

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 797**  
Tuesday, June 13, 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  
Cooper  
Turnbo  
White, Chair  
Perkins

Beach  
Butler  
Stump

Jackere, Legal

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, June 9, 2000, at 4:00 p.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 1:07 p.m.

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**Case No. 18779** stricken from the agenda.

**Case No. 18771** was withdrawn by the applicant.

**Interested Parties:**

No interested parties were present.

**MINUTES:**

On **MOTION** of Dunham, the Board voted to **APPROVE** the Minutes of April 11, 2000 (No. 793).

On **MOTION** of Dunham, the Board voted to **APPROVE** the Minutes of May 9, 2000 (No. 795).

**UNFINISHED BUSINESS**

**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 SE/c E. 51<sup>st</sup> St. & S. Garnett.

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not been this type of bridge structure there. Mr. Moody stated that the tallest structure of this type, that he is aware of is 108' on I-244 near Sheridan or Yale.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins "aye"; Cooper "nays"; no "abstentions"; no "absences") to **APPROVE** a ***Variance*** of allowable height for existing outdoor advertising sign from 60' to 125', subject to meeting the spacing requirement, finding the hardship to be the elevation of the Broken Arrow South Loop interchange, on the following described property:

The W/2 of the E/2 of the NW/4 lying N of the N right-of-way of US-169, less the E/2 of the NE/4 of the NW/4 of the NE/4 of the NW/4, Section 19, T-18-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma.

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## NEW BUSINESS

**Case No. 18762**

**Action Requested:**

Variance to allow a detached accessory building in the front yard. SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; a Variance of the required side yard from 5' to 2'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of the required front yard from 50' to 35'5". SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located at 263 E. 45<sup>th</sup> Pl.

### Presentation:

The applicant, **Glen Lafarlette**, 263 E. 45<sup>th</sup> Pl., stated he would like to build a detached garage, because the houses are old and built small, and there is no room to add on. He stated that there are five carports in the 200 block of 45<sup>th</sup> Place, and in the 200 block of 45<sup>th</sup> Court there are five carports.

### Comments and Questions:

Ms. Perkins asked if the applicant had a photograph of the type of carport he planned to build. Mr. Lafarlette provided a photograph (Exhibit B-1). Mr. Cooper asked about the basis and reasoning for recent decisions made regarding detached versus attached garages. Mr. Beach covered the considerations of the ordinances in light of this request and the setback requirements. Mr. Cooper questioned the applicant about the request for a variance from 5' to 2' on the side yard. Mr. Lafarlette explained he wanted to construct the carport to fit the existing

**Protestants:**

**Clayton Lewis**, 255 E. 45<sup>th</sup> Pl., stated that he would rather not see a storage building built in the front yard. Mr. White informed him that it is only a carport. He withdrew his opposition after seeing the photograph of the proposed carport.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-1-0, (White, Dunham, Turnbo, Perkins "aye"; Cooper "nays"; no "abstentions"; no "absences") to **APPROVE** a ***Variance*** to allow a detached accessory building in the front yard; a ***Variance*** of the required side yard from 5' to 2'; and a ***Variance*** of the required front yard from 50' to 35'5", with the condition that the carport remain open and without sides, finding the hardship to be that there are numerous similar carports in the area, and the placement of the existing house, on the following described property:

Lot 15. Block 2, Grace Ellen Heights, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18763**

**Action Requested:**

**Special Exception to permit a mini-storage with residence and office in a CS/RM-1/RM-2 zoned districts to include a reduction of the perimeter setbacks to 5' and to use perimeter buildings to meet the screening requirements. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS; SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; and SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16, located 6400 Block S. Peoria.**

### Presentation:

The applicant, **Wayne Alberty**, stated he was representing the owners, Frank and Bonnie Wong. He stated that they live in California and invested in real estate here. They had obtained approval of a Special Exception by the Board in 1996 to permit a mini-storage but did not secure all of the approvals needed in time to get a building permit. The applicants now ask the Board to reinstate the previous approval for approximately 77,000 square feet of mini-storage with an office-residence on the frontage of the property.

