

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 781  
Tuesday, September 28, 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 Turnbo White, Chair	Cooper Perkins	Arnold Beach Stump	Prather, Legal Dept. Parnell, Neighborhood Insp. Ackermann, Zoning Official

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, September 24, 1999, at 9:25 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 1:03 p.m.

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**MINUTES:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins "absent") to **APPROVE** the Minutes of September 14, 1999 (No. 780).

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**UNFINISHED BUSINESS**

**Case No. 18490**

**Action Requested:**

Variance of the required 300' distance from another adult entertainment establishment to 275'. **SECTION 1212a.C. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions - Use Unit 12a**, located 3128-3156 South Mingo Road.

**Presentation:**

The applicant, **Kenneth D. Teague**, was represented by **Steve Schuller**, 500 Oneok Plaza, 100 West 5<sup>th</sup> Street, Tulsa, OK, 74103, stated that the applicant's establishment is the Two Bucks Saloon at 3128 South Mingo Road, which is located in a commercial shopping center. Mr. Schuller mentioned that the other site is the Star's Bar and Grill at 3156 South Mingo Road, which is a separate free-standing structure. The two establishments originally had more than 300' between them but last year, Mr. Schuller's client expanded into some adjacent space in the shopping center building. They applied for and were approved for their building permits. The City issued the building permit thinking the buildings were 300' apart. The abutting neighborhood association contacted the City of Tulsa requesting that they check the 300' separation between the buildings. When the spacing was checked by Neighborhood Inspections, it was determined that the outside walls of the two establishments were about 275' apart. It is very difficult to determine the exact separation distance because there is an intervening building between the two buildings that extends further towards the street than the two buildings. This is a minor violation of the Zoning Code provision that requires 300' of separation between two establishments of this nature. This violation is wholly inadvertent. It would be an undue hardship on the applicant to require them to either dismantle part of the shopping center structure or to construct an interior wall. Mr. Schuller mentioned that the two establishments are visually separated from each other by the veterinary clinic that sits closer to the road. He informed the Board that there have been no complaints on either facility. Mr. Schuller asked the Board to approve the variance to permit the two establishments to operate at a separation of 275'.

**Interested Parties:**

**Barbara Moore**, 3942 South 100<sup>th</sup> East Avenue, Tulsa, OK 74146, stated that she represents the Millwood Association. Ms. Moore mentioned that they are concerned about who dropped the ball on this permit. They are having problems with people drinking in the parks at night in their neighborhood and these bars add to it. They do not want the owner of the bar to be penalized for the City's mistake.

**John Roy**, 9018 East 38<sup>th</sup> Street, Tulsa, OK, stated that he is representing the Fulton Neighborhood Association. Mr. Roy informed the Board that they are not opposed to the variance but are concerned about how the remodel got approved by the City. The vet clinic informed Mr. Roy that they are having problems with people using their parking spaces after hours.

**Applicant's Rebuttal:**

Mr. Schuller stated to the Board that both bars have been in existence for many years.

**Comments and Questions:**

Mr. Dunham stated that he does not have a problem with the application. There are no residences anywhere close to either bar.

Case No. 18490 (continued)

Mr. White asked Staff if the spacing is done building to building and not property line to property line? Mr. Beach explained that it is measured from the nearest walls.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **APPROVE Variance** of the required 300' distance from another adult entertainment establishment to 275', finding that the hardship meets the requirements of Section 1607.C. **SECTION 1212a.C. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions - Use Unit 12a**, on the following described property:

Beg. 532' S & 50' W NE/c NE, NE TH W 248', N 282', E 248', S282', POB, Section 24, T-19-N, R-13-E, City of Tulsa, County of Tulsa, State of Oklahoma.

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**Case No. 18505**

**Action Requested:**

Special Exception to permit a private school through 5<sup>th</sup> grade in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5**, located 3501 East 30<sup>th</sup> Street North.

