470**

**Action Requested:**

Variance of not more than 12½% from the required number of parking spaces for any given use within existing shopping center, due to continual fluctuation among various uses and allocation of uses within shopping center and different hours of operation. **SECTION 1211.D. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES, Off-Street Parking and Loading Requirements; SECTION 1212.D. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements; SECTION 1213.D. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Off-Street Parking and Loading Requirements; and SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements** and a Variance from requirement that required parking spaces be located on lot containing use for which such required parking spaces are to



be provided, to permit such spaces to be located on adjoining lot which is nevertheless part of same shopping center. **SECTION 1300.B. & C. APPLICABILITY OF REQUIREMENTS;** and **SECTION 1301.D. GENERAL REQUIREMENTS** – Use Unit 10, 11, 12, 13, and 14, located 8102-8222 South Lewis Avenue.

**Presentation:**

The applicant, **Stephen A. Schuller**, 500 Oneok Plaza, 100 West 5<sup>th</sup> Street, Tulsa, OK 74103, submitted a site plan (Exhibit N-1) and stated that this application pertains to The Plaza Shopping Center on the southwest corner of 81<sup>st</sup> and Lewis. The shopping center takes up the entire property and there is no additional surrounding property available to be used for expansion. The stores are primarily around the rear of the property so there is no way to add additional parking without tearing down a building. Mr. Schuller stated that parking has never been a problem on this site. Mr. Schuller explained that this application came about because of a self audit done in connection with a loan application. It was discovered that when you apply the various square footages of the respective uses to the number of parking spaces, they may not be in compliance from time to time. Mr. Schuller explained to the Board the square footage of the buildings and the available parking spaces for each use (see submitted site plan – Exhibit N-1). Mr. Schuller stated that they are only short a few spaces. He reiterated that the shopping center cannot expand its parking. The allocation of the uses will fluctuate over time as tenants and uses change. A 12½% variance is all they would need to be in compliance most of the time. The uses are primarily at different times. Zio's Restaurant is busiest in the evening hours and the stores are usually closed at that time so there is plenty of parking.

**Comments and Questions:**

Mr. Stump asked what the hardship is? This shopping center's tenant mix changes just the same as any other shopping. If the Board approves a blanket 12½% reduction in required off-street parking for this shopping center, it appears that every other shopping center in town would qualify for the same relief. This center was built when they had the off-street parking requirements. Mr. Stump mentioned that the applicant has not demonstrated a need for anywhere near the variance he has requested. Mr. Stump indicated that he does not see anything unique about this shopping center.

Mr. Schuller indicated that the shopping center is unique because of the location of the buildings you can't expand the parking.

Mr. White asked if the application was generated by mortgage banking purposes and Mr. Schuller replied affirmatively. Mr. White stated that the Board would not have heard this application if it were not for the refinancing. Mr. Stump mentioned that since the center has several areas vacant they probably meet the parking requirements right now. Mr. Schuller stated that there is plenty of parking at the center due to the various hours of the various tenants.

Mr. Dunham agreed with Mr. Schuller in that he has never had a problem finding a parking space at any hour within this shopping center. It seems like a trend in this center to have more eating establishments. Mr. Dunham suggested taking a second look at the policy in general. He does not believe Mr. Schuller's request is out of line and it is reasonable. Mr. Stump suggested that Mr. Dunham recommend to the Planning Commission that they give a break for smaller centers.

Ms. Perkins agreed with Mr. Dunham in that she has never had a problem finding a parking place.

Mr. White questioned the enforceability of this request. Mr. Jackere replied to Mr. White that enforcement would be easy. Mr. Stump informed the Board that they must get an occupancy permit before they can occupy with a new tenant. Mr. Ackermann mentioned that when someone comes for an occupancy permit or an interior remodel permit, they go through the parking and make sure there is enough for the new use. In the cases where there is not enough parking, they inform the applicant and the applicant must demonstrate that they do have enough parking or the permit is denied.

Ms. Turnbo stated that she has no problem with the second variance but the first variance she does not agree with. Mr. Dunham asked the applicant where the 12½% came from. Mr. Schuller replied that he made the number up, it is the worse case scenario. Mr. Schuller could support 10% or 11%.