### Comments and Questions:

Mr. White asked if this is the same owner as in 1996. Mr. Alberty replied in the affirmative, explaining that Mr. Hood owned the south lot previously, but it was purchased by the Wongs. Mr. Stump asked Mr. Alberty if he planned to meet all

of the requirements of a mini-storage in an RM-1 district. The applicant responded in the affirmative.

**Protestants:**

**Jonathan Rikeman**, pastor of Riverside Baptist Church, 6363 S. Peoria Ave., stated that his concern is that even with a light rain, the area floods. He stated they do not oppose a mini-storage but they are concerned as to the effect it would have on the stormwater drainage.

**Roberta Carr**, 16 E. 26<sup>th</sup> Pl, stated that she owns 11 acres in the area of the subject property. She stated concern for the stormwater drainage, and the proximity to the golf course.

**Joe Macaruso**, 1410 E. 64<sup>th</sup> St., stated he lives around the corner from the site of the proposed mini-storage buildings. He added his concerns regarding the lighting for the facility, the security for the residences, and the noise level. He stated his concern that the neighborhood has not had the benefit of seeing the site plan, and reminded the Board that the golf course in the area is a tourist attraction.

**Comments and Questions:**

Mr. White asked how long Mr. Macaruso had lived at the present location. He replied that he rebuilt his house in 1992. Mr. White suggested they give him a copy of the site plan to review. Mr. Macaruso received the copy but stated that seeing what the actual buildings would look like is different. He indicated that the area is one of the more attractive areas of Tulsa, and would like to see more screening and be reassured of plans regarding security, operating hours, and the impact on their private lives.

The following protestants stated the same oppositions as listed above:

Elizabeth Burnson, 1309 E. 66<sup>th</sup> Pl., Chris Willis, 1348 E. 64<sup>th</sup> St., and Rebecca Macaruso, 1410 E. 64<sup>th</sup> St.

**Applicant's Rebuttal:**

Mr. Alberty stated that this property is subject to a re-plat, and the applicant has to comply with the city ordinances. He added that they would not be using any perimeter or overhead lighting, only wall-pack interior lighting.

Mr. White stated that only the abutting property owners would be notified for the re-plat. The Board discussed the items of opposition listed above.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins "aye"; Cooper "nay"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a mini-storage with residence and office in a CS/RM-1/RM-2

zoned districts to include a reduction of the perimeter setbacks to 5' and to use perimeter buildings to meet the screening requirements, per plan, with no exterior lighting extending above the building lines that would diffuse on the adjoining neighborhood, and no open air storage, 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 6, Block 3, Valley View Addition, and Lot 7, Block 3, less the W 155.00' of S 147.20' of Lot 7 Block 3, Valley View Addition, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18765**

**Action Requested:**

Variance of required 3' setback to 2' to construct an accessory building on an existing slab. SECTION 402.B.1.c. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions; and a Variance to permit exceeding the 20% rear yard coverage. SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards, located at 467 S. 105<sup>th</sup> E. Pl.

**Presentation:**

The applicant, **Larry Covert**, stated he represents the owners, Charles and Sue Wells at 467 S. 105<sup>th</sup> Pl. E. He stated the owner wants to construct an enclosed garage on an existing 24' X 24' slab. The hardship is that the slab already exists on the property.

**Comments and Questions:**

Mr. Cooper asked if the slab was poured as long ago as five months or five years. Mr. Covert replied, more like five months. The aerial photo of the property was taken in the winter of 1998-1999, and the slab was not in the photo.

Mr. White asked what the hardship is on the 20% rear yard coverage. The applicant replied that the existing slab is six feet off of the east property line. In order to meet the rear yard setback, it would have to approximately seven feet off of the property line, for 1400 square feet rear yard, less 20% accessory building. He stated it is his understanding that the encroachment is 56 square feet. Mr. White inquired if the 20% figure could be met if the building was moved to the west by one foot.