**Presentation:**

The applicant, **Edward Beck**, 1149 North Xenophon, Tulsa, OK 74127, submitted a site plan (Exhibit A-1) and mentioned to the Board that he would like to utilize the residential property at the subject location for use as a non-profit learning center. The academy will provide academic, social and spiritual development for students age three through fifth grade. The property size is one acre 175' x 290'. Mr. Beck pointed out that the Tulsa Community College's North campus is located south of this property. The hours of operation will be 7:00 a.m. to 6:00 p.m. Monday through Friday and occasionally on weekends for special activities.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **APPROVE Special Exception** to permit a private school age three through 5<sup>th</sup> grade in an RS-3 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**, subject to the use being limited to the existing building, the hours of operation shall be 7:00 a.m. to 6:00 p.m. and some weekends for other activities, on the following described property:

Case No. 18505 (continued)

A tract of land in the NE/4 of the NW/4 of SW/4 of Section 21, T-20-N, R-13-E, more particularly described as follows: Beginning at a point 30' E of the W line and 30' N of the S line of said NE/4 of NW/4 of SW/4 of Section 21, thence N 01°09'35" W a distance of 270'; thence N 88°49'52" E a distance of 161.33'; thence S 01°09'35" E a distance of 270'; thence S 88°49'52" W a distance of 161.33' to the point of beginning, City of Tulsa, Tulsa County, State of Oklahoma.

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### NEW APPLICATIONS

#### Case No. 18511

##### Action Requested:

Special Exception to allow sale and repair of motorcycles, ATV's personal watercraft and boats (Use Unit 17) in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17**, located 1235 North Sheridan.

##### Presentation:

The applicant, **Yvonda McKerrell**, 12605 East 34<sup>th</sup> Street, Tulsa, OK 74146, submitted a site plan (Exhibit B-1) and stated that she is looking to relocate her business from East Admiral Place to the subject property on Sheridan.

##### Comments and Questions:

Ms. Turnbo asked the applicant if the repair work will be done inside the building? Ms. McKerrell replied affirmatively.

Mr. White asked Staff if the conditions of the 1993 BOA case will still apply on the subject property? Mr. Beach replied that those conditions were made as part of approval of a special exception to allow plumbing/heating/air conditioning shop with auto restoration as a hobby. Mr. Prather, City Legal Department, stated that if the approval hasn't been acted upon in three years, it expires. Mr. Prather informed the Board that they did have the right to approve the sale of the items listed.

Mr. White asked the applicant if she plans to have any outside sales? Ms. McKerrell replied that occasionally they will have a few ATV's and motorcycles that will be brought outside in front of the building for the daytime hours.

Case No. 18511 (continued)

Ms. Turnbo asked the applicant how many items will be for sale at any one time? The applicant replied at the most they would have five to ten. The vehicles they sell are very small, ATV's, personal watercraft, etc. No large cars or boats. Ms. McKerrell informed the Board that they would also be selling parts and supplies as part of their business.

Mr. Beach pointed out that the applicant is not permitted to have outside sales because there are residential districts within 300' of where the items will be displayed. Mr. Beach suggested that the Board continue that portion of the hearing to allow time for the variance needed to be advertised.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **APPROVE *Special Exception*** to allow sale and repair of motorcycles, ATV's personal watercraft and boats (Use Unit 17) in a CS zoned district, subject to all repairs being done inside the 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 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17**, and **CONTINUE** the case to October 26, 1999 to allow time to give additional notice, on the following described property:

W 150' of the S 66' of Lot 1, and the W 150' of the N 66' of Lot 2, Block 1, Aviation View Subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18512**

**Action Requested:**

Special Exception modifying or removing the requirement that use be screened from abutting RS district on south side of subject property along lot line in common with RS district, since existing physical features provide visual separation of uses, and purposes of screening requirement cannot be otherwise achieved. **SECTION 212.C. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement and SECTION 1213.C.2. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Use Conditions – Use Unit 13**; a Variance from the requirement that any structure be setback from the centerline of the abutting street, to permit the location of a vertical monument sign within the landscaped portion of the street right-of-way to be dedicated by plat. **SECTION 214. MAJOR STREET PLAN** and a Variance from the requirement for setback from the centerline of abutting street, from 100' to 50'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**, located SE/c North Lewis Avenue & East 46<sup>th</sup> Street North.