Mr. Dunham stated to Staff that he believes that some relief on a policy level should be looked into. He has no problem with 10%.

Mr. Ackermann asked if, during the computation of the parking of a new restaurant, do they deduct 10% of the request for the certificate of occupancy for the restaurant or 10% of the overall requirement of the shopping center? Mr. Jackere stated the Board should limit it to one or the other. Mr. Dunham feels that the nature of the request is 10% of the overall shopping center. Mr. Schuller agreed with that statement.

Mr. Jackere asked Mr. Dunham why he feels that they need to change the policy if you feel like you have the authority to grant the relief that they are granting. Mr. Jackere asked Mr. Dunham if there is a hardship for the granting of this variance? If the Board finds a hardship then the Board can approve whatever they wish to approve. Mr. Dunham stated that the hardship is the size of the center. He also stated that the policy creates a hardship

Mr. Jackere stated that the Zoning Code itself does not create the problem. It creates limitations on people's rights. If that ordinance that makes it a requirement that the applicant must have so many parking spaces per use is unfair for a center this size, then it should be addressed purely as a policy matter. Unless you can find that this center is different than other shopping centers.

Case No. 18470 (continued)

Ms. Perkins asked if the hardship would then be self-imposed when the tenant mix changes? Mr. Jackere and Mr. Stump replied affirmatively.

Mr. Dunham and Mr. Jackere agreed that the policy needs to be changed.

Mr. Stump suggested imposing a tie agreement, tying all the lots together to use as parking.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY** a **Variance** of not more than 12½% from the required number of parking spaces for any given use within existing shopping center, due to continual fluctuation among various uses and allocation of uses within shopping center and different hours of operation. **SECTION 1211.D. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES, Off-Street Parking and Loading Requirements; SECTION 1212.D. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements; SECTION 1213.D. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Off-Street Parking and Loading Requirements; and SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements and APPROVE a Variance** from requirement that required parking spaces be located on lot containing use for which such required parking spaces are to be provided, to permit such spaces to be located on adjoining lot which is nevertheless part of same shopping center, finding that the Variance meets the requirements of Section 1607.C., **SECTION 1300.B. & C. APPLICABILITY OF REQUIREMENTS; and SECTION 1301.D. GENERAL REQUIREMENTS – Use Unit 10, 11, 12, 13, and 14, subject to a tie agreement, on the following described property:**

Lots 1, 2 and 7, Block 2, Riverbend Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

*Mr. Dunham requested that TMAPC look into changing the ordinance as it applies to these types of sites.*

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Case No. 18471

Action Requested:

Special Exception to permit the Tennis Center, student athletic and recreation field, the softball field and the accessory parking as a University use under Use Unit 5 in the RM-2 Zoning District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5;** a Variance to permit the multiple lots and vacated rights-of-way within the site to be considered as a single lot for the purpose of establishing and measuring building and parking setbacks. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS;** **SECTION 1302. SETBACKS;** a Variance to permit required off-street parking spaces to be on a lot other than the lot containing the use for which the required spaces are to be provided (not required if above variance is approved). **SECTION 1301.D. GENERAL REQUIREMENTS,** Variance to permit a maximum building height in an RM-2 Zoning District of more than 35' to permit the Tennis Center east/west roof peak to have a height of 55', the north/south mansards and roof of the Tennis Center to have a height of 43' and to permit architectural features (mock chimneys) to have a height of 61'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS;** Variance to delete the requirement of a loading berth as required by the floor area of the indoor Tennis Center. **SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; Off-street Parking and Loading Requirements;** Variance to permit unenclosed parking areas to be 55' from the centerline of South Delaware Avenue and 39' from the centerline of East 6<sup>th</sup> Street. **SECTION 1302.B. SETBACKS;** a Variance to permit the required 5' wide landscaped area to not abut the street right-of-way in the south 720' of the South Delaware Avenue street frontage. **SECTION 1002. LANDSCAPE REQUIREMENTS;** Variance of the prohibition in Section 1301.B. of the Zoning Code to permit more than 1 vehicle to be parked for each 600 square feet of area contained in the side yard of the Tennis Center. **SECTION 1301.B. GENERAL REQUIREMENTS;** Variance to permit more than 1 identification sign to be erected on South Delaware Avenue, East 6<sup>th</sup> Street and South Columbia Avenue. **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions;** a Variance of off-street parking requirements to permit the off-street parking space required for the combined facilities in excess of 194 spaces to be provided off-site but within the boundaries of the University campus. **SECTION 1205. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES,** located W side of S. Delaware Ave. between E. 10<sup>th</sup> St., S. Columbia Ave. & E. 6<sup>th</sup> St.

