CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 785
Tuesday, November 23, 1999, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Dunham, Vice Chair	Perkins	Beach	Jackere, Legal
Cooper		Butler	Ackermann, Zoning Official
Turnbo		Huntsinger	Parnell, Neighborhood Insp.
White, Chair		Stump	

The notice and agenda of said meeting was posted in the Office of the City Clerk on Monday, November 22, 1999, at 8:38 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair, White called the meeting to order at 1:00 p.m.

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MINUTES:

On **MOTION** of **Dunham**, the Board voted 3-0-1 (Dunham, Turnbo, White "aye"; no "nays"; Cooper " abstention"; Perkins "absent") to **APPROVE** the Minutes of October 26, 1999 (No. 783).

Case No. 18556

Action Requested:

Special Exception for lawn mower sales and repair in a CS District. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 15, Variance of 300' setback for outdoor sales from abutting R district to 0'. SECTION 1214. USE UNIT 14. SHOPPING GOODS AND SERVICES, Special Exception to waive the screening requirement between a CS District and an R District. SECTION 212.C.1. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement located at 8760 South Lewis Avenue

Presentation:

Mr. Beach informed the Board that the applicant has requested a continuance.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (Dunham, Turnbo, White, Cooper "aye"; no "nays"; no "abstentions"; Perkins, "absent") to **CONTINUE** to the meeting of January 11, 2000.

All that part of Southern Villa Mobile Park Amended, an addition in Tulsa County, Oklahoma, more particularly described as: Beginning at a point in the Ely boundary of said Southern Villa Mobile Park Amended, 659.71' from the NE/c thereof; thence S 25°45'43" E along the Ely boundary of said Southern Villa Mobile Park Amended (centerline S. Lewis Ave.) a distance of 314.10' to an existing corner post of the N side of the roadway leading across a low-water dam into the addition; thence S 64°14'17" W a distance of 218.0'; thence N 25°45'43" W a distance of 314.1'; thence N 64°14'17" E a distance of 218.0' to the point of beginning, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18588

Action Requested:

Special Exception to permit off-street parking in a RM-2 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 10, located Southeast of East 15th Street & Carson

Variance of required setback from centerline of Carson from 50' to 35'. SECTION 1302.B. SETBACKS

Presentation

Mr. Beach informed the Board that the applicant made a timely request for a continuance to December 14, 1999.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-0-0 (Dunham, Turnbo, White Cooper "aye; no "nays"; no "abstentions"; Perkins "absent") to **CONTINUE** to the meeting of December 14, 1999.

The N 20' of Lot 10 & all of Lot 11, Block 2, Stonebraker Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma

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UNFINISHED BUSINESS

Case No. 18512

Action Requested:

Special exception modifying the screening requirement to reduce the height of the required screening fence along the south parking lot from six feet to three feet. 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, located 46th Street North and Lewis Avenue

Presentation

The applicant, **Steven A. Schuller**, 500 Oneok Plaza, 100 West 5th Street, attorney for QuickTrip Corporation, building a convenience store at 46th Street North and North Lewis Avenue. Mr. Schuller mentioned this Board previously modified the screening requirement along the south side of the property between the commercial use on the CS zoned property and the residentially-used property to the south. Mr. Schuller added that the modification was to set the fence back twenty feet from the property line in order to reduce traffic hazards that could be caused by the fence being so close to the street. Mr. Schuller stated that the end of the fence was permitted to line up with the closest parking space along the south side of the property. Mr. Schuller stated a row of nine parking spaces are on the south side of the property, and the fence was set back from the property line to start where the parking spaces start and continue then eastward to the rear of the property.

Mr. Schuller explained that the screening fence is six feet high, which allows an opportunity for a criminal element a safe hiding place behind the fence close to the cars parked in those parking spaces. Mr. Schuller mentioned that at almost every other QuickTrip store in town where there are nearby residential areas, the applicant has always been permitted to have a lower fence adjacent to the street. Mr. Schuller indicated that it permits the fence to screen the headlights at night, but is still low enough to eliminate the opportunity for potential criminals to hide behind the fence. Mr. Schuller proposed that the fence along the nine parking spaces be reduced to three feet high and the usual six-foot screening fence would extend eastward from the last parking space to the rear of the property. This is in harmony with the spirit and intent of the zoning code by serving the screening requirements, and preserving the security of the neighborhood.

Comments and Questions:

Mr. Stump stated that with the popularity of large SUV's and pickup trucks, a height of three feet is not going to block very many headlights. A four-foot fence may block most headlights. Mr. Stump indicated that if the justification for lowering six-foot fences is to reduce criminal activity, that would apply to any screening fence in the city. Mr. Cooper suggested that berms would be better than a three-foot fence. Mr. Cooper stated that a three-foot fence would not help anyone.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (Dunham, Turnbo, White Cooper "aye; no "nays"; no "abstentions"; Perkins "absent") to **Approve** a***Special Exception*** modifying the screening requirement to reduce the height of the required screening fence along the south parking lot from six feet to three feet, 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.

