

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 796
Tuesday, May 23, 2000, 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 Turnbo
Cooper
White, Chair
Perkins

Beach
Huntsinger
Stump

Jackere, Legal
Ackermann,
Zoning Official

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, May 19, 2000, at 9:48 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.

CONTINUED ITEMS

Case No. 18712

Action Requested:

Variance, pursuant to the provisions of Table 2 of Section 903 of the Zoning Code, of the setback from center line of abutting street (North Yale Avenue) from 100' to 51'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS.** Variance, pursuant to the provisions of Section 1303(D) of the Zoning Code, from the all weather material requirement for off-street parking to a gravel surface for the 15' driveway shown on the site plans. **SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS,** located at 2315 North Yale Avenue.

Staff Comments:

Mr. Beach stated that staff has received a request for a continuance on this matter due to new issues that have arisen that may change the notice. He indicated that the applicant would like to continue this application to July 11, 2000.

There were no interested parties wishing to speak.

Case No. 18712 (continued)

Presentation:

William D. LaFortune, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that there are several new issues to be addressed and it may require a new notice for additional relief.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted **3-0-0** (Dunham, Perkins, White, "aye", no "nays", no "abstentions", Cooper, Turnbo "absent") to **CONTINUE** Case No. 18712 to July 11, 2000 at 1:00 p.m.

Case No. 18742

Action Requested:

Modification of screening requirement. **SECTION 212.C. SCREENING WALL OR FENCE**, Modification of the Screening Wall or Fence Requirement – Use Unit 11, 23, 25, & 26; a Variance of requirement for all-weather surfacing of off-street parking areas. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, and Variance of building setback from 100' to 80' within an OL district. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS**, located at 13521 East 11th Street.

Presentation

Roy D. Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma, 74103, stated that he represents the owners of Rainbow Concrete facility. This property was before the Board of Adjustment on an appeal from the determination of the Building Inspector on April 10, 2000. The Board made a rule that the landowner would have a 120 days to comply as to screening and the all-weather surfacing requirement.

Mr. Johnsen stated that he did not know how the Board would rule on the truck washout area (Use Unit 26), which could not be located on the IL portion of the subject property. He explained that he has appealed the decision of the Board taken on April 10th to the District Court. In the meantime, he has filed a preliminary plat and an application for building permits for the parking area and the fence; however, the permits have not been issued at this time.

Mr. Johnsen stated that he is going to request additional relief (special exception) in the IL portion of the subject property in order to permit the truck washout area. The previous determination of the Board was an interpretation of the ordinance, but the Board does have the authority in IL district to grant the special exception for this type of relief.

Case No. 18742 (continued)

Mr. Johnsen explained that the Board granted the 120 days to comply regarding the screening and parking, he feels that this is not the time to hear today's application. He requested a continuance to July 11, 2000 in order to request additional relief and give a new notice.

Interested party indicated their agreement with a continuance to June 27, 2000.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted **3-0-0** (Dunham, Perkins, White "aye", no "nays", no "abstentions", Cooper, Turnbo "absent") to **CONTINUE** Case No. 18742 to June 27, 2000 at 1:00 p.m.

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Case No. 18743

Action Requested:

Special Exception to allow Use Unit 12, 13, and 14 in an IL district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** – Use Unit 12, 13, 14, located at the southeast corner of East 51st Street and South Garnett.

Presentation

Mr. Beach stated that Mr. Levinson has requested a continuance to June 13th.

There were no interested parties wishing to speak.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted **3-0-0** (Dunham, Perkins, White "aye", no "nays", no "abstentions", Cooper, Turnbo "absent") to **CONTINUE** Case No. 18743 to June 13, 2000 at 1:00 p.m.

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Case No. 18760

Action Requested:

Variance of allowable height for existing outdoor advertising sign from 60' to 95'. **SECTION 1221.F.15. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, Use Conditions for Outdoor Advertising Signs, located south of southwest corner of East 91st Street and U.S. 169.

Presentation

Mr. Beach stated that Mr. Moody has requested a continuance to June 13, 2000.

There were no interested parties wishing to speak.

Case No. 18760 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted **3-0-0** (Dunham, Perkins, White “aye”, no “nays”, no “abstentions”, Cooper, Turnbo “absent”) to **CONTINUE** Case No. 18760 to June 13, 2000 at 1:00 p.m.

MINUTES:

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, White, Perkins, "aye", no "nays", none "abstaining", Cooper, Turnbo "absent" to **APPROVE** the Minutes of, April 25, 2000 (No. 794).

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UNFINISHED BUSINESS

Case No. 18725

Action Requested:

Review and approval of detailed site plan as required by conditions on BOA #17658, for property located 1003 North 129th East Avenue.

Comments and Questions:

This application was continued to correct the legal description in the notice. The site plan to be considered lacks any dimensions or meaningful labels. The Board gave its approval in 1997 subject to a detailed site plan and that is why today's application was filed. As a graphic concept, it appears to meet the general requirements of the Zoning Code for setbacks, parking layout, landscaped areas, etc., but without enough information, these things are impossible to determine. Staff has no particular concern with approval of this plan as a concept but would point out that the submittal is far from a detailed site plan. The purpose of requiring the plan to be approved before building permits may be released is to be sure the proposed development is as it was represented in 1997. If the Board is satisfied that it is, you could approve this plan today and it would still be subject to all of the detailed requirements of the Code.