Comments and Questions:

Mr. Beach mentioned to the Board that they are in receipt of two written requests of continuance and verbal instructions to withdraw the continuance request. Mr. Beach also stated that the continuance was not timely.

Mr. Charles E. Norman informed the Board that he has met with Chris Jones and Maria Barnes, representatives of the neighborhood. They agreed to withdraw the continuance request.

**Presentation:**

The applicant, **Charles E. Norman**, 2900 Mid-Continent Tower, Tulsa, OK 74103-4023, stated that he represents The University of Tulsa. Mr. Norman mentioned that in the last six months they have been in the process of amending the Comprehensive Plan for the University which is a part of the Kendall-Whittier Neighborhood Plan and also part of the District 6 Plan. The purpose of amending the plan is to relocate some of these uses to accommodate the requirement for a stormwater detention facility at the south end of the site near the Bama Pie Company. Mr. Norman referred to the site plan while explaining the layout of the parking and athletic fields (Exhibit O-1, O-2 and O-3). Mr. Norman stated that the site has about 1,000 feet of frontage on Columbia Avenue and totals about 14 acres. The purpose of this application is to obtain approval of the details of the plan pursuant to the approved Comprehensive Plan and to ask approval of specific site, landscape, sign and lighting plans. In discussions with the neighborhood groups and College Hill Presbyterian Church (which is located on the west side of Columbia), they were asked to push the tennis center as far to the east as possible toward Delaware to leave view corridors through the detention facility, practice fields and keeping the view corridor open on 6<sup>th</sup> Street to the west of St. Anthony's Orthodox Christian Church. Mr. Norman summarized each of the requests before the Board. Mr. Norman explained that they are asking for the multiple lots to be vacated and considered as a single lot. Mr. Norman stated that they are proposing to have identification signs at the four corners of the property and specific wall signs for the Tennis Center, a sign on center field (adjacent to 6<sup>th</sup> Street) that will give the name of the softball field and another sign on the press box on the softball field. All the signs are within the total signage limitations. The largest sign requested is 100 square feet. Mr. Norman stated that the University has parking requirements based on the total square footage of classroom buildings and the number of dormitory beds and the number of seats within the stadium. The University's total parking requirement is about 1,100 parking spaces. At the conclusion of the Reynold's Center construction, the University has a total of 3,100 parking spaces on campus. This application will provide for an additional 194 spaces. Mr. Norman submitted a letter that reflects an agreement that the University has entered into with the two neighboring churches and the Kendall-Whittier Association (Exhibit O-4). The neighbors expressed a concern about commercial advertising signs around the softball field, Mr. Norman stated that it is not the intention of the University to have commercial advertising surrounding the field. Mr. Norman asked the Board to approve a corporate sponsor sign for a softball score board that would not exceed 104 square feet of scoreboard. There has also been some discussion regarding the use of sound systems. Mr. Norman pointed out that sound systems aren't generally used during tennis games. An agreement has been made with the neighbors that the sound systems will not be used on Sundays, except between 1:00 p.m. and 6:00 p.m. and Wednesdays after 7:00 p.m. Mr. Norman also agreed with the neighboring churches that they will not use the sound systems during a scheduled funeral or wedding. The University has also agreed that the outdoor lights will be turned out at 11:00 p.m. any time that they are used. Mr. Norman informed the Board that they overlooked a requirement that has been applied

for but cannot be considered today. Prior to February of 1998, Delaware was classified as a collector street with a maximum right-of-way width of 40' from the centerline. It was overlooked that the Major Street and Highway Plan was amended to designate South Delaware as a secondary arterial street. The University has applied for an additional variance to permit the Tennis Center to be located 55' from the centerline. Mr. Norman asked the Board to approve this application for the University of Tulsa.