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. 18547

Action Requested:

Appeal from determination of City of Tulsa Zoning Official that concrete grass paver blocks do not constitute "all-weather material", as defined by the provisions of Section 1800 of the Zoning Code; request for interpretation that such material does constitute "all-weather material" permitted for use in surfacing off-street parking areas in residentially-zoned districts in the alternative, a **Variance** from the requirement that an unenclosed off-street parking area be surfaced with an all-weather material, to permit the use of concrete grass paver blocks in a residentially-zoned district SECTION 1303.D, located at 1907 S. Boston Ave.

Presentation

Mr. Schuller, attorney for the applicant, Carmine Funding Corporation. Mr. Schuller stated the applicant has renovated his office by conversion of a residence. This board had previously granted them a special exception to permit office use in the RM-2 zoned district. The area is a mixed-use area including office, and residential uses. The applicant would prefer to use the concrete paver blocks rather than pave with asphalt.

Comments and Questions:

Mr. Stump stated that with the popularity of large SUV's and pickup trucks, a height of three feet is not going to block very many headlights. A four-foot fence may block most headlights. Mr. Stump indicated that if the justification for lowering six-foot fences is to reduce criminal activity, that would apply to any screening fence in the city. Mr. Cooper suggested that berms would be better than a three-foot fence. Mr. Cooper stated that a three-foot fence would not help anyone.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (Dunham, Turnbo, White Cooper "aye; no "nays"; no "abstentions"; Perkins "absent") to **Approve** a***Special Exception*** modifying the screening requirement to reduce the height of the required screening fence along the south parking lot from six feet to three feet, 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.

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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Presentation

Mr. Schuller, attorney for the applicant, Carmine Funding Corporation. Mr. Schuller stated the applicant has renovated his office by conversion of a residence. This board had previously granted them a special exception to permit office use in the RM-2 zoned district. The area is a mixed-use area including office, and residential uses. The applicant would prefer to use the concrete paver blocks rather than pave with asphalt.

CASE NO. 18547
OFFICIAL RECORDS EXHIBIT G-1
ENTERED IN THE 1-25-2000
MINUTES OF THE TULSA BOARD OF
ADJUSTMENT.

CASE NO.
OFFICIAL RECORDS EXHIBIT
ENTERED IN THE
MINUTES OF THE TUSCA BOARD OF
ADJUSTMENT

Comments and Questions:

Mr. Dunham asked about the number of parking spaces that will be affected. Mr. Schuller stated that there are only two parking spaces where they want to use the parking material. Mr. Cooper asked what the difference is in this property versus others in the future. Mr. Dunham suggested that since the structure is a log-cabin-type look in a residential neighborhood, it has more of a residential look than a parking lot would be. Mr. White asked if there are plans to increase the size or usage of the property for parking. Mr. Schuller stated that the two parking spaces is all that are needed.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-1-0 (Dunham, Turnbo, White "aye"; Cooper "nay"; no "abstentions"; Perkins "absent") to uphold the decision of the Administrative Official that concrete paver blocks do not constitute "all-weather material" as defined by the provisions of Section 1800 of the Zoning Code and deny request for interpretation that such material does constitute "all-weather material" permitted in residentially-zoned districts; and **APPROVE** the ***Variance*** from the requirement that an unenclosed off-street parking area be surfaced with an all-weather material to permit the use of concrete paver blocks in surfacing two off-street parking places for an office. Finding the hardship to be the property is in an RM-zoned district that still has residents living there; and will keep the flavor of the neighborhood because more concrete would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code or the Comprehensive Plan.

Lots 23 and 24, Block 2, Boston Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18568

Action Requested:

Variance of maximum building height in OL-zoned District from one-story to two-story SECTION 603 BULK AREA REQUIREMENTS IN THE OFFICE DISTRICTS and a Special Exception to increase FAR from .30 to .34, SECTION 603 BULK AREA REQUIREMENTS IN THE OFFICE DISTRICTS, located at 4416 South Harvard.

Presentation

Pat Carr, **Guy Thiessen**'s (applicants) partner, 4713 E. 87th Pl., stated that at November 9, 1999 Board meeting, many members of the Board wanted to see copies of his plans and other materials. He stated that he did provide that material to INCOG, and hoped that this Board did get a copy. Mr. Carr stated that the applicants met with the neighbors in the area on more than one occasion. One of the neighbor's concerns was stormwater drainage, and potential problems. The applicant contacted a civil engineer regarding means

Comments and Questions:

Mr. Dunham asked about the number of parking spaces that will be affected. Mr. Schuller stated that there are only two parking spaces where they want to use the parking material. Mr. Cooper asked what the difference is in this property versus others in the future. Mr. Dunham suggested that since the structure is a log-cabin-type look in a residential neighborhood, it has more of a residential look than a parking lot would be. Mr. White asked if there are plans to increase the size or usage of the property for parking. Mr. Schuller stated that the two parking spaces is all that are needed.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-1-0 (Dunham, Turnbo, White "aye"; Cooper "nay"; no "abstentions"; Perkins "absent") to uphold the decision of the Administrative Official that concrete paver blocks do not constitute "all-weather material" as defined by the provisions of Section 1800 of the Zoning Code and deny request for interpretation that such material does constitute "all-weather material" permitted in residentially-zoned districts; and **APPROVE** the ***Variance*** from the requirement that an unenclosed off-street parking area be surfaced with an all-weather material to permit the use of concrete paver blocks in surfacing two off-street parking places, on a case by case basis. Finding the hardship to be the property is in an RM-zoned district that still has residents living three; and will keep the flavor of the neighborhood because more concrete would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code or the Comprehensive Plan.