Mr. Cooper in at 1:18 a.m.

Presentation

Wallace O. Wozencraft, Architect, 1619 South Boston, Tulsa, Oklahoma 74119, representing Church On The Move, stated that the TV Studio building is fully detailed and drawings presented to the building and planning departments for the City of Tulsa. The plans have been reviewed, in part, by the City and is waiting on approval by this Board before being issued a building permit. He indicated that specific details of the "180°" building, which is located in the far north of the

subject project, is currently being developed and will be submitted for detail review by the Building Inspection Department within the first part of July.

Mr. Wozencraft indicated that other projects, such as the high school building; bus barn and a storage building, are conceptual at this time and will be developed within the next two three to years. If the staff requires a detail landscape plan and detail structural drawings he can present them for staff review on the ministry building and the "180°" building at this time. He commented that he is confused regarding how much detail the staff requires for this Board's review. He stated that it was his understanding that the Board wanted the concept plan and location plan indicating general function and the drawings submitted illustrate that.

Mr. Wozencraft explained to the Board which buildings are currently existing, in the process of waiting for a building permit and buildings that are in the conceptual phase. He listed the future plans and buildings as follows: playground facility, skating rink, tennis court, football stadium, swimming pool and numerous game activities outdoors.

Mr. Wozencraft stated that there is ample parking provided for the facility and all landscaping ordinances will be followed. He indicated that the setback requirement is not critical because the church owns a large tract of land and the setbacks are well within code compliance.

Comments and Questions:

Mr. White read the minutes of 1997, which indicated that the condition of the approval included that the applicant return with a detail site plans for the new tracts being added to the overall site prior to building permits being issued for the areas.

Mr. Beach stated that staff does not have a problem with the Board approving the subject plan if the Board feels that it meets the requirements and satisfactions of the motion and condition.

Mr. Jackere stated that the Zoning Code requires no special conditions for a church use. However, it does provide for setbacks and other requirements in the IL district. He pointed out that the application is subject to the Landscaping Ordinance requirements and Zoning Code requirements.

Mr. Stump stated that the applicant requested a special exception for church use and it has been granted. The church has not asked for a special exception for a high school and it is indicated on the conceptual plans. This conceptual plan cannot be considered as part of a detail site plan because it has not been properly advertised as a use and there are no immediate plans for the development. He suggested that the Board approve this application as church and customary accessory uses.

Case No. 18725 (continued)

There were no interested parties wishing to speak.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted **4-0-0** (Cooper, Dunham, Perkins, White "aye", no "nays", no "abstentions", Turnbo "absent") to **APPROVE** the conceptual plan for the church and customary accessory uses only; subject to all buildings being subject to the detail requirements of the Code, for the following described property:

All of Trinity Park, A subdivision in City of Tulsa, Tulsa County, State of Oklahoma, and being located in an IL zoned district.

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Case No. 18735

Action Requested:

Special Exception to permit the property to be used as a cultural facility under Use Unit 5, subject to the Master Plan and Detail Landscape Plan for the East 25th Street frontage. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 5, located northeast corner of East 25th Street and South Peoria.

Presentation:

Charles E. Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74120, representing the Tulsa Historical Society, stated that he is requesting a special exception for an addition to the existing property.

Mr. Norman stated that his client is requesting the approval of the use of the Southern Travis Mansion for the headquarters, library, museum and meeting rooms proposed to be constructed as an addition to the existing building. Mr. Norman submitted a master plan (Exhibit B-1) and site plan (Exhibit B-2). He explained that his client has entered into a contract for 99 years with the City of Tulsa for the joint and shared use of the parking facility (behind and part of the Garden Center) and the spaces that will part of the expanded Historical Society property. He reminded the Board of previously approved parking spaces (11) along the entry driveway from South Peoria, which may be jointly used by the Garden Center and the Historical Society. The staff has pointed out that the eleven spaces along South Peoria are not to be counted in the proposed site plan.

Mr. Norman stated that the site plan for the expansion indicates that there will be seven off-street parking spaces on the south side with a access from East 25th Street. This was done intentionally so that the new addition would be directed away from the residential area to the south.

Case No. 18735 (continued)

Mr. Norman submitted a detail landscape plan (Exhibit B-3). This was developed for the south half of the subject property as part of the concern for the neighbors on the south side of East 25th Street. The plans for the addition to the Historical Society Building has been presented to the neighbors and several informal meetings have been held. The plans have also been presented to the Garden Center Management and to the Tulsa Park Board. The Tulsa Park Board voted to endorse the plans for the development of the subject property.