**Interested Parties:**

**Maria Barnes**, 2252 East 7<sup>th</sup> Street, stated that she is President of the Kendall-Whittier Neighborhood Association. The Association has met with Mr. Norman and TU staff and the Association supports the application.

**Gary Watts**, 1564 South Gillette, stated that he represents College Hill Presbyterian Church. Mr. Watts submitted a letter explaining the church's position on the application (Exhibit O-5). Mr. Watts mentioned that they are pleased with the quality of the development that the University has presented to them and the church supports the application. Mr. Watts informed the Board that they have no problem with the request that is being continued to the next meeting.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to permit the Tennis Center, student athletic and recreation field, the softball field and the accessory parking as a University use under Use Unit 5 in the RM-2 Zoning 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 permit the multiple lots and vacated rights-of-way within the site to be considered as a single lot for the purpose of establishing and measuring building and parking setbacks. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS; SECTION 1302. SETBACKS**; **Variance** to permit a maximum building height in an RM-2 Zoning District of more than 35' to permit the Tennis Center east/west roof peak to have a height of 55', the north/south mansards and roof of the Tennis Center to have a height of 43' and to permit architectural features (mock chimneys) to have a height of 61'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; **Variance** to delete the requirement of a loading berth as required by the floor area of the indoor Tennis Center. **SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; Off-street Parking and Loading Requirements**; **Variance** to permit unenclosed parking areas to be 55' from the centerline of South Delaware Avenue and 39' from the centerline of East 6<sup>th</sup> Street. **SECTION 1302.B. SETBACKS**; a **Variance** to permit the required 5' wide landscaped area to not abut the street right-of-way in the south 720' of the South Delaware Avenue street frontage.

**SECTION 1002. LANDSCAPE REQUIREMENTS;** *Variance* of the prohibition in Section 1301.B. of the Zoning Code to permit more than 1 vehicle to be parked for each 600 square feet of area contained in the side yard of the Tennis Center. **SECTION 1301.B. GENERAL REQUIREMENTS;** *Variance* to permit more than 1 identification sign to be erected on South Delaware Avenue, East 6<sup>th</sup> Street and South Columbia Avenue. **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions;** a *Variance* of off-street parking requirements to permit the off-street parking space required for the combined facilities in excess of 194 spaces to be provided off-site but within the boundaries of the University campus. **SECTION 1205. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES,** finding that the Variances meet the requirements of Section 1607.C., subject to the conditions set forth in Mr. Norman's letter to the Board dated July 27, 1999 (Exhibit O-4) and per plans submitted (Exhibit O-1, O-2, O-3), Maps Numbered 1, 2 and 3, and **CONTINUE** the case to the meeting on August 10, 1999 for additional relief, on the following described property:

A tract of land that is all of Block 9 Highlands 2<sup>nd</sup> Addition, Part of Blocks 14, 15 and 16 of Highlands Addition, vacated E. 7<sup>th</sup> St. S. lying between Blocks 15 and 16 and vacated E. 8<sup>th</sup> St. S. lying between Blocks 14 and 15, City of Tulsa, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Beginning at a point that is the NW/c of Block 9 of Highlands 2<sup>nd</sup> Addition; thence N 89°40'27" E along the Nly line of said Block 9 and along the Sly right-of-way line of E. 6<sup>th</sup> St. S. for 612.64' to the NE/c of Block 9, said corner also being on the Wly right-of-way line of S. Delaware Ave.; thence due S along the Ely line of Block 9 and the Wly right-of-way line of S. Delaware Ave. for 89.00' to the SE/c of said Block 9, said corner also being on the Nly line of Block 16 of Highlands 2<sup>nd</sup> Addition, and 25.00' Wly of the NE/c of said Block 16; thence due S along the Wly right-of-way line of S. Delaware Ave. and parallel with as measured 25.00' Wly of the Ely lines of Blocks 16, 15 and 14 of Highlands Addition for 931.00' to a point on the Sly line of said Block 14, said point also being on the Nly right-of-way line of E. 10<sup>th</sup> St. S.; thence S 89°40'27" W along the Sly line of Block 14 and the Nly right-of-way line of E. 10<sup>th</sup> St. S. for 610.70' to the SW/c of Block 14, said point also being on the Ely right-of-way line of S. Columbia Ave.; thence N 00°06'33" W along the Wly lines of Blocks 14, 15 and 16 of Highlands Addition and Block 9 of Highlands 2<sup>nd</sup> Addition and also along the Ely right-of-way line of S. Columbia Ave. for 1020.00' to the point of beginning of said tract of land.