Lots 23 and 24, Block 2, Boston Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18568

Action Requested:

Variance of maximum building height in OL-zoned District from one-story to two-story SECTION 603 BULK AREA REQUIREMENTS IN THE OFFICE DISTRICTS and a Special Exception to increase FAR from .30 to .34, SECTION 603 BULK AREA REQUIREMENTS IN THE OFFICE DISTRICTS, located at 4416 South Harvard.

Presentation

Pat Carr, **Guy Thiessen**'s (applicants) partner, 4713 E. 87th Pl., stated that at November 9, 1999 Board meeting, many members of the Board wanted to see copies of his plans and other materials. He stated that he did provide that material to INCOG, and hoped that this Board did get a copy. Mr. Carr stated that the applicants met with the neighbors in the area on more than one occasion. One of the neighbor's concerns was stormwater drainage, and potential problems. The applicant contacted a civil engineer regarding means

Comments and Questions:

Mr. White asked if the plans submitted to the Board reflect all of these changes. Mr. Carr replied that the plans don't reflect the lighting, but he will submit a letter to the Board as part of the record. Mr. Carr read the letter to the Board from Ron and April Wood.

Board Action:

On **MOTION** of **DUNHAM** the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **Approve** the ***Variance*** of maximum building height in OL-zoned District from one-story to two-story and a ***Special Exception*** to increase FAR from .30 to .34. A letter was submitted, dated November 19, 1999 expressing some concerns regarding drainage, lighting and a privacy fence. On the condition that those requirements are met, and a per plan submitted, the Board approved the ***Variance*** and ***Special Exception*** finding a hardship for the variance being the topography of the lot.

The S 80' of Lot 2 and the N 20' of Lot 3, Block 2, Villa Grove Park, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18569

Action Requested:

Special Exception to allow a mini-storage facility in CS-zoned and RM-1-zoned districts **SECTION 701**. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS & **SECTION 401** PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS; and a Variance to permit the increase in floor area from .5 FAR to .75 FAR SECTION 404.F.1, SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS REQUIREMENTS, located at 1424 East 71st Street

Presentation:

Roy Johnsen, attorney on behalf of the applicant, The Vertical Group, Inc., submitted, a site plan and photos. Mr. Johnsen stated that the property is zoned CS on the north portion and RM-1 on the south portion. Mr. Johnsen stated that Use Unit 16, which is self-storage or mini-storage, is permitted in either one or both of those districts. This property is situated on the south side of 71st Street, a primary arterial, and approximately 800-900 feet east of Riverside Parkway. The self-storage facility would be a multistory building with interior hallways, electronic monitoring, and video for security. Mr. Johnsen explained that even though the FAR would be higher, the intensity of use is much less than the ordinance allows. Mr. Johnsen pointed out that the RM-1 requirements will all be met. Mr. Johnsen stated that on the access road on the west, a wrought iron fence will be built along the drive boundary, from the access gate south on the west boundary. He stated that the three story building will be located on the east of the drive.

Comments and Questions:

Mr. White asked Mr. Johnsen if there would be any problem with the screening mentioned in staff comments. Mr. Johnsen replied that there would be no problem meeting the screening requirements.

Interested Parties:

Harold Burlingame, 6670 South Lewis, Suite 200, owner of the property on the west, spoke his support of the project. He stated that he had viewed pictures of the proposed screening and building.

Board Action:

On **MOTION** of **DUNHAM** the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a ***Special Exception*** to allow a mini-storage facility in CS-zoned and RM-1-zoned district and ***Variance*** to permit the increase in floor area from .5 FAR to .75 FAR, finding the hardship to be the intensity of the use in accordance with the ordinance, with the condition that there be no open-air storage.

Lot 1, less N 290' of W 44.3' less N 35' of E 114.7' thereof, Valley Bend Subdivision in City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18587

Action Requested:

Special Exception to allow college and university uses (Use Unit 5) in a SR zone district. **SECTION 851**, PRINCIPAL USES PERMITTED IN THE SCIENTIFIC RESEARCH DISTRICT. Use Unit 5, located at 4502 East 41st Street.

Presentation:

Mac Roesser, attorney representing the University of Oklahoma, Tulsa Health Sciences Center. The application was filed by the Amoco Production Company, the record owner of the property. The University is the proposed purchaser of the property. The site plan was submitted for the sixty-acre tract at 41st and Yale. Excluded from the application is a one-acre tract to the northeast corner of the property, which is zoned CS. The balance of the property is zoned SR, and the University is seeking a *Special Exception* to allow Use Unit 5, college and university uses, in an SR-zoned district. **Ken Lackey**, 1219 East 21st Place, President of the University of Oklahoma at Tulsa specified to the Board that the facility would be used for classroom, library, administrative office space, research space, and headquarters for five colleges of the University of Oklahoma and Tulsa Health Sciences Center. He emphasized that there would be no new structures along 41st Street except for

signage at the corner of 41st and Yale, and no new structures adjacent to the west and south property lines.