There were no interested parties wishing to speak.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted **4-0-0** (Cooper, Dunham, Perkins, White "aye", no "nays", no "abstentions", Turnbo "absent") to **APPROVE** the ***Special Exception*** to permit the property to be used as a cultural facility under Use Unit 5, subject to the Master Plan and Detail Landscape Plan for the East 25th Street frontage. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 5; per plan submitted, 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, on the following described property:

A tract of land beg. at a point 246' S of the NW/c of Lot 2 in Section 18, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma; running thence in an Ely direction and parallel to the N line of said lot a distance 330'; thence N 0°18' E a distance of 23'; thence in an Ely direction and parallel to the N line of said lot a distance of 121'; thence in a SEly direction an on a curve with a radius of 28' a distance of 43.49'; thence in an Ely direction and parallel to the N line of said lot a distance of 145.8'; thence S 0°18' W a distance of 109.5'; thence in an Ely direction and parallel to the N line of said lot a distance of 63.6'; thence S 0°18' W a distance of 109.5'; thence in a Wly direction and parallel to the N line of said lot to the W line of said lot; thence in a Nly direction and on the W line of said lot a distance of 224' to the P.

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Case No. 18737

Action Requested:

Variance of required parking on lot containing use to allow parking to be provided on another lot. **SECTION 1301.D. GENERAL REQUIREMENTS** – Use Unit 5 and a Special Exception for a cultural facility in an IM zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS**, located at 1414 East 4th Street.

Presentation:

Jeff Whitlatch, 1143 South Newport Avenue, Tulsa Oklahoma 74120, representing the Midwestern Theater Troup, stated that he would like to request that the Board approve this application.

Comments and Questions:

Mr. White asked Mr. Whitlatch if he has received an agreement letter regarding the parking on another lot. Mr. Whitlatch submitted a letter of agreement for parking on another lot (Exhibit C-1).

Mr. Whitlatch stated that the parking lot proposed is an open lot with no fencing. It is partially paved with 32 spaces and the remainder of the lot is gravel to allow a number of other parking spaces.

Mr. Whitlatch submitted a fact sheet and photographs (Exhibit C-2). He indicated the proposed parking area on the submitted fact sheet.

Mr. White read the letter from Ms. Connolly regarding the proposed parking and her permission to allow the parking on her property with conditions (Exhibit C-1).

Mr. Dunham asked if there will be a conflict regarding the parking and hours of business. In response, Mr. Whitlatch stated that Ms. Connolly's employees park on the subject property from 9:00 a.m. to 5:00 p.m. Mr. Whitlatch stated that the theater would start around 7:00 p.m. and there would be no conflict with parking spaces.

Interested Party:

Paul Cane, representing Ms. Connolly, stated that his client supports this application with the conditions stipulated in her letter. He explained that when the theaters lease ends the parking agreement will become void. He indicated that his client would like the assurance that her property will remain IM zoned.

Mr. Cane stated that his client would like to be able to use her property for industrial use and it is important to protect the integrity of the IM zoning.

Mr. Jackere stated that the application is for a special exception for a cultural facility in an IM zoned district and to use a parking lot nearby for the required parking.

Mr. Jackere stated that the Board is finding that the cultural use is allowed in the subject property, as long as there is parking. The Board is further conditioning the approval by approving this use with the parking on the stated parking lot and that is acceptable. However, if the applicant finds that this parking becomes unavailable,

Case No. 18737 (continued)

but he can supply parking elsewhere nearby, then the Board would be hard pressed to deny the use.

Board Action:

On **MOTION** of **COOPER**, the Board voted **4-0-0** (Cooper, Dunham, Perkins, White "aye", no "nays", no "abstentions", Turnbo "absent") to **APPROVE** Variance of required parking on lot containing use to allow parking to be provided on another lot. **SECTION 1301.D. GENERAL REQUIREMENTS** – Use Unit 5 and a Special Exception for a cultural facility in an IM zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS**, finding that the building in question is incapable of providing any parking; and subject to the condition that the parking must be provided on the subject lot as indicated, on the following described property:

Lot 8 & part of Lot 9, Block 19, Lynch & Forsythe's Addition, Beg. NE/c; thence Wly .32 Sly to point on SL Ely .14 Nly to the POB, AND Lots 1, 2, and 3, Block 20, Lynch & Forsythe's Addition, City of Tulsa, Tulsa County, State of Oklahoma, and being located in an IM zoned district.

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NEW APPLICATIONS

Case No. 18739

Action Requested:

Minor Variance of front building line of 25' to 22' for addition of covered porch garage extension. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** – Use Unit 6, located at 4334 South Trenton.

Presentation

James B. Griffith, 4334 South Trenton, Tulsa, Oklahoma, 74105, stated that he is the owner of the home. He indicated that the relief he is requesting is less than is stated. He stated that the only relief he is requesting is for the covered porch. He explained that the garage extension does not need to be included in the relief request.

Mr. Griffith stated that this is a 40-year old residence and he is trying to upgrade the façade of the home. This would require removing the existing front porch and replacing with a front porch of a different design and orientation. The overall area of the porch will not be any greater than it is now, but the orientation would be different.

Case No. 18739 (continued)

Mr. Griffith submitted a site plan (Exhibit D-1) and a petition supporting this request (Exhibit D-2 and 3). He stated that the neighbors have expressed their support of this project.