**Presentation:**

The applicant, **Stephen A. Schuller**, 500 Oneok Plaza, 100 West Fifth Street, Tulsa, OK 74103, submitted a site plan (Exhibit C-1) and stated that he is appearing before the Board on behalf of QuikTrip Corporation who is building a new store on the corner of North Lewis Avenue and 46<sup>th</sup> Street North. The property was zoned CS by the City in June and there is a plat pending before the Tulsa Metropolitan Area Planning Commission ("TMAPC"). Mr. Schuller mentioned that the property to the south is zoned RS-3 and the owners who sold the property to QuikTrip retained title to a 30' wide strip of land which borders the entire south boundary of the store property for access to their property to the east. There will be a 30' strip of visual separation between the store and the residentially zoned properties to the south. Nothing will be built on the 30' strip except for an access driveway for the owners of the property to the east. There is also an extensive growth of trees and brush along the south side of the 30' strip of land that provides further visual separation. Mr. Schuller explained that extending a fence along the entire length of the south boundary creates traffic hazards along Lewis Avenue. QuikTrip proposes to construct a fence along the south boundary to about 135' from the street right-of-way (65' from the SE/c of the property). There will also be a fence along the rear of the property even though it is not required. Mr. Schuller informed the Board that the Martins (owners of the property to the east) concur with this application. The sign will be placed in the dedicated street right-of-way and it will be just off of the ONG easement. There are no other utilities in the area. Because of the unique features of the trees and brush along the 30' strip of land the sign cannot easily be seen from Lewis heading north. Mr. Schuller explained that QuikTrip will be dedicating right-of-way for 46<sup>th</sup> Street North here and the street is shown on the major street and highway plan as an arterial street requiring 100' setback from the centerline, 50' for the street right-of-way and another 50'. The TMAPC waived its subdivision regulations when they approved the preliminary plat and permitted the right-of-way for 46<sup>th</sup> Street be reduced to 50' which would be 25' on either side of the centerline. It would be an unnecessary hardship on QuikTrip to require the setback of any structures to conform to the Zoning Code's 100' setback requirement.

**Comments and Questions:**

Mr. White asked Mr. Schuller if the 30' strip on the south is part of the new CS zoning or is it part of the RS-3 zoning? Mr. Schuller replied that the strip is in the RS-3 zoning.

Mr. Dunham asked the applicant how much relief for distance is needed for the monument sign? Mr. Schuller replied about 15'. No closer than 35' from the centerline of the street. Mr. Beach mentioned that the sign would be in the dedicated right-of-way and a license agreement would be required.

Case No. 18512 (continued)

Mr. Stump stated that the applicant has explained the screening fence will block vision because it will be too close to the entrances, a monument sign will be at the same height/location, why won't it be as much of a hazard? Mr. Schuller explained that the monument sign will be narrower. A fence extending from the back of the property to the front would not allow anyone to see around it. He stated that a person can see around a monument sign. A person can see the traffic from behind the sign and then pull up in front of the sign and get a good look at the traffic, with a fence in that location, a person could not see around it. Mr. Stump stated that the fence would not be required to be placed as far out as the monument sign is proposed. The monument sign is closer to the existing pavement than would be the screening fence. So the applicant is proposing to place a visual obstruction closer to the street. Mr. Schuller replied that the visual obstruction (sign) is a minor visual obstruction compared to the fence.

Mr. Stump asked the applicant how wide the sign is proposed to be? Mr. Schuller replied that he did not know, possibly about six feet. Mr. Stump expressed concern about cars pulling out from QuikTrip being able to see down Lewis Avenue.

Ms. Turnbo mentioned that she is opposed to the sign because it is located too close to the street.

Mr. Stump mentioned that Staff is concerned that without a screening fence as far west as the last parking space, headlights, at all hours during the night, will be shining into a residential area. Mr. Schuller suggested placing three feet high berms. Mr. Stump stated that there is not enough room in that area to place berms there.