Interested Parties:

Terry Doverspike, City Council District 7, 200 Civic Center, indicated he recognizes that 41st and Yale is a developmentally sensitive part of his district. There has been substantial reinvestment at the Promanade Mall and across the street at the former Southroads Mall. Mr. Doverspike stated that he believes the proposal by O.U. for the use of this site is compatible with the development, and an excellent buffer between the residential developments adjacent to this tract and the high intense use of 41st Street and to the east of 41st and Yale. Mr. Doverspike informed the Board that he has contacted the City of Tulsa Public Works Department and the Mayor's office to increase the priority for redevelopment of the 41st and Yale intersection to a high priority project, as yet unfunded. This would allow it to be part of the 2001 sales tax extension vote. Mr. Doverspike reported on behalf of the Mayor's office, that the Mayor supports this application. He submitted a letter from the President of the Patrick Henry Neighborhood Association, stating the unanimous approval by their board of this application.

Wayne Ferguson, 4161 East 41st Street, submitted a letter expressing support of the zoning exception to the Amoco facility at 41st and Yale and signed by Mr. Ferguson and other neighbors of the area.

Toni Barr, 4353 South Yale Ave., expressed concern that she has not seen the City of Tulsa's Master Plan to accommodate the traffic in that area. She indicated the streets were inadequate for 700 to 800 cars per an eight hour day versus the same number of cars there for Amoco in a twenty-four per day basis. She expressed concern that O.U. did not present their plans for the Yale side of the property. She stated that she would like to have O.U. as a neighbor, but she does not want her house to go if streets need to be widened.

Jana Wilson, 4023 South Vandalia, stated she has lived at this address for fourteen and one-half years, and recently had a third garage door installed due to flooding in the neighborhood. The City Public Works/Storm Water Department explained to her that the flooding is due to inadequate stormwater drainage at 41st and Yale. She described the flow of water that goes through her garage, causing some cumulative property damage and personal property loss. Her concern is that if O.U. decided to make any changes in the facility along 41st Street that it could exacerbate the flooding problem. She asked that the Board delay a decision on this item until the Stormwater Engineering Division has a chance to look into the drainage problem at that intersection.

Arthur H. Yeter, 4303 South Sandusky, expressed his concern for any new structures that may be built.

Applicant's Rebuttal

Mr. Lackey stated that O.U. has no current plans for development along Yale and certainly no plans for development at 41st and Yale, other than perhaps signage. He stated that the campus-like atmosphere is what appealed to O.U., and they intend to maintain it. He stated there will be no student housing for these graduate students. Mr. Lakey stated that they do not contemplate having nearly the traffic that Amoco had at its height. The traffic patterns would vary at different intervals of the day. He stated their desire to be good citizens, part of the neighborhood, and blend in with the community.

Mr. Roesser stated that the standard for the Special Exception is that it be in harmony with the spirit and intent of the code, and not injurious to the neighborhood or detrimental to the public welfare. He believes that the proposed uses are much less intense than the uses that might eventually result if it was marketed to a commercial user.

Board Action:

On **MOTION** of DUNHAM the board voted 3-0-1(White, Dunham, Turnbo "aye'; no "nays"; Cooper "abstention"; Perkins "absent") to **APPROVE** the ***Special Exception*** to allow college and university uses (Use Unit 5) in an SR zoning district per plan submitted, 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.

The NE/4 of the NE/4 and the N/2 of the SE/4 of the NE/4 both in Section 28, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18572

Action Requested:

Variance to allow encroachment into the required 60' setback from East ~~46th~~ 47th Street, SECTION 403. BULK & AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS. 2803 E. 47th Pl. S.

Presentation:

Jim Graber, representing the applicant, Mr. Zinkel, stated that Mr. Zinkel wants to make improvements to his home, adding a garage and addition off his bedroom. The problem is the home is positioned with frontage on both sides of his property. The address shown is incorrect. It is actually 47th Street and 47th Place. He has sixty-foot setbacks from 47th Street and 47th Place. The applicant is requesting the setback to be moved to 40' per plan.

Interested Parties:

Mary Ann Sherman, 4714 South Delaware Ave., stated that the back of her house is adjacent to this property. She expressed concern that the dimensions

are measured from the center of the right-of-way by the zoning code, resulting in the new addition being within seven feetof her property line.

Applicant's Rebuttal

Mr. Grabel suggested that there may be confusion regarding how close the addition would be to Ms. Sherman's property. The addition will meet the city setback requirements.

Board Action:

On **MOTION** of **DUNHAM** the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions'"; Perkins "absent") to **APPROVE** the ***Variance*** to allow encroachment into the required 60' setback from East 46th Street, as requested per plan, finding the hardship to be the fact that the lot has streets on both the front and back, and there have been a number of similar encroachments on the same street.

Lot 4, Block 4, Cardinal Crest Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18575

Action Requested:

Special Exception to allow a church and related church uses in an AG-zoned district. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT - Use Unit 5, located at SE/c E. 66th St. & S. Mingo Rd.

Presentation:

William B. Jones, 15 East 5th Street, Suite 3800, represented Asbury United Methodist Church. The church has exceeded the size of its facility and desires to purchase the new property. The property will be platted to address the setback requirements, deal with any drainage problems, parking and height restrictions. They submit this request for approval upon the condition that they file a plat.