**Protestants:**

**Jason Turner**, 10537 E. 5<sup>th</sup> St., submitted a petition of opposition (Exhibit C-1). He stated that he and his wife have owned a home there for five years. He stated their concerns about the effect this application would have on the value of property

Case No. 18765 (continued)

and flooding problems. He added that they are opposed to the large size of the proposed structure. He stated that the rear yard fence line is a place of communication among the neighbors, and they do not want to lose that visibility. Mr. Turner also indicated that they are concerned about open-air storage and future use changes, to a rental apartment or other use. He advised the Board of construction on the subject property in the last year of a double driveway, which extends to the property line on Lot #13, an attached carport over the double driveway, and the slab was poured in October 1999.

**Nancy Craten**, stated she is representing the Mingo Valley Neighborhood Association. She stated that their opposition is to the massive nature of the building. She repeated concern regarding a future change of use and the encroachment on the neighbor's property. She informed the Board that there is not a neighborhood association for that area, but the Mingo Valley Neighborhood Association wants them to know that they back them in this effort.

**Applicant's Rebuttal:**

The applicant stated he had nothing more to share.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of required 3' setback to 2' to construct an accessory building on an existing slab; and a **Variance** to permit exceeding the 20% rear yard coverage, finding a lack of hardship.

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**Case No. 18766**

**Action Requested:**

Variance of allowable size for detached accessory building from 750 square feet to 900 square feet. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; located SE/c E. 44<sup>th</sup> St. & Quaker.

**Presentation:**

**Paul Lang**, 1315 E. 44<sup>th</sup> St., stated he was representing the owner of the subject property. Mr. Lang informed the Board that the owner needs such a large garage to store, three personal vehicles and a truck he uses on his job. He described the situation of only a one-car attached garage, narrow streets, small lots. The owner has had vehicles hit while parked on the street.

**Comments and Questions:**

Mr. Jackere asked what kind of truck he has. Mr. Lang replied that it is a ¾ ton pick-up. Mr. White asked if the owner is working commercial operations out of this

Case No. 18766 (continued)

structure. Mr. Lang replied in the affirmative, and he works on other sites throughout the city. Ms. Perkins asked if he would be storing other materials or equipment on this site. Mr. Lang responded that he would not. Mr. Cooper asked for the hardship. Mr. Lang replied that he cannot park all four vehicles in front of his home and has to park around the corner.

**Protestants:**

None.

**Board Action:**

On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a ***Variance*** of allowable size for detached accessory building from 750 square feet to 900 square feet, finding lack of a hardship.

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**Case No. 18767**

**Action Requested:**

Variance of Section 903, a setback from abutting R district from 75' to 50' on the south boundary and from 75' to 45' on the east boundary. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 25, located 1400 Block E. 1<sup>st</sup> St.

**Presentation:**

The applicant, **Lou Reynolds**, 2727 E. 21<sup>st</sup> St., stated that the subject property is zoned commercial but it abuts a residential district on the east and the south. The setbacks limit the use of the property.

**Protestants:**

**Maria Barnes**, 2252 E. 7<sup>th</sup> St., stated she is the president of the Kendall-Whittier Neighborhood Association, and she is unclear what the proposed use would be. Ms. Barnes also asked if there would be screening for the residential properties. Mr. Stump stated that a six foot screening fence would be required on the south and east boundaries. She stated she had not seen any plans

**Comments and Questions:**

Mr. White offered the site plan to Ms. Barnes, which includes a privacy fence.

**Protestants:**

**Joann Tumelson**, 1633 S. Gary Ave., stated that she opposed a variance.

**Applicant's Rebuttal:**

Mr. Reynolds stated that the property is being purchased by Tulsa Tent and Awning Company to build an industrial building and construct canvas awnings.