There were no interested parties wishing to speak.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted **4-0-0** (Cooper, Dunham, Perkins, White "aye", no "nays", no "abstentions", Turnbo "absent") to **APPROVE** Minor Variance of front building line of 25' to 22' for addition of covered porch.
SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; per plan submitted on the following described property:

Lot 7, Block 3, Forest Grove Addition, City of Tulsa, Tulsa County, State of Oklahoma, and being located in an RS-3 zoned district.

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Case No. 18744

Action Requested:

Special Exception to permit a home occupation (clock repair) in an RS-3 district.
SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 14, located 530 South 120th East Avenue.

Presentation

Sandra Nightengale, 530 South 120th East Avenue, Tulsa, Oklahoma 74128, stated that in 1988 she started collecting and selling antique clocks. She indicated that currently 90% of the sales are over the internet.

Ms. Nightengale stated that her husband started repairing clocks in 1990. She explained that her husband uses a small building in the back yard, which is 12' x 24', for a workshop. She indicated that she usually picks up and deliver clocks that are worked on. Occasionally, someone will come to her home for service, but the customers are asked not to bring the clocks over after 7:00 p.m.

Ms. Nightengale indicated that none of her neighbors have ever complained to her regarding the clock business.

Comments and Questions:

Mr. Dunham asked staff if the applicant has been informed about the home occupation requirements. In response, Ms. Nightengale stated that she knows about the requirements for home occupations.

Interested Parties:

Terry Hillrickerson, 523 South 120th East Avenue, Tulsa, Oklahoma 74128, stated that he lives next to the subject property. He indicated that the applicant is currently operating two businesses out of their home. He stated that traffic is heavy coming and going from the applicant's home everyday except on weekends. He expressed concerns regarding the traffic and children in the neighborhood.

Mr. Hillrickerson stated that the applicant does not have permits for the two home occupations and he is opposed to this application.

Comments and Questions:

Ms. Perkins asked Mr. Hillrickerson if he knew what the second business is for. In response, Mr. Hillrickerson stated that it is a lawn service.

Mr. Beach stated that a lawn service is not a permitted home occupation, but this is not before the Board today.

Mr. Hillrickerson stated that the traffic is generated by both businesses. He explained that employees come to the applicant's home to go to the lawn care site. He stated that the workers clean up the equipment in the evenings at the applicant's home. He indicated that the applicant works on the mowers at their home.

Mr. Cooper asked Mr. Hillrickerson to be more specific regarding traffic that relates to clock repair business. In response, Mr. Hillrickerson stated that cars park on the street and it makes the streets narrow to where cars cannot pass each other.

Mr. Cooper asked Mr. Hillrickerson how the clock repair business has inconvenienced him as a neighbor. In response, Mr. Hillrickerson stated that UPS makes two to three deliveries to the applicant's home a day. Mr. Hillrickerson further stated that people come to his home by mistake for clock repair and interrupt his evenings.

Mr. Cooper asked Mr. Hillrickerson how many times a day do people come to his home by mistake for clock repair. In response, Mr. Hillrickerson stated approximately two or three times a week.

Mr. White stated that the Board received a petition with 36 names in support of this application.

The following Interested Parties indicated their support of this application:

John Roy, 9018 East 38th Street, Tulsa, Oklahoma 74128; **Nancy Creighton**, 245 South 120th East Avenue, Tulsa, Oklahoma 74128.

Rebuttal:

Ms. Nightengale stated that she was not aware that customers were mistakenly going to her neighbor's home for clock repair. She explained that her address is prominently displayed. She indicated that she does receive a UPS delivery three to four times a month or once a week at the most.

Ms. Nightengale indicated that her husband does own a lawn care service, but he does not repair the mowers at their home. She explained that any equipment needing repair is taken to a service center. She reminded the Board that the lawn care service is not before the Board today.

Comments and Questions:

Ms. Perkins stated that the clock repair business has been in existence for twelve years and it has not caused a problem.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted **4-0-0** (Cooper, Dunham, Perkins, White "aye", no "nays", no "abstentions", Turnbo "absent") to **APPROVE** Special Exception to permit a home occupation (clock repair) in an RS-3 district. **SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, Accessory Use Conditions – Use Unit 14, subject to following the Home Occupation Guidelines, 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 on the following described property:

Lot 3, Block 14, Western Village Second, City of Tulsa, Tulsa County,
State of Oklahoma.

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Case No. 18745

Action Requested:

Variance of parking requirements for retail and bingo hall from 672 spaces to 426 parking spaces. **SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES; SECTION 1219.D. USE UNIT 19. HOTEL, MOTEL, AND RECREATION FACILITIES**; Off-Street Parking Requirements, located East of the northeast corner of East Admiral Place and North 68th East Avenue.

Presentation:

Rick Wheeler, Consultant for Tulsa Firefighters, 3025 South Sheridan Road, Tulsa, Oklahoma 74129, stated that he is requesting a variance from 624 parking spaces to 426 parking spaces.

Comments and Questions:

Discussion ensued regarding the square footage of the subject property. Mr. Wheeler indicated that the square footage that would be used by the Bingo Hall is 21,742 square feet and approximately 3,000 to 4,000 square feet of this will be office space and a kitchen. The game room will be called "Gators, Billiards & Games" and will have a full-service restaurant. The game room will occupy 16,700 square feet. The rest of the space will be occupied by an existing thrift store.