Comments and Questions:

Mr. White asked when the city council would be hearing this item for zoning. Mr. Jones indicated he believes it will be in a week. Mr. Dunham asked if the applicant has seen notes from staff suggesting conditional approval of the site plan. Mr. Jones replied that they will submit a plat and a Master Plan.

Board Action:

On **MOTION** of **DUNHAM** the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays", no "abstentions" Perkins "absent") to **APPROVE** the ***Special Exception*** to allow church and related church uses in an AG 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.

A tract of land that is part of Government Lot 6 in Section 6, T-18-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma

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Case No. 18576

Action Requested:

Variance of the required 75' setback from an R-zoned district to 50'. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 15, and Special Exception of the required screening from the south property line to provide alternative screening with shrubs and trees, located 9800 East 59th Street

Presentation:

Scott Jaynes, 7912 East 32nd Court, Suite 200, representing Jack Bloss - Bloss Sales and Rental. The RS zoning does not abut the property line. This would require the builder to set the building back another 75' to the back of the property. The applicant would like to build at a 50' setback from the property line because of the atypical zoning line change.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye", no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a ***Variance*** of the required 75' setback from R-zoned district to 50'. SECTION 903.and ***Special Exception***, of the required screening from the south property line to provide alternative screening with shrubs and trees, finding the hardship on the variance to be the unusual zoning pattern.

Lot 1, Block 1, Bloss Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18577

Action Requested:

Variance of side yard requirement from 10 feet to 5 feet on north side of property to allow new construction. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS Located 2524 S. Columbia Place

Presentation:

Danny Sadler, owner of the home, stated that his family has lived there for approximately six and one-half years. They plan to build a longer driveway to a detached two-car garage and a porte-cochere.

Board Action:

On **MOTION** of **DUNHAM** the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** the ***Variance*** of the sideyard requirement from 10 feet to 5 feet on north side of property to allow new construction, as submitted per plan, finding the hardship to be the size of the lots and the number of variance is consistent with the neighborhood.

Lot 4, Block 3, Louise Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18578

Action Requested:

Amend a required tie contract to release Lot 10, Block 3, Henry Addition, located S. of SW/c E. Young St. N., & N. Owasso Ave. SECTION 401. PRINCIPLE USES PERMITTED IN THE RESIDENTIAL DISTRICTS.

Presentation:

Richard Walker, 2235 North Norfolk, pastor of the church on the property in this case made the presentation. He stated that Lot 10 was left out when a previous request was made to release Lots 9 and 11 from a tie contract.

Interested Parties:

Bernice Alexander, 2124 North Owasso Ave., president of the Neighborhood Association in the area, expressed concern regarding Rev. Walker (also a City employee) holding properties and trading them off to the City, thereby denying potential property owners and developers the opportunity to develop the area.

George Monroe, 1111 East Young Street, expressed his concern that the church not build anything too close to his club building at 1123 East Young Street that would prevent him from re-opening it.

Mr. Amley Floyd, 1034 East Young Street, expressed concern over the intentions of the church for the use of the property and what impact it may have on the neighborhood.

Comments and Questions:

Mr. Dunham asked if there was any reason why this lot was not released when the adjoining property was released, if there was a site plan, and if releasing this property would put them out of compliance with parking requirements, etc. Rev. Walker replied to the Board that Lots 9 and 11 were not the church's property and they needed to be released from the tie contract. Lot 10 has belonged to Pilgrim Rest Baptist Church since 1986. This request involves no expansion to correct the tie agreement. Mr. Beach advised the applicant in April 1999 to hire someone to research this matter before coming back to the

BOA to eliminate the confusion. Ms. Turnbo asked if cars are ever parked on Lot 10. Rev. Walker responded that the only use of the property is for Easter Egg Hunts.

Board Action:

On **MOTION** of **DUNHAM** the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **CONTINUE** this application to the 12-14-99 BOA meeting with the condition that the applicant submit a site plan to staff ahead of time.

Lots 9, 10, 11 and 14 - 18, Block 3, Henry Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18579

Action Requested:

Special Exception to allow Use Unit 25 in a CH-zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and a Variance of the required 50' setback from the centerline of a non-arterial street to 45' SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS, located at 5162 South 24th West Ave.

Presentation:

Charlie Daniels, 8710 South 68th East Ave., stated that the building was destroyed by a tornado in May 1999, and applicant wants to build on the same foundation with no expansion.

Board Action:

On **MOTION** of **DUNHAM** the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** the ***Special Exception***, to allow Use Unit 25 in a CH-zoned district and a ***Variance*** of the required 50' setback from the centerline of a non-arterial street to 45' on the condition that the new building will use the existing foundation and not be expanded, finding that it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

A tract of land in the NW/4 of the NE/4 of Section 34, T-19-N, R-12-E being more particularly described as follows, to-wit: Beginning at a point on the W line of the NW/4 NE/4 on the Sly right-of-way line of US Highway 66 by-pass, thence E and parallel to the said right-of-way line a distance of 471.05'; thence S 500' thence W 471.05'; thence N 500' to the point of beginning less the N 200' of the W 173.05' thereof and less the N 8' of the E 63.05' of the W 471.05' thereof, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18580

Action Requested:

Special Exception to permit a church in an RS-3-zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located at Southwest corner of 34th Street & North Delaware