**Comments and Questions:**

Mr. Dunham asked if they would own all three lots, and would build according to the site plan submitted. Mr. Reynolds replied in the affirmative. Mr. Cooper asked about the noise level from such a facility. Mr. Reynolds expects the noise level to be minimal. Mr. Dunham asked about the fencing materials. Mr. Reynolds stated it would be of wood or some other solid opaque material. Mr. Dunham asked if there would be any problem with a restriction on the lighting being directed only into the property. Mr. Reynolds replied that they would have no objection. Mr. Cooper asked about hours of operation. Mr. Reynolds consulted with the owner and stated it would be 7:00 a.m. to 7:00 p.m., six days per week. Mr. White asked if about the structure. Mr. Reynolds informed the Board it would be a one story, steel structure.

Mr. Stump stated as a matter of clarification, that the 50' setback from the property line would really be a 60' setback from the R district, on the southern boundary. It would be from 75' to 60' on the south boundary. Mr. Dunham added then that the east boundary would remain the same.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Section 903, a setback from abutting R district from 75' to 60' on the south boundary and from 75' to 45' on the east boundary, per plan with the exception of the setback on the south, on the condition that a solid fence be constructed on the south and east; any lighting would have to be directed inward and away from the adjoining neighbors; the hours of operation be 7:00 a.m. to 7:00 p.m. Monday through Saturday, and finding the hardship to be the size of the lot, on the following described property:

Lots 4, 5, & 6, Block 14, Lynch & Forsythes Addition, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18768**

**Action Requested:**

Variance of requirement that a sign shall not exceed 2/10 square feet of display surface area per lineal foot of street frontage, for a proposed sign of 59 square feet. SECTION 602.B.4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions – Use Unit 5, located 7401 S. Memorial



In response to further questions, Mr. Hood explained that employees and customers park their cars in the shopping center parking spaces, both properties are under one owner; and the hours of operation are from 12:00 p.m. to 2:00 a.m.

**Protestants:**

**Peggy Daley**, 412 S. Memorial, stated she has owned her property at this location since 1993, adjacent to the bar. She described destruction of her own property by the beer trucks crossing her property; she stated that the owner of the building has been parking on her lot, and indicated that at night her parking lot is full.

**City Councilor Roscoe Turner**, stated that the area is in transition for improvement. He stated that if the bar is going to be there it needs to comply with the ordinance.

**Carl White** stated he owns the property at 416 and 424 S. Memorial for 12 years. He went to the library and looked up the subject property, and it has been there since 1968. He informed the Board that the building is about 4,000 square feet, the bar uses 1500 square feet, and he uses the rest. He added that he has two employees and they park on the Chiropractor's lot with his permission. Mr. White stated that they do not need any more parking spaces because most of the business is done by phone and mail. (Exhibit F-3) A letter of intent was submitted from Mr. White.

**Interested Parties:**

**Andi Bahlinger**, stated that she was the courier for the application, and her name was used as the applicant. She submitted 3 different permits from the City (Exhibit F-2) that were obtained for the bars that have operated on the subject property. The usage has been the same, under different tenants.

**Comments and Questions:**

Mr. Cooper asked if the number of parking spaces has changed in the last 20 years. Ms. Bahlinger replied that the number of spaces has not changed but the marking of the spaces has changed.

Board discussion ensued.

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** of the required number of parking spaces for the U.U. 12a from 20 spaces to 7 in shopping center, with a limit of 1500 square feet in the bar, finding 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. 18769 (continued)

Beg. 200' S of NE/c of SE; thence W 175' S 119.2 E 175' N 119.2 to POB, Section 2, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18770**

**Action Requested:**

Variance of side yard requirement of 10' to 4'6" in an RS-1 district to permit expanding an existing garage. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located at 2138 E. 27<sup>th</sup> St.

**Presentation:**

**Thomas Mason**, 2146 E. 46<sup>th</sup>, stated his request, and added that other neighbors have enlarged their garages to two and three-car garages. (Exhibit G-1, Site Plan)

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the **Variance** of side yard requirement of 10' to 4'6" in an RS-1 district to permit expanding an existing garage, per plan, 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, on the following described property:

Lot 6, Block 6, Forest Hills Addition to the City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18772**

**Action Requested:**

Special Exception to allow Use Unit 17 (auto leasing, sales and repair) in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located at 6528 E. Pine.