Mr. Wheeler indicated that he has never seen more than 25 to 30 cars in the parking lot at any one time. He indicated that the thrift store closes at 9:00 p.m. Most of the bingo business is after 9:00 p.m. and the game room will be in business from 10:00 p.m. to 2:00 a.m.

Mr. Wheeler stated that he has run the bingo hall for six years and the largest crowd he has experienced is 424 people and there were 172 cars in the parking lot. He indicated that customers very seldom come alone.

The following Interested Parties expressed their opposition:
Councilor Roscoe Turner, District 3; Red Garrison,

The following concerns were expressed by the above referenced Interested Parties:

The Bingo Parlor having a bar and billiards; should follow the Code to the letter; customers throwing trash in the neighborhood; too many bars in the area; vandalism.

Interested Parties:

Patty Kessler, no address given; stated that with the building being empty there are all types of homeless people living on the subject property. She commented that it would be better to have something occupying the building to keep down vandalism.

Tommy Woods, real estate broker, no address given, stated that on a weekly basis he has to clean trash that people dump on the subject property. He indicated that homeless people do hang around the subject property. He commented that it would be better to have something in the building and the proposal is a good operation.

After rebuttal and a lengthy discussion it was determined that the Board of Adjustment did not have enough information to take action on this application. The Board suggested that the application be continued to allow the applicant to supply exact square footage; exact uses and supply a detail parking plan.

Case No. 18745 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted **4-0-0** (Cooper, Dunham, Perkins, White "aye", no "nays", no "abstentions", Turnbo "absent") to **CONTINUE** Case 18745 to July 11, 2000 at 1:00 p.m., subject to applicant identifying the exact uses and a detailed parking plan so the relief can be accurately described.

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Case No. 18746

Action Requested:

Variance of maximum display surface area from 32 SF to 98 SF for a bulletin board. **SECTION 402.B.4.a. & b. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, Accessory Use Conditions – Use Unit 5 & 21, a Variance of maximum display area from 116 SF to 147 SF for a ground sign. **SECTION 402.B.4.a. & b. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, Accessory Use Conditions and a Variance of the maximum height from 20' to 40'. **SECTION 402.B.4.a. & b. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, Accessory Use Conditions, located on the southeast corner of East 26th Street and Skelly Drive.

Presentation:

James Adair, 7508 East 77th Street, Tulsa, Oklahoma 74133, representing the Lutheran Church of the Good Shepard, stated that the church is trying to get exposure from the Skelly Drive. The church hired a sign company to determine the height and lettering necessary to be seen by vehicles along Skelly Drive.

Comments and Questions:

Mr. Cooper asked Mr. Adair what the hardship would be for the three variances requested. In response, Mr. Adair stated that because of the way the land is situated a 20' sign can't be seen from Skelly Drive. Mr. Adair stated that the letters need to be fifteen inches tall and the marquee will have to be 40' in height with a 147 SF display area.

Interested Party:

Kathryn McSherry, 8724 East 27th Street, Tulsa, Oklahoma 74129, stated that she is representing the neighborhood association. She explained that thirteen of the condominiums abut the southeast portion of the subject property. She indicated that she is not protesting the sign.

Comments and Questions:

Mr. Stump asked Mr. Adair if the proposal will replace the existing signage. In response, Mr. Adair stated that the proposed sign will replace the existing sign.

Case No. 18747 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted **4-0-0** (Cooper, Dunham, Perkins, White "aye", no "nays", no "abstentions", Turnbo "absent") to **CONTINUE** Case No. 18747 to June 27, 2000.

Case No. 18749

Action Requested:

Special Exception to allow a monopole in an OL zoned district. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** – Use Unit 4 and a Variance of 110% setback requirement of 55' from O, AG, or R district down to 8.3' and 14'. **SECTION 1204.C.3. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions**, located 1618 East 15th Street.

Presentation:

Roy Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing Randy Fife, AT&T Wireless Services, stated that after the Engineers of AT&T studied the subject area, it was determined that a tower is needed on the subject property in order to provide cellular phone service to their customers.

Mr. Johnsen stated that the actual application involves the west 40' of the subject lot, which derives its access from an alleyway. Mr. Johnsen submitted a site plan (Exhibit G-1) and described the surrounding properties and their zoning.

Mr. Johnsen explained that the Code requires a 110% setback from office or residential properties. He stated that a 50' wooden-monopole is proposed with a flush-mounted-panel antenna. The setback for this tower would be calculated at 55 FT. If the measurement is taken from the monopole location to the nearest residential property the setback is met. The setback cannot be met to the south, east and west of the office-zoned property.

Mr. Johnsen demonstrated the view of the proposed site and indicated that the tower will be setting in a corner of two buildings that abut each other. He commented that this is an unusual location, but a good location. The south has an existing screening fence and his client will complete the screening fence on the west side. Mr. Johnsen submitted a photograph (Exhibit G-2) and a concealment design plan (Exhibit G-4).