Presentation:

Pastor James Williams, Ministry of Reconciliation, 3000 South Dogwood Place, Broken Arrow, expressed his church's desire to purchase property for ministry to people in north Tulsa, primarily to the youth. The property is located across from a police station, which offers opportunity to provide services to the police officers of north Tulsa, and to provide opportunities for at-risk youth that they may come into contact with. It is across the street from the Amos T. Hall Recreation Center, which offers further opportunity for the church to minister to the youth of north Tulsa.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a ***Special Exception*** to permit a church in a RS-3-zoned district, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

A tract of land beginning 215' W of the NE/c of the SW/4 of the NW/4 of the NE/4 of Section 20, T-20-N, R-13-E, Tulsa County, State of Oklahoma thence SW 120'; thence SW 629.28'; thence W 100'; thence N 660'; thence E 445' to the point of beginning and being located in an RS-3 zoned district.

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Case No. 18581

Action Requested:

Variance of setback from an abutting street from 50' to 42' in an RS-3 district to permit an addition to a public library. SECTION 403. BULK AND AREA REQUIREMENTS, located at 551 East 46th Street North.

Presentation:

Jim Healey, 324 East 3rd Street, representing the owner, the Tulsa City/County Library System. The property is located on the northwest corner of Garrison and 46th Street North. The existing arrangement of the facility has parking on the north and an entrance on the south. Additions are being made to the building and would work best to move the main entrance to the east side of the building. Mr. Healey described a proposed entrance canopy which would extend four feet past the existing setback

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays", no "abstentions"; Perkins "absent") to **APPROVE** a ***Variance*** of the setback from an abutting street from 50' to 42' in an RS-3-zoned district per plan submitted and limited to the addition on the plan submitted. The hardship is safety concerns and location of an existing building that is too close to accommodate a covered surface.

The N 150' of the S 200' of the W 100' of the E 125' of the SW/4 of the SE/4 of the SW/4 of Section 12, T-20-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18582

Action Requested:

Special Exception modifying requirements for off-street parking spaces and screening upon change of nonconformity with respect to parking and screening (associated with change of use): (1) to permit some of required parking spaces to be located on adjoining lot other than lot containing use (not only for changed use, but also for other uses), allowing mutual and reciprocal parking arrangement (by written agreement) between adjoining property owners, and (2) to waive requirement that Use Unit 12 uses (when located within zoning district other than R district and located on lot abutting R district) be screened from abutting R district, so that no screening fence or wall will be required between adjoining parking lots (to avoid preventing reciprocal access between them) or within existing parking lots which are situated on either side of zoning district boundaries. SECTION 1496,C. PARKING, LOADING & SCREENING NON-CONFORMITIES, located at 3737-3749 South Peoria Avenue.

Presentation:

Stephen A. Schuller, representing the Peoria 3800 Company which owns the property at 3749 South Peoria with a commercial building and parking lot in the rear, and on behalf of Trinity United Methodist Church, which owns the property at 3737 South Peoria, with parking lot to the rear of the church. Peoria 3800 Company is renovating and redeveloping the commercial building on this property, adding some commercial uses not previously represented in this building. This will necessitate conforming new uses to zoning code parking requirements. Mr. Schuller stated that Peoria 3800, and the church need more parking spaces available. The request is not for additional spaces but to allow parking on each other's lots, pursuant to a written reciprocal agreement. A zoning district boundary passes through the parking lots, and so they request a special exception to waive any screening requirements along lot lines between different uses or zoning district boundaries. The existing screening fence will not be affected but will stay in place.

Interested Parties:

Nancy Apgar, president of the Brookside Neighborhood Association, stated that they discussed this with Mr. Schuller and there were no neighbors opposed to this item.

Comments and Questions:

Ms. Turnbo asked how many more parking spaces the commercial property needs. Mr. Schuller stated that adding the church's parking spaces will exceed the need. Mr. Stump asked if there was a special exception granted for parking Use Unit 10 in that RS-3 district in the past. He stated, that if not, it is a Use Variance, because the church would have a Use Unit 5. Mr. Stump stated that it is going to used for a commercial establishment, and that is in the same category as the principal Use 13 or 14. That activity is not allowed in a residential district. Mr. Stump indicated that, even though it may be a good idea, it is probably going to necessitate rezoning to PK or OL. It is a technicality but the Board has always considered the parking to be in the same category as the principal use or as parking of itself, which would be a Use Unit 10. That is not allowed in a single family-district either.

Board Action:

On **MOTION** of **DUNHAM** the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** the ***Special Exception***, modifying requirements for off-street parking spaces and screening upon change of non-conformity with respect to parking and screening (associated with change of use): (1) to permit some of required parking spaces to be located on adjoining lot other than lot containing use (not only for changed use, but also for other uses), allowing mutual and reciprocal parking arrangement (by written agreement) between adjoining property owners, and (2) to waive requirement that Use Unit 12 uses (when located within zoning district other than R district and located on lot abutting R district) be screened from abutting R district, so that no screening fence or wall will be required between adjoining parking lots (to avoid preventing reciprocal access between them) or within existing parking lots which are situated on either side of zoning district boundaries. on the condition that the parking lots are permitted uses of the district zoning, and there be a reciprocal parking agreement, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

3749: The W 305' of the S 165.57' of Lot 3, Section 19, T-19-N, R-13-E AND **3737**: The W 275' of the N 2½ acres of the S 5 acres of the W 20 acres of Lot 3, Section 19, T-19-N, R-13-E, Tulsa County, Oklahoma AND Lots 5 and 6, Block 1, Lee Dell Second Addition, all located in the City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18583

Action Requested:

Eliminate a Special Exception condition prohibiting outside storage of vehicles or parts, which was imposed by the BOA in Case No. 17203 on 10/10/95, located at 10875 East Admiral Place.