Mr. Beach stated that a screening fence any lower than six feet doesn't do much in the way of screening except to serve the purpose of blocking headlights and it would have to be less than three feet for a driver, seated in their car to see over it.

Ms. Turnbo stated that she feels the screening fence needs to go at least up to the first parking spot to the west. She does not have a problem on the setback of 100' down to 50', but she does have a problem with the proposed sign location.

Mr. Stump mentioned that the applicant is not advertised for the relief needed to place the sign in the location indicated on the site plan. It has to be located at least 50' from an R District. They could locate the sign on the north entrance. Mr. Schuller stated that his clients would definitely want the sign on the south entrance. He agreed to continue this portion of the application.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **APPROVE *Special Exception*** modifying or removing the requirement that use be screened from abutting RS district on south side of subject property along lot line in common with RS district, since existing physical features provide visual separation of uses, and purposes of screening requirement cannot be otherwise achieved; subject to the screening fence extending along the south boundary line through the westernmost parking space, 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 212.C. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement and SECTION 1213.C.2. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Use Conditions – Use Unit 13; and a *Variance*** from the requirement for setback from the centerline of abutting street (46<sup>th</sup> Street North), from 100' to 50', finding that the hardship meets the requirements of Section 1607.C. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, CONTINUE** to October 26, 1999, a ***Variance*** from the requirement that any structure be setback from the centerline of the abutting street (North Lewis Avenue), to permit the location of a vertical monument sign within the landscaped portion of the street right-of-way to be dedicated by plat. **SECTION 214. MAJOR STREET PLAN**, on the following described property:

The W 250' of the N 300' of the NW/4 of the NW/4 of the NW/4 of Section 17, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18513**

**Action Requested:**

Special Exception for an existing church to allow expansion of the dining and church classroom area. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5;** a Variance to allow required off-street parking on a lot not containing the principal use. **SECTION 1301.D. GENERAL REQUIREMENTS;** and a Variance of the requirement that the lot containing the church must be at least one acre. **SECTION 1301.D. GENERAL REQUIREMENTS,** located 1559 East Reading.

**Presentation:**

The applicant, **Bishop Thomas Smith, Jr.**, was represented by **Leneta Dyer**, 2005 North Madison Place, Tulsa, OK, submitted a site plan (Exhibit D-1) and stated that she is representing the Church of the Living God, located at 1559 East Reading Street. Ms. Dyer stated that the church is proposing to expand their dining area. At the northeast corner of the church they propose to go 50' to the north, 60' to the west and 70' towards the existing dining room.



Case No. 18513 (continued)

**Comments and Questions:**

Mr. Dunham asked Ms. Dyer if the property located on the west side of the church has a structure on it, and if so what will it be used for? Ms. Dyer replied that there is a small house on the property that is occupied. The occupant has been notified that the house will be torn down to make room for additional parking.

Mr. Beach asked the applicant how many spaces are located on the entire church property? Ms. Dyer replied about 70 spaces on the west side. She is not sure about the entire site.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **APPROVE *Special Exception*** for an existing church to allow expansion of the dining and church classroom area, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**; a **Variance** to allow required off-street parking on a lot not containing the principal use. **SECTION 1301.D. GENERAL REQUIREMENTS**; and a **Variance** of the requirement that the lot containing the church must be at least one acre, finding that the hardship meets the requirements of Section 1607.C. **SECTION 1301.D. GENERAL REQUIREMENTS**, subject to a tie agreement, on the following described property:

Lots 10, 11, 12 and 13, Block 1, Broadview Addition, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18514**

**Action Requested:**

Variance of the minimum landscaped open area in a PUD from 15% to 12.25%. **SECTION 1104.E. BULK AND AREA REQUIREMENTS, Open Space - Use Unit 11**, located SE/c E. 15<sup>th</sup> Street & South Victor Avenue.