Mr. Johnsen submitted a letter from the RF Engineer (Exhibit G-3), which identifies the need for the proposed tower.

Comments and Questions:

Mr. Dunham asked if the surrounding buildings were 30' in height. In response, Mr. Johnsen stated that he thought that the buildings are probably around 20' in

height. Mr. Johnsen further stated that the existing utility poles are approximately 35' to 40'. Mr. Dunham stated that the proposed tower would be approximately 30' above the buildings.

Regarding the architectural design, Mr. Johnsen indicated that the size of the building is 12' X 28' with pebble finish on exterior as customary for AT&T, and 11' to 12' high. Mr. Johnsen stated that the plan was to put the screening fence to replace the chain link fence on the west boundary along the alley, and he did not see the need for any landscaping.

Interested Parties:

Chip Atkins, 1638 E. 17th Pl., stated he is the president of Swan Lake Neighborhood Association. Mr. Atkins provided photos to the Board. (Exhibit G-2) He added that he is a homeowner and manager of property at 1613 E. 16th Street and at 1531 S. Trenton. The neighbors conducted an informal random survey of people that were home, of the adjacent property owners on Trenton, Troost, 16th Street, and between 14th Street and 15th Street regarding this application. He stated that they did not find any neighbors that were in favor of this application at all. Mr. Atkins mentioned that this property is part of the National Register of Historic Places. Mr. Atkins listed a couple of questions: (1) Did the FCC get approval for this to be located in a National Register Neighborhood?; (2) Has AT&T has any loans outstanding to the federal government or has paid their FCC licensing to the federal government for their past registration? Mr. Atkins stated that this proposal is supposed to go before the Tulsa Preservation Commission, and he indicated that they have not. He commented that the address given for the subject property does not exist.

Comments and Questions:

Mr. Stump pointed out that there is an OL lot to the west across the alley that is less than 55' from the site, and the OL lots to the east and south are less than 55'. Mr. Beach stated that if the Board is inclined to grant this request, it would be a reduction of the setback from the east down to 8.3', from the south down to 36', and from the west down to 51.7'.

Board discussion ensued.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White "aye", no "nays", no "abstentions", Turnbo "absent") to **APPROVE** a ***Special Exception*** to allow a monopole in an OL zoned district; and a ***Special Exception*** of 110% setback requirement of 55' from O, AG, or R district down to 8.3' and 14', per plan, 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, on the following described property:

Case No. 18749 (continued)

Lot 3, Block 3, Orcutt Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18751

Action Requested:

Special Exception to allow a wireless communications facility in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** – Use Unit 4, located 4622 South 193rd East Avenue.

Presentation:

Roy Johnsen, representing **Randy Fife**, stated that the owner owns a five- acre tract that adjoins a 2.5-acre tract. He stated that the 120' monopole is 363' from the west boundary, 600' from the east, 165' from the north boundary and 165' of the south boundary. He added that it is designed to permit co-location.

Comments and Questions:

Mr. Cooper asked about the applicant's requirements for registration with the FAA regarding height.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White "aye", no "nays", no "abstentions", Turnbo "absent") to **APPROVE** a **Special Exception** to allow a wireless communications facility in an AG zoned district, per plan, 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 on the following described property:

The N 330' of the E 660' of the NE/4 of the SE/4 of Section 25, T-19-N, R-14-E, of the IBM, containing 5 acres, more or less, subject to a private roadway easement over the following described portion thereof: beg. at a point 50' N of the SW/c thereof; thence S 50'; thence E along the S line thereof 660'; thence N 25'; thence W, parallel to the S line thereof, 616.70'; thence NWly along a curve to the left of radius of 50' to the POB together with the W 328.39' of the N 332.95' of the E/2 of the NW/4 of the NE/4 of the SE/4 of Section 25, T-19-N, R-14-E of the IBM, subject to a private roadway easement over the following described portion thereof; Beg. at a point 52.94' N of the SE/c of said tract; thence Ely along a curve to the right of the radius of 50' to the POB, all in the City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18753

Action Requested:

Minor Variance of the required 30' setback from front to 29.2' for existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 4168 East 46th Street.

Presentation:

Judy Cooper, owner of the subject property, located at 4168 E. 48th St, stated that Cynthia McGrew is the realtor for the buyer of this property. She stated that the house was built in 1955, and the minor variance is creating a hardship on acquiring title insurance for the buyer.

Board Action:

On **MOTION of Cooper**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White "aye", no "nays", no "abstentions", Turnbo "absent") to **APPROVE** a ***Minor Variance*** of the required 30' setback from front to 29.2' for existing dwelling, finding that the encumbrances are unnecessary given the location of the property, and 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 on the following described property:

Lot 4, Block 9, Patrick Henry Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18754

Action Requested:

Variance of the building setback from the centerline of Sheridan required by Section 603 from 100' to 65' in accord with the site plan approved by the Board. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 11**, located 7901 South Sheridan.