Presentation:

Billy Young, 10875 East Admiral Place, states that he understood since 1995 that customers vehicles, no outside storage of non-customer vehicles and storage of parts was limited to what he had from his former location in a CS zoning district with a Use Unit 17 Variance to operate. Outside storage was limited to a space 60' wide x 100' long, fenced.

Comments and Questions:

Mr. White read from the minutes of the 10-10-95 meeting, "Mr. Young stated that outside storage is not proposed and noted that space for 10 vehicles will be provided inside the building. He informed that the business will be open from 8:00 a.m. to 6:00 p.m., Monday through Saturday. Mr. Young stated that a privacy fence would be installed and the property will be cleaned up and properly maintained". The motion at that time was to approve a special exception to permit auto repair in a CS district, per plan submitted, subject to days and hours of operation, being Monday through Saturday 8:00 a.m. to 6:00 p.m., and subject to no outside storage of vehicles or parts. Ms. Parnell stated that she acted on complaints that she received, the major one that the parking lot has not been paved, but that is not what is before the Board. There were two vehicles toward the back of the property that were never moved, a school bus on the property with an awning on it and it was alleged that someone was staying in the school bus. Ms. Parnell asked the applicant what is stored outside behind the building. Mr. Young stated they are items he moved from his old location and has not had time to put it inside. Mr. Cooper asked if the applicant received a certificate of occupancy for the facility. Mr. Young replied that he turned the application in for final inspection and certificate of occupancy.

Interested Parties:

Dominic White, P.O. Box 582510, Tulsa, a property owner directly across the street from Mr. Young's property. He stated that he was at the previous meeting regarding this item. He explained that the details were very explicit and Mr. Young agreed to it to get his permit. Mr. Young has not lived up to it and should not be given an excuse to allow that to happen.

Nancy Crayton, 245 South 120th East Avenue, representing the Western Village Neighborhood Association stated they unanimously oppose the elimination of the special exception condition which, if approved, would allow Mr. Young to store vehicles and or parts at his auto repair business. Ms. Crayton listed complaints that parking lot is still not complete, cars are still

parked all over the grass and the dirt surface. including on nights and weekends. The BOA Case No. 17203 states that the hours of operation are to be 8:00 a.m. to 6:00 p.m., and asked if this has changed.

John Roy, 9018 East 38th Street, representing the East Tulsa Mingo Valley Association, stated that Mr. Young has been operating out of his building without a permit for almost a year now. There is still not a screening fence on the east side for the RS-3 district and there is still no all-weather surface parking.

Art Justis, 1302 South 122nd East Avenue, Councilor for District 6, stated that it appears there has been plenty of time to correct these problems, and he suspected if Neighborhood Inspections had not checked the property, that nothing would have been done to this point. Mr. Justis agrees with the original decision of the Board and he supports the neighborhoods.

Applicant's Rebuttal:

Mr. Young stated that, for the most part, he is not denying anything that has been said, because it is all true. He stated there are still vehicles out, and the parking lot is not completed.

Board Action:

On **MOTION** of **TURNBO** the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions: Perkins "absent") to **DENY** the motion to eliminate a ***Special Exception*** condition prohibiting outside storage of vehicles or parts, which was imposed by the BOA in Case No. 17203 on 10/10/95, finding that it would not be in harmony with the spirit and intent of the Code, and will be injurious to the neighborhood or otherwise detrimental to the public welfare.

W/2, W/2, E/2, Lot 1, less S 75' for street, Section 6, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18584

Action Requested:

Variance of 5; side yard requirement to 4' in an RS-3 district, SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS., located at 4619 East 37th Place

Presentation:

Ryan Cole, 100 West 5th Street, Suite 900, representing Mr. Dixon, requesting a variance. Mr. Dixon has lived in this house for sixteen years, and has completed an addition to the house. The lot is irregularly-shaped, wider in front than in the back. The encroachment is limited to the back northeast corner of the house, at a maximum of six inches.

Interested Parties:

Allen Yerton, son of Peggy Yerton, who resides at 4619 East 37th Street on the east boundary of Mr. Dixon. Mr. Yerton submitted photographs. He explained that the exterior frame is not completed and the expansion to the current encroachment for stone and trim would extend the encroachment even farther. He added that construction started in October 1988 without getting a permit and has been dragged out for eleven years with several irregularities. On November 8, 1991, the applicant was served by the Building Inspector's office with a stop-work order to obtain a building permit for the addition. The issue date was November 22, 1991, and they assessed the $100 penalty for construction without a permit. At the bottom of the document it states, "Final inspection not called, close out and place in final file". He feels that the applicant should not be allowed to get the variance.