**Presentation:**

The applicant, **Bruce G. Bolzle**, KMO Development Group, 5550 South Lewis Avenue, Suite 301, Tulsa, OK 74105, submitted a new site plan (Exhibit E-1) and stated that this is a classic infill development. Mr. Bolzle mentioned that this tract is a little more than one acre. When the project began, the property consisted of five residential grade houses. Three of which had been used for office purposes. Two of them were zoned RS-3 but had been used as offices in violation of the Code. Virtually all of the lot was paved with little or no open area or landscaped area. There was a PUD approved by the Tulsa Metropolitan Area Planning Commission ("TMAPC") for one single-story 12,500 square foot medical office building. The PUD included a site plan which is in the Board's packets. That site plan contained only about 11% of landscaped open area as defined by Staff. Prior to the hearing, Mr. Bolzle met with the neighborhood and had detailed discussions with them regarding height of screening fences, elimination of curb cuts, the placement of landscaping, etc. As part of that, they presented to the neighborhood a landscape plan which is virtually identical to what is being presented today that represents 12.43% landscaped area. The TMAPC approved the PUD but made the typical requirement that landscaped open area be 15%, as required by the Code. Mr. Bolzle pointed out that most of 15<sup>th</sup> Street between Utica to Lewis has been developed as either multiple lot development or single lot development for office purposes. Mr. Bolzle stated that the neighborhood did not want any traffic access along the Victor frontage. They wanted to make sure there is adequate parking on the site. Mr. Bolzle indicated that this development would be a good infill project for the City.

**Comments and Questions:**

Ms. Turnbo stated that this is a very good example of infill development. Mr. Dunham stated that parking spaces are more important in this area than additional landscaping.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **APPROVE Variance** of the minimum landscaped open area in a PUD from 15% to 12.25%, finding that it would be detrimental to the neighborhood not to have four extra parking spaces. **SECTION 1104.E. BULK AND AREA REQUIREMENTS, Open Space - Use Unit 11**, per conceptual plan, on the following described property:

Lots 11, 12 and 13, Block 1, Terrace Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18515**

**Action Requested:**

Variance of minimum setback of 15' down to 10' to permit an addition to an existing dwelling. **SECTION 403.5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 2144 East 23<sup>rd</sup> Street South.

**Presentation:**

The applicant, **Robert Soden**, was represented by **Bill Singer** who submitted a site plan (Exhibit F-1). Mr. Singer is proposing to add on to their existing house. The existing garage and carport will be coming down. In the 1970's there was a variance granted on the property to allow a carport to be constructed one foot into the property line. The new garage will be attached to the existing house and will be architecturally more pleasing.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **APPROVE Variance** of minimum setback of 15' down to 10' to permit an addition to an existing dwelling, finding that the hardship meets the requirements of Section 1607.C. **SECTION 403.5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, per plan submitted, on the following described property:

Lot 1 and the E 25' of Lot 2, Block 2, Wildwood Addition, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18516**

**Action Requested:**

Special Exception to allow a Use Unit 19 in an IL zoned district for wedding chapel, receptions, and hotel-motel. All would be in an 11' x 27' room in the existing house. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 19**, located 1 West 81<sup>st</sup> Street.

**Presentation:**

The applicant, **Bill Satterfield** was represented by **Steve Schuller**, 500 Oneok Plaza, 100 West Fifth Street, Tulsa, OK 74103, submitted a site plan (Exhibit G-1) and stated that the property is in an IL zoned district. The property consists of ten acres with a large house on the east side of the property. Mr. Schuller's client proposes to use an 11' x 27' room in his house for weddings, receptions, business meetings, etc. When the owner, Mr. Satterfield, filed the application he was looking at hotel-motel uses which include receptions, business meeting rooms, etc. Mr. Satterfield does not intend

Case No. 18516 (continued)

to use the property as a hotel-motel. No one will be spending the night. He is also not in the food service/catering business. Mr. Schuller explained that this use will be similar to Harwelden. Mr. Schuller mentioned that the subject house is two football fields away from the neighbor to the west and cannot foresee any intrusion on the neighbors.

**Comments and Questions:**

Ms. Turnbo asked Mr. Schuller if there are twenty parking spaces on the property? Mr. Schuller replied that there is space for twenty parking spaces. They will comply with the parking requirements and they will pave the required parking.