Presentation:

The applicant, **Charles Norman**, represented Glen Shaw, the owner of the subject property. He bought the vacant property with an existing house, which was about 50 years old, vacant, and very dilapidated. Mr. Norman provided photos and a site plan to the Board. (Exhibits I-1 and I-2) This Board of Adjustment had allowed temporary approval of retail use. At the time Mr. Shaw purchased the property, the house was being used for storage. The applicant removed an old screened in porch to reconstruct within the boundaries of the former structure. Mr. Norman pointed out that about 25' of the original structure extends out past the setback, even if this variance is not approved, and would be non-conforming.

Case No. 18754 (continued)

Interested Parties:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White "aye", no "nays", no "abstentions", Turnbo "absent") to **APPROVE** a **Variance** of the building setback from the centerline of Sheridan required by Section 603 from 100' to 65' in accord with the site plan approved by the Board, finding the hardship to be the existing home has been there for many years, on the following described property:

Lots 1 & 2, Block 1, Deer Hollow Estates, City of Tulsa, Tulsa County,
State of Oklahoma

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Case No. 18755

Action Requested:

Variance of the parking area setback under Section 1302.B. from 50' to 30' from the centerline of East 34th Street. **SECTION 1302.B. SETBACKS – Use Unit 10;** a Special Exception under Section 212.C. or a Variance of the requirement of Sections 504.B., 1302.A. and 1302.E. of the Zoning Code requiring the north and west boundaries of the subject property to be screened from the adjacent RS-3 zoned existing parking lots. **SECTION 212.C. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement or SECTION 504. GENERAL USE CONDITIONS IN THE PARKING DISTRICT and SECTION 1302.A. & E. SETBACKS;** and a Variance of the requirement of Section 1002.A.3. requiring the off-street parking areas to be separated by landscaped area not less than 5' in width from the north and west boundaries adjacent to the existing off-street parking lots. **SECTION 1002.A.3. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements.**

Presentation:

The applicant, **Charles Norman**, stated this application is a follow-up to the re-zoning of this property by the City Council. He stated this is an effort to provide more parking to the area. Mr. Norman submitted a site plan (Exhibit J-1) to the Board with proposed landscape plan.

Interested Parties:

None.

Board Action:

On **MOTION** of Cooper, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White "aye", no "nays", no "abstentions", Turnbo "absent") to **APPROVE** a **Variance** of the parking area setback under Section 1302.B. from 50' to 30' from

Case No. 18755 (continued)

the centerline of East 34th Street, finding that it is consistent with other parking in the area and it was of a more comprehensive plan to solve the parking problem in the area; a **Special Exception** under Section 212.C. requiring the north and west boundaries of the subject property to be screened from the adjacent RS-3 zoned existing parking lots, 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; and a **Variance** of the requirement of Section 1002.A.3. requiring the off-street parking areas to be separated by landscaped area not less than 5' in width from the north and west boundaries adjacent to the existing off-street parking lots, per plan, finding that it abuts existing parking, on the following described property:

Lot 11, Block 1, Oliver's Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18756

Action Requested:

Variance of Section 403 of the allowable height in a RS zoned district from 35' to 95' for church steeple and structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located SE/c 87th E. Ave. Skelly Dr.

Presentation:

Roger Coffey and **Nathan M. Koch**, with Olsen, Coffey Architects, representing Lutheran Church of the Good Shepherd, at 8730 E. Skelly Drive presented a packet (Exhibit K-1) with site plan, proposals and elevations.

Chair White stated he would abstain from this case.

Interested Parties:

Catherine McSherry, 8724 E. 27th St., president of the Beekman Place Property Owners Association, stated that they have no objection to the steeple or church. The association members are concerned about the provisions for stormwater drainage.

Comments and Questions:

Mr. Dunham suggested that the interested parties meet with the church representative and review their drainage plans, and the City Stormwater Management Department. This Board does not address the drainage issues.

Applicant's Rebuttal:

The applicant stated that the church has grown, and desires to meet more of the needs of the community with Child Development Center.

Comments and Questions:

Mr. Cooper asked for the hardship to be stated. The applicant stated that for the pitched roof to fit with the existing roof, and enlargement of the facility for the balcony and pipe organ, it requires greater height.

Board Action:

On **MOTION** of **Perkins**, the Board voted 3-0-1 (Cooper, Dunham, Perkins, "aye", no "nays", White "abstained", Turnbo "absent") to **APPROVE** a **Variance** of Section 403 of the allowable height in a RS zoned district from 35' to 95' for church steeple and structure, per plan submitted, finding that it will not cause substantial detriment to the public good or impair the purposes, and intent of the Code, or the Comprehensive Plan, on the following described property:

All that part of the NE/4 of the SW/4 of Section, 13, T-19-N, R-13-E of the IBM, more particularly described as follows: Beg. at the NE/c of the NE/4 of the SW/4; thence N 89°53'38" W a distance of 60'; thence S 55°30'17" W a distance of 325.69'; thence S 48°34'30" W a distance of 320.44'; thence S 00°05'26" E a distance of 159.64'; thence E 568.64'; thence N 00°02'00" W a distance of 556.0' to the POB; and Lot 1, Block 1, Beekman Place all in the City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18757

Action Requested:

Variance of Section 403 required setback from rear lot line from 25' to 5' for carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 4511 South Lewis Place.