Peggy Yerton, 4625 East 37th Place, objected to the encroachment.

Comments and Questions:

Mr. Beach asked Mr. Yerton if he would be opposed to a variance to 4.5' instead of 4' to allow the applicant to extend the siding and extend the masonry as requested.

Board Action:

On **MOTION** of **COOPER** the Board voted 3-0-1 (Dunham, Turnbo, Cooper "aye"; no "nays"; White "abstention"; Perkins "absent") to **DENY** the request for ***Variance***, of five feet; side yard requirement to four feet in an RS-3 district, finding that it will cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

Lot 16, Block 2, Max Campbell 4th Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18585

Action Requested:

Variance of minimum core of living space requirement of 20' x 20' dimension. SECTION 1207a.C.1.c. Use Unit 7a. TOWNHOUSE DWELLING; USE CONDITIONS.

Presentation:

Roy D. Johnsen, attorney for C.J. Development, John Piercey, stated that the project is a townhouse which is on an individually-owned lot but attached units. All of the requirements of the code are met or exceeded except for one. The code requires in a townhouse use unit, a core living area that is 20' x 20' or 400 square feet. The smallest unit in the plan is 1500 square feet, on a 24' lot with

14' of courtyard area. The core area is 14' in width but the length is longer than 20'.

Comments and Questions:

Pat Fox, architect on the project at 1215 East 33rd , stated he was not aware of the core area requirement. He believes that the code needs to be amended.

Board Action:

On **MOTION** of **DUNHAM** the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** request for ***Variance*** of minimum core of living space requirement of 20' x 20' dimension with condition of 14' width, 1500 square feet living area, two-story, finding that the density permitted is inconsistent with core area requirement in the zoning code, on the following described property:

A tract of land being part of the S/2 of the NE/4 of Section 7, T-18-N, R-13-E, Tulsa County, State of Oklahoma being more particularly described as follows: Commencing at the SE/c of said S/2 NE/4; thence N 89°48'42" W along the Sly line of the S/2 NE/4, for a distance of 50.00'; thence N 0°10'03" E and parallel with the Ely line of the S/2 NE/4, for a distance of 930.00' to a point; thence N 89°48'42" W and parallel with the Sly line for a distance of 930.00' to the point of beginning; thence S 0°10'03" W and parallel with the Ely line for a distance of 375.00' to a point; thence N 89°48'42" W and parallel with the Sly line for a distance of 1050.00' to a point on the Ely line of Block 13, Kensington, an addition to the City of Tulsa, Tulsa County, Oklahoma; thence continuing N 89°48'42" W and parallel with the Sly line for a distance of 20.00' to a point on the present Ely right-of-way of S. Wheeling Ave.; thence N 0°10'03" E along said Ely right-of-way and the Wly line of Block 13, for a distance of 375.00' to a point, said point being the NW/c of Block 13; thence S 89°48'42" E and parallel with the Sly line of said S/2 NE/4 for a distance of 20.00' to a point, said point being the NE/c of Block 13; thence continuing S 89°48'42" E and parallel with the Sly line for a distance of 1050.00' to the point of beginning and being located in an RM-1 zoned district.

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Case No. 18586

Action Requested:

Special Exception of CBD-zoned property for Use Unit 25, light manufacturing, SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS, located at 321 South Frankfort.

Presentation:

Mark Fairbairn, 803 South New Haven, manager of Key F.G., LLC. The business manufactures ceramic tile in-store display boards.

Comments and Questions:

Mr. Dunham asked if the applicant has seen a letter from Mr. Norton, building owner. Mr. Fairbairn replied that he received it yesterday. Mr. Dunham stated that when he left the meeting with Mr. Norton, he believed that no agreements were reached. Ms. Turnbo read a portion of the letter,

Mr. Stump stated the Use Unit 25 is light manufacturing and industry, and the description is "light manufacturing and industrial uses having slight or no objectionable environmental influences by reason of odor, heat, smoke, noise, or vibration".

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "ayes"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** the ***Special Exception*** of CBD-zoned property for Use Unit 25, light manufacturing, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Lots 5, 6 and 7, Block 114, Original Town of Tulsa, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18589

Action Requested:

Variance of maximum height for a fence in the required front yard from 4' to 6'6". SECTION 210.B.3. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS, located at 6565 South Newport.

Presentation:

George Proctor, representative of Tulsa Housing Authority, 415 East Independence, requests variance on construction of wrought-iron fence along the front of senior housing. The applicant is improving security in the area.

Board Action:

On **MOTION** of **DUNHAM** the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions; Perkins "absent") to **APPROVE** the ***Variance***, of maximum height for a fence in the required front yard from 4' to 6'6".with condition that fence is wrought-iron or other open-type fence with a hardship that a four-foot fence would not be a security fence.

Lot 2, Block 1, Cline Addition to the City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18591

Action Requested:

Minor Special Exception of the required 25' setback from front to 20' for addition to existing garage, located at 1410 East 33rd Street. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS.

Presentation:

Catherine A. Wall, 3806A South Quincy Avenue, requested a Special Exception.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** the ***Special Exception***, finding that it will be in harmony with the spirit and intent of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Lot 11, Block 8, Oliver's Addition to the City of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting was adjourned at 5:17 p.m.

Date approved: 1-11-2000

Chair