**Interested Parties:**

**Madeline Dudley**, 201 West 81<sup>st</sup> Street, Tulsa, OK 74132, stated that she lives next door to the subject property. Ms. Dudley explained that this is a quiet neighborhood and she objects to the use on the property. She feels that it will bring too much traffic and noise to the area.

**Applicant's Rebuttal:**

Mr. Schuller agreed that it is a quiet neighborhood but it is zoned IL and there are several other uses that are uses by right that would not be as favorable to the neighbors.

**Board Action:**

On **MOTION** of **DUNHAM** the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **APPROVE Special Exception** to allow a for wedding chapel, receptions, business meetings in an IL zoned district, excluding hotel-motel use. All would be in an 11' x 27' room in the existing house, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 19**, on the following described property:

E/2, E/2, SW/4, SW/4, less S 24.75' for ROW, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18517**

**Action Requested:**

Variance to allow a two-story detached accessory building in the rear yard. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6** and a Variance to allow a detached accessory building to occupy more than 20% of the required rear yard. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards**, located 1217 East 27<sup>th</sup> Street South.

Case No. 18517 (continued)

**Presentation:**

The applicant, **Michele Falkensten**, 3319 South Yorktown, Tulsa, OK, stated that she is the architect for the owners of the house. Ms. Falkensten submitted an information packet (Exhibit H-1) showing the proposed new garage. The existing garage uses approximately 32% of the rear yard and the new construction will use about 38% of the rear yard. Ms. Falkensten submitted photos of other "garage apartment" uses in the immediate area. She explained that the new garage will be utilized as a garage with hobby room on the first floor and as a guest room on the second floor for the owner's out-of-town guests. It will not be utilized as an apartment and will not have a kitchen in the guest room.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **APPROVE** a **Variance** to allow a two-story detached accessory building in the rear yard. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6** and a **Variance** to allow a detached accessory building to occupy more than 20% of the required rear yard, finding the hardship to be that it is an older neighborhood and it cannot meet the standards of today. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards**, per plan submitted, on the following described property:

Lot 14, Block 15, Sunset Terrace Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18518**

**Action Requested:**

Special Exception to permit 33½' of east and west side walls and the front yard wall (including columns and caps) to exceed 4' in height. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards**, located 1332 East 27<sup>th</sup> Place.

**Presentation:**

The applicant, **Harold W. Salisbury**, 1332 East 27<sup>th</sup> Place, Tulsa, OK, 74114, submitted a site plan (Exhibit ) and stated that he would like to replace the fence located in the front yard with a wall that will be 6' to 8' in height. Mr. Salisbury mentioned that the wall will run the length of the property along 27<sup>th</sup> Place. The wall will run about 34½' down the east and west property lines. Mr. Salisbury explained that the wall will probably end up being around 6' in height with the cap being 7' to 8' in height.

**Comments and Questions:**

Mr. Dunham asked the applicant how far back the wall sits. Mr. Salisbury replied that the wall is 11½ back from the curb. Mr. Beach informed the applicant that the wall must be setback 25' from the centerline of East 27<sup>th</sup> Place.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **APPROVE** a **Special Exception** to permit 33½' of east and west side walls and the front yard wall (including columns and caps) to exceed 4' in height, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards**, , subject to the front wall being setback from the centerline of East 27th Place at least 25' and that the wall will not exceed 8' in height and the caps will not exceed 9½' in height, per plan submitted, on the following described property:

Beginning at a point 360' E of a point 1650' N of the SW/c of the SW/4 of Section 18, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma; thence N 330'; thence E 100'; thence S 330'; thence W 100'; to the point of beginning; less and except the N 15' thereof AND all that part of Lot 3 in Section 18, T-19-N, R-13-E, Tulsa County, Oklahoma, described as follows, to wit: Beginning 1771' N and 250' E of the SW/c of Section 18, thence n 194', E 110', S 194', W 110' to the POB.

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**Case No. 18519**

**Action Requested:**

Variance of the side yard setback of 5' down to 1.1' for an existing structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6**, located 260 South 163<sup>rd</sup> East Avenue.