Presentation:

The applicant, **Stephen Olsen**, with Olsen, Coffey Architects, stated he represented the owners. There has been no opposition in discussion of this application with the neighbors. He provided a plot plan (Exhibit L-1).

Comments and Questions:

Mr. Beach established that the subject area is actually the side yard and a 5' setback is allowed.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White "aye", no "nays", no "abstentions", Turnbo "absent") that no relief is necessary for the applicant to build the plan that was submitted, after determining that 45th Street is the front yard, the south property line is the rear yard, and the area involved is the side yard, which has only a 5' requirement, on the following described property:

Case No. 18757 (continued)

W 145' of Lot 6, Barrows Orchard Addition, City of Tulsa, Tulsa County,
State of Oklahoma

*****.

Case No. 18758

Action Requested:

Special Exception to operate an auto repair shop in a CS zoned district.
SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS
– **Use Unit 17**, located Northwest corner East 21st Street & Lynn Lane.

Presentation:

Marcus S. Wright submitted photos (Exhibit M-2) and pointed out that the sports complex is across the street, across the corner is a similar facility under construction, the Lynn Lane Reservoir and water treatment facility are just down the road, a residence is located on AG zoned property on the west, and a residence to the north on the west boundary of that property. The subject property is commercially zoned at this time and does require a special exception for an auto repair facility, with no auto bodywork. The plan is for six bays and an office space.

Comments and Questions:

Mr. Dunham asked if the repairs would all be done inside. Mr. Wright replied in the affirmative. Mr. White asked if there would be any painting. Mr. Wright stated there would be no painting work. Ms. Perkins asked about parking for cars awaiting repair. Mr. Wright stated cars would be parked inside when there is sufficient room, and at times cars would be parked outside until they are repaired.

Interested Parties:

Wayne Chessler, 1922 S. Lynn Lane, stated his property abuts the subject property on the north side. He reminded the Board that the area is being developed and mentioned the new sports complex. He presented a petition of opposition to the application (Exhibit M-3) with 36 names of homeowners. He described the surrounding property and indicated that no sewage is available in that area.

Bruce Denny, 905 Lynn Lane Road, stated he represents the Lynn Lane Neighborhood Association. He states that they are opposed for the reasons stated by the previous speaker; and concerned that it is incongruent with the facilities on the opposite corner.

Mike Rowe, 17331 E. 21st St., stated that his property abuts the subject property on the west. He provide a drawing, and stated that such a business could not be placed on 21st Street or Lynn Lane as the applicant proposed because of the

Case No. 18759

Action Requested:

Special Exception to Section 401 to allow a church and related uses in an RS-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 5, located Southeast corner East 4th Street & 130th East Avenue.

Presentation:

Charles Chief Boyd, 1616 E. 16th St, Suite 500, came requesting a Special Exception to allow a church in an RS-2 district. He stated he is the architect for Cornerstone Hispanic Church and offered a conceptual plan.

Protestants:

None.

Board Action:

On **MOTION** of Dunham, the Board voted 4-0-0 (Dunham, White, Perkins, Cooper “aye”; no “nays”; no “abstentions”; Turnbo “absent”) to **APPROVE** a ***Special Exception*** to Section 401 to allow a church and related uses in an RS-2 zoned district, with conditions of landscaping and other building requirements be met, 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, on the following described property:

Block 5, Meadowbrook Heights Addition, City of Tulsa, Tulsa County,
State of Oklahoma

* * * * *

Case No.18761

Action Requested:

Variance of setback from 25' to 15' for fence. SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 6; and a Special Exception of the required front yard fence height to 8'. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards, located 1357 East 27th Place.

Presentation:

The applicant, **Malcolm Rosser**, 321 S. Boston, stated he represents the owner of the property. They are building a single-family residence to be used as their principle residence. He stated that the property fronts on East 27th Place, that runs from Peoria to the entrance of Philbrook Museum. The applicant proposes to build a new fence to replace the existing fence on the front of the property. It is similar to the existing fence but lower with fewer columns.

Case No. 18761 (continued)

Comments and Questions:

Mr. Dunham asked about the height of the existing fence. The applicant responded that the six existing columns are 8' 6" each in height, and the overall height is 5' 2" for the base and metal portions.

Mr. Rosser continued that the base and columns would be the same materials as the exterior of the house, fewer columns; and would be placed on the existing footings. In addition, they want to construct a setback gate that would allow a vehicle to pull in without having to go through the gate.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (Dunham, White, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a ***Variance*** of setback from 25' to 15' for fence and a ***Special Exception*** of the required front yard fence height per plan, 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, on the following described property:

A part of the N/2 of Lot 3, Section 18, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma

*****.

Case No. 18764

Action Requested:

Refund of on application expenses paid at the time application was made.

Presentation:

Mr. Beach stated that staff recommends a refund of \$140.50 on this application that has been withdrawn.

Board Action:

On **MOTION** of **Cooper**, the Board voted 4-0-0 (Dunham, White, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Refund of \$140.50, as recommended by the staff.

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There being no further business, the meeting was adjourned at 5:24 p.m.

Date approved: JUNE 27, 2000



Chair