### Presentation:

**Billy L. Cox**, 3109 S. Lewis, stated he purchased this property about two months ago. He has a prospective lessee who would like to put in a car sales and leasing business.

### Comments and Questions:

Mr. White asked if Mr. Cox understood that no outside storage or display of merchandise offered for sale within 300' of an R zoned district, which would

Case No. 18772 (continued)

include the entire subject property. Mr. Beach informed him that he would need more relief than he requested for today.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** to the BOA hearing on July 11, 2000.

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**Case No. 18773**

**Action Requested:**

Special Exception to allow Use Unit 17 (vehicle repair and service) in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located 11922 E. 11<sup>th</sup> St.

**Presentation:**

**Andrew Flynn**, 711 Overlook Dr., Sapulpa, submitted photographs of the subject property (Exhibit H-1). He stated his request for relief for a vehicle repair and service business.

**Comments and Questions:**

Mr. Dunham asked what precipitated this request, and Ms. Turnbo informed him that it was a complaint. Mr. Cooper asked for the applicant to restate the different activities for this business. Mr. Flynn listed, auto repair, changing oil, lube jobs, detailing (washing) autos. He described auto repairs such as: tune-ups, and brake work, but no major overhauls.

Mr. Beach asked if there were to be auto sales. Mr. Flynn answered in the affirmative.

**Interested Parties:**

**Nancy Craten**, 245 S. 120<sup>th</sup> East Ave., stated she is president of the East Tulsa Mingo Valley Association. She read an e-mail to submit into the record regarding this case, from Bobbie Gray. Ms. Gray pointed out that this property is located on a highly traveled corridor that many entities have tried for years to improve. Millions of dollars have been spent to develop the east Tulsa sports complex. She also mentioned the widening of 11<sup>th</sup> Street from Garnett to 129<sup>th</sup> Street, and many other attractive business sites have been developed or improved. She summed up the failures to comply in the past, by stating it is her opinion that this business is detrimental to the area. Photographs were submitted (Exhibit H-2).

**Eck Ruddick**, stated he is on Board of Directors of Tower Heights Neighborhood Association. He submitted letters (Exhibit H-3) and photographs (Exhibit H-4), and reminded the Board that the neighborhood has been commended for the work that

Case No. 18773 (continued)

has been done on 11<sup>th</sup> Street, which is known as historical Highway 66. Mr. Ruddick called attention to the photographs, and described the subject property as a blight on the area for a long time. He described another property under the same owner that was cited recently by Code Enforcement for dumping three semi-truck loads of tires on the ground.

**Applicant's Rebuttal:**

Mr. Flynn stated that the previous owner has been gone about thirty days, and he has been cleaning it up. He was shown photos submitted to the Board and he stated that they were from the motel fire next door.

Mr. Dunham asked if the relief approved for this property in 1981 is still in effect, what more does the applicant need.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a ***Special Exception*** to allow Use Unit 17 (vehicle repair and service) in a CS zoned district.

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**Case No. 18774**

**Action Requested:**

Special Exception to allow an accessory building on a lot as principal use. SECTION 1608.A.11. SPECIAL EXCEPTION, General – Use Unit 6, located at 410 E. Oklahoma Pl.

**Presentation:**

**Joe Anderson**, 410 E. Oklahoma Place, stated his request to build a personal garage.

**Interested Parties:**

None.

**Comments and Questions:**

Mr. Dunham asked if the applicant would have a problem with a tie-agreement. Mr. Anderson replied that he would not object.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a ***Special Exception*** to allow an accessory building on a lot as principal use, with the condition that there be a tie-agreement for the three lots, and there be no commercial activities on the property, finding that it will be in harmony with the

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15% landscaped area to 7.8%. SECTION 1002. LANDSCAPE REQUIREMENTS; and a Variance of Section 1212.C.2 of screening requirement to allow minimum screening south side. SECTION 1212.C.2. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Use Conditions, located SE/c E. 32<sup>nd</sup> St. & Garnett.