**Presentation:**

The applicant, **Rick Jackson**, 1824 North 12<sup>th</sup> Street, Broken Arrow, OK, submitted two surveys (Exhibit J-1) and stated that he is the builder of the house at 260 South 163<sup>rd</sup> East Avenue. Mr. Jackson mentioned that the original plat for the development was approved in October 1970. He purchased the lot in January of 1996. This lot is in a flood plain and he was required to have a certified floor height on the stem wall before he started construction. Mr. Jackson stated that he started building the house in April, 1997 and they sold it in March of 1998. There is an empty lot to the north of

Case No. 18519 (continued)

the subject property. When that lot was surveyed, it was discovered that the subject lot encroached 4' onto the easement. The "original" plat was for the original owners of the property. The survey company resurveyed the property in August 26, 1999. Mr. Jackson mentioned that the house is 1'1" from the property line.

**Comments and Questions:**

Mr. Beach asked the applicant if the "original plat" is what was submitted for a building permit? Mr. Jackson replied yes. Mr. Jackson informed the Board that in the 15 years the subdivision has been developing the pins have been moved and it has finally caught up on the subject lot. The lots are all pie shaped because of this.

**Interested Parties:**

Mr. Beach informed the Board that he is in receipt of a letter (Exhibit J-2) from the neighbor to the north stating that the house is about 1' off the property line but that there are portions of the house, guttering, house overhangs, etc. that actually extend across the property line. That is not under the Board's jurisdiction but the applicant needs to be made aware of that.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **APPROVE** a **Variance** of the side yard setback of 5' down to 1.1' for an existing structure, finding that the hardship meets the requirements of Section 1607.C. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6**, per "corrected" plat of survey dated 8-26-99, on the following described property:

Lot 32, Block 21, Rose Dew Third Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18520**

**Action Requested:**

Special Exception to the 4' height limitation of a fence that encloses the required front yard. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards**, located 2840 East 27<sup>th</sup> Place.

**Presentation:**

The applicant, **James P. Boswell**, 1305 East 15<sup>th</sup> Street, Suite 201, submitted a site plan (Exhibit K-1) and stated that he is the architect for the owners of the property. Mr. Boswell submitted photos of other fences in the immediate area (Exhibit K-2). Mr. Boswell explained that the average height of the fence will be 6'-6" and that is an average because of the sloping topography; an average column height of 7'-6" and an

Case No. 18520 (continued)

average gate height of 7'-6". The fence will be setback approximately 9' from the property line.

**Comments and Questions:**

Mr. White asked the applicant what the maximum height of the fence will be? Mr. Boswell replied that the maximum height of the fence will be the two entrance gates to the walkway and the top of the scroll is 8'-6" to 9'.

Mr. Stump asked the applicant how far the fence will be from the centerline of the street? Mr. Boswell replied that they are 25' from the centerline of 27<sup>th</sup> Place. He stated that they will comply with the setback requirements.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **APPROVE Special Exception** to the 4' height limitation of a fence that encloses the required front yard, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards**, subject to the average height of the fence be no more than 6'-6"; that the average height of the columns would not exceed 7'-6"; the average of the gate not exceed 7'-6" and that the fence sit no closer to the street than what is shown on the plan that was submitted, per plan submitted, on the following described property:

Part Lot 4, Block 3, Woody-Crest Addition to the City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows: Beginning at the SW/c of said Lot 4; thence N 28°43'46" E along the common boundary of Lots 4 and 5 of said Block 3, A distance of 208.22', thence on a curve to the right (E) having a radius of 261.50' a distance of 180.30' (along the S right-of-way line of East 27<sup>th</sup> Place South) to the NE/c which divides Lot 4; thence S 25°31'00" W at a distance of 223.08', thence N 48°20'34" W a distance of 191.82' to the point of beginning.

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**Case No. 18521**

**Action Requested:**

Variance of the required minimum separation distance of 1,200' between outdoor advertising signs to 732'. **SECTION 1221.F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs - Use Unit 21**, located 15084 East Skelly Drive.