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**Case No. 18472**

**Action Requested:**

Variance of the required setback from the centerline of Peoria from 70' to 61'.  
**SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6,** located 1304 East 26<sup>th</sup> Place.

Case No. 18472 (continued)

**Presentation:**

The applicant, **Susie Woody**, Woody Design Associates, 1820 South Boulder Avenue, Tulsa, OK 74119, submitted a site plan (Exhibit P-1) and stated that her clients would like to build a porch on the south side of the residence. Ms. Woody stated that the hardship is the size of the lot, it is very narrow and they cannot build on the side.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Peoria from 70' to 61', finding the hardship to be the size of the lot. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, per plan submitted, on the following described property:

Part of Lot 19, Block 1, Travis Heights to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18473**

**Action Requested:**

Variance of the required setback from Main Street from 40' to 30' to permit a sign. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 11**, located 1300 South Main Street.

**Presentation:**

The applicant, **Brian Lloyd Freese**, 5319 South Lewis, Suite 211, Tulsa, OK 74105, stated that he is the architect for Bryce Insurance. Mr. Freese submitted a site plan (Exhibit Q-1) and mentioned that their building is located at 13<sup>th</sup> and South Main Street. Mr. Freese mentioned that they recently completed an extensive remodel and addition to the building. The proposed sign will be a two sided monument sign which will be aesthetically complimentary to the building.

**Comments and Questions:**

Mr. Dunham asked Mr. Freese if there would be any problem approving the application subject to a removal contract? Mr. Freese replied that there would be no problem with that.

**Interested Parties:**

None.



Case No. 18473 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of the required setback from Main Street from 40' to 30' to permit a sign, finding that it meets the requirements of Section 1607.C., **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 11**, per plan submitted, subject to a removal contract, on the following described property:

Lots 1, 2, 3 and N 20' of Lot 4, less the NE/c of Lot 1, Block 5, Horner Addition Amended, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18476**

**Action Requested:**

Minor Variance of required side yard of 15' down to 12'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 2136 East 47<sup>th</sup> Street.

**Presentation:**

The applicant, **Louis J. Hoogewind**, 2136 East 47<sup>th</sup> Street, submitted a site plan (Exhibit R-1) and stated he had been permitted to construct a building adjoining his residence. After reviewing the paperwork it was discovered that a mistake had been made and he was not classified in the Residential Estate zoning district. Mr. Hoogewind mentioned that the garage addition will incorporate the existing structure. He needs the setback relief in order to have room put to appropriate insulation and rock face. Mr. Hoogewind actually only need 9" of relief but decided to ask for the maximum 3' of relief in case his calculations are different.

**Interested Parties:**

**Maury Stayman**, 2229 East 48<sup>th</sup> Street, stated that he has no objection to the variance. Mr. Stayman and several of the neighbors are concerned about the length of time the applicant has been working on the house (1½ years).

**Dianne Holcomb**, 2130 East 47<sup>th</sup> Street, stated that she lives directly west of Mr. Hoogewind's property. Ms. Holcomb opposes the application because there is not enough room between the two houses.

Mr. White explained to Ms. Holcomb that Mr. Hoogewind could build his structure at 15' and not have to come before the Board. All the relief he needs is 3'. Ms. Holcomb understood but was still in opposition.

Ms. Holcomb is extremely concerned about how close the houses will be and the damage to the landscaping.

Case No. 18476 (continued)

**Applicant's Rebuttal:**

Mr. Hoogewind stated that he is not concerned about the landscaping, it will not be damaged. Mr. Hoogewind mentioned that construction has continued on for over a year and every time he gets started he finds another zoning problem or permit problem.


**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Minor Variance** of required side yard of 15' down to 13', finding that it meets the requirements of Section 1607.C., **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, per plan submitted, on the following described property:

E 31/3 acres of the SW/4, NE/4, SE/4, less the S 456.82' and less N 5' for RD, City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 3:58 p.m.

Date approved: SEPTEMBER 14, 1999  
  
Chair