**Presentation:**

The applicant, **Brad Smythe**, 3205 S. Garnett Rd., stated he would be the owner/operator of the Charlie's Chicken at this location. He submitted photographs (Exhibit J-1) and site plan (Exhibit J-2). He stated his plan to tear down the old structure and build a new building. He pointed out that the drive-in window is going to face the north and so they would like to build a covered awning at that window. He added that because of the park on the south of this location it could serve as green space and allow for reduction of landscaping. He also requested minimal fence, believing it would be detrimental to the park and his business for viewing aesthetics.

**Interested Parties:**

**Nancy Craten**, 245 S. 120<sup>th</sup> E. Ave., stated that numerous neighbors are pleased with this proposed business on the subject property. The only concern they have is the trash container area because of its proximity to the neighborhood entrance.

**Comments and Questions:**

Mr. Stump pointed out a miscalculation of the landscaping requirements of the street yards, but a 5' landscape strip along the southern boundary was not advertised and more relief will be needed there. Mr. Beach added that the request for Variance of required 15% landscaped area to 7.8% could be stricken.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Section 702 required setback from centerline of East 32<sup>nd</sup> Street from 55' to 47'2" for canopy over drive-through, finding the hardship to be the rectangular shape of the lot, that the drive-in is required and that it will not be detrimental to the neighborhood; to **STRIKE** the **Variance** of required 15% landscaped area to 7.8%, finding that it is not needed; to **APPROVE** the **Variance** of screening requirement to waive screening on the south side, finding that there is a park adjacent to the south and screening would be detrimental to the neighborhood.

Lot 1, Block 2, Briarglen Center Addition, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18777**

**Action Requested:**

Variance to allow a 1' front yard, rather than 10', as prescribed by zoning code. SECTION 403.B.1.c. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 715 N. 96<sup>th</sup> E. Pl.

**Presentation:**

The applicant, Rick Kosman, representing Ray Pharris, the owner of Carriage Village stated this park was developed over 40 years ago when the length of manufactured homes was 60'. The newer homes are 80' in length. The owner found that it was economically infeasible to re-do the whole park for the larger size homes. The owner proposes to use 35 sites for a recreational center.

**Interested Parties:**

**Dixie Smith**, (address inaudible) stated she is training the manager for this community. She identified the area where the 35 sites would be used for the recreation center.

**Board Action:**

On **MOTION** of **Cooper**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the **Variance** to allow a 1' front yard, rather than 10', as prescribed by zoning code, provided the on-site recreation area is constructed in place of 35 units that would include a off-street parking, a swimming pool, club house storm shelter, basketball court, volleyball court, and commercial playground as submitted by the applicant, finding the City has vacated the street in that area, on the following described property:

E/2 SE/4 NW/4 SE/4 and E/2 NE/4 SW/4 SE/4 and E/2 SE/4 SW/4 SE/4 and S/2 N/2 SE/4 SE/4 and N/2 NW/4 SE/4 SE/4 and SW/4 NE/4 SE/4 and S/2 SE/4 NE/4 SE/4 and N/2 N/2 NE/4 SE/4 SE/4 of Section 36, T-20-N, R-13-E of the IBM, less and except the following described tract: A strip, piece or parcel of land lying in the S/2 N/2 SE/4 SE/4 and in the E/2 E/2 SW/4 SE/4 of Section 36, T-20-N, R-13-E, said parcel of land being described by metes and bounds as follows: Beg. at a point on the W line of said E/2 E/2 SW/4 SE/4, 166.38' N of the SW/c of said E/2 E/2 SW/4 SE/4, thence N along said W line a distance of 300', thence N 71° 36'48" E a distance of 346.76' to a point on the E line of said E/2 E/2 SW/4 SE/4, 569.23' N of the SE/c of said E/2 E/2 SW/4 SE/4, thence S along said E line a distance of 311.76', thence S 73°28'40" W a distance of 343.22' to POB; also, beg. at the SE/c of said S/2 N/2 SE/4 SE/4, thence W along the S line of said S/2 N/2 SE/4 SE/4 a distance of 1022.32'; thence N 71°36'48" E a distance of 407.49'; thence N 67°56'08" E a distance of 473.82'; thence N 88°54'38" E a distance of 190' to a point on the E line of said S/2 N/2 SE/4 SE/4; thence S along said E line a distance of 290.85' to POB; and less and except the following described tract: all that part of the SW/4 SE/4 of Section 36, T-20-N, R-13-E of the IBM, more particularly described as follow, to-wit: beg. at the SE/c of said SW/4 SE/4; thence N 1°06'53" W along the E