Case No. 18521 (continued)

**Presentation:**

The applicant, **William D. LaFortune**, 2900 Mid-Continent Tower, Tulsa, OK, submitted an information packet (Exhibit L-1) and stated that he is asking for a Variance of the required separation distance of 1,200' down to 753'. The site plan indicates 753' as the difference. Donrey currently leases property at the subject location on which they have a lawful nonconforming outdoor advertising sign. The sign is nonconforming due to the multiple pole configuration. Mr. LaFortune mentioned that the sign is approximately 577' east of an existing conforming sign on I-44 that Donrey also leases. The display surface area of the sign is about 400 square feet. There is a second wholly nonconforming sign about 200' to the east of the subject sign. Donrey proposes to remove both of the nonconforming signs which will benefit the appearance of the area. They will build one new conforming sign. The new sign will be in compliance with all the Code's requirements with the sole exception of the minimum spacing plan. Mr. LaFortune briefly discussed the exhibits presented to the Board (Exhibit L-1).

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **APPROVE** a **Variance** of the required minimum separation distance of 1,200' between outdoor advertising signs to 753', finding that the hardship meets the requirements of Section 1607.C. **SECTION 1221.F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs - Use Unit 21**, subject to the two nonconforming signs being removed, on the following described property:

All that part of the E 194' of the W 344' of the E 832.22' lying S of the 66 Bypass of Lot 3, Section 3, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, less the S 40' thereof, and the N 250' of that part of the E 22' of the W 150' of the E 832.22' lying S of the 66 Bypass, of Lot 3, Section 3, T-19-N, R-14-E of the IBM, Tulsa County, Oklahoma.

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**Case No. 18522**

**Action Requested:**

Variance of the required minimum separation distance of 1,200' between outdoor advertising signs to 956'. **SECTION 1221.F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs - Use Unit 21**, located 7901 East Broken Arrow Expressway.

**Presentation:**

The applicant, **William D. LaFortune**, 2900 Mid-Continent Tower, Tulsa, OK, submitted an information packet (Exhibit M-1) and stated that they are asking to vary the separation distance from 1,200' down to 956'. Mr. LaFortune mentioned that Donrey leases property at this general location upon which they have a lawful nonconforming sign. That sign is nonconforming in that it is a double-stacked sign and also has a double pole configuration. It is only 285' east of an existing outdoor advertising sign. The display surface area of the nonconforming sign is 600 square feet. Donrey proposes to remove the nonconforming double-stacked sign and replace it with a new conforming outdoor sign at a location 956' from the existing board. The new board will be in compliance with all Code requirements with the exception of the separation distance. The property is owned by Tulsa Technology Center, is irregular in shape, and is zoned IL. The property is currently being used as storage, outdoor advertising and some vehicle maintenance facilities. Mr. LaFortune mentioned that Up-With-Trees has planted trees near the existing nonconforming sign and the trees have grown and cover the lower portion of the double-stacked sign and will eventually cover the entire sign. Mr. LaFortune briefly explained the submitted exhibits to the Board (Exhibit M-1).

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **APPROVE** a **Variance** of the required minimum separation distance of 1,200' between outdoor advertising signs to 956', finding that the hardship meets the requirements of Section 1607.C. **SECTION 1221.F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs - Use Unit 21**, subject to the new sign replacing the existing sign and it being removed, per plan submitted, on the following described property:

All of Lot 1, Block 1, of Dotson Center, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18523**

**Action Requested:**

Variance of the required rear yard from 25' to 15' in an RS-1 District to permit new construction. **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts - Use Unit 6**, located 2600 Block of 33<sup>rd</sup> Street East of Birmingham Avenue.

Case No. 18523 (continued)

**Comments and Questions:**

Mr. Beach informed the Board that the applicant has made a timely request for continuance (Exhibit N-1).

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins, "absent") to **CONTINUE** Case No. 18523 to the meeting of October 12, 1999.

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There being no further business, the meeting was adjourned at 3:19 p.m.

Date approved: October 12, 1999

  
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Chair