arterial street to be 58' from the centerline of the right-of-way of Delaware as shown on the site plan; a (G) **Variance** of the provisions of Section 1302.B to permit unenclosed parking areas to be located less than the distance required from the centerline of abutting streets as shown on the site plans and as follows: (1) Within 50' from the centerline of Delaware rather than 60' as required; (2) Within 33' from the centerline of East 4<sup>th</sup> Place, Evanston and East 5<sup>th</sup> Street rather than 50' as required; a (H) a **Variance** of the provisions of Section 402.B.4.b to permit more than one identification sign to be erected on Delaware and East 6<sup>th</sup> Street to permit identification signs as shown on the Detail Site Plan; the display surface area of the requested signs will not exceed the total permitted display surface area for signs within the RM-2 district in which the Phase II campus development is located; and a (I) a **Variance** of off-street parking requirements under Section 1205, Use Unit 5 for university stadium seats to permit the off-street parking spaces required for the athletic fields and the Student Health and Fitness Center in excess of 175 spaces to be provided off-site, but within Delaware, Florence, East 8<sup>th</sup> Street and the northern boundaries of the University campus, located NW/c E. 6<sup>th</sup> St. & Delaware / NE/c E. 5<sup>th</sup> Pl. & Delaware, per plan, with the condition that applicant approach the traffic engineer for 'No Parking' signs on 4<sup>th</sup> Place, on the following described property:

A tract of land that is all of Lots 12 – 21, Block 5, all of Blocks 6, 7 and 8; that part of vacated E. 4<sup>th</sup> Pl. between Blocks 5 and 6; vacated E. 5<sup>th</sup> St. between Blocks 6 and 7; vacated E. 5<sup>th</sup> Pl. between Blocks 7 and 8; and part of vacated S. Columbia Ave., said tract of land being more particularly described as follows, to-wit: Beg. at a point that is the SW/c of said Block 8; thence Nly along the Wly line of said Block 8 and the Nly extension thereof for 350.00' to the SW/c of said Block 7; thence Wly along the Wly extension of the Sly line of Block 7 for 25.00' to a point on the centerline of vacated Columbia Ave.; thence Nly along the centerline of said vacated Columbia Ave. for 822.00' to a point on the Nly line of Lot 11, Block 5; thence Ely along the Nly line of Block 5 for 642.1' to the NE/c of said Block 5; thence Sly along the Ely line of Blocks 5 - 8 and the Wly right-of-way line of S. Delaware Ave. for 1172.00' to the SE/c of said Block 8; thence Wly along the Sly line of Block 8 for 613.00' to the POB of said tract of land all being located in Highlands 2<sup>nd</sup> Addition, City of Tulsa, Tulsa County, State of Oklahoma **AND** a tract of land that is part of Block 2 of College Addition, City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows, to-wit: beg. at a point that is the SW/c of said Block 2, said point also being on the Ely right-of-way line of Delaware Ave.; thence Nly along the Wly line of said Block 2 and the Ely right-of-way line of Delaware Ave. for 300.00' to the NW/c of Block 2; thence Ely along the Nly line of Block 2 for 600.00' to the NE/c of Block 2; thence Sly along the Ely line of Block 2 for 150.00' to a point on the centerline of the existing alleyway; thence Wly along said centerline for 50.00' to a point on the Nly extension of the Wly line of Lot 11 of said Block 2; thence Sly along said extension and the Wly line of Lot 11 for 150.00' to the SW/c of


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said Lot 11; thence Ely along the Sly line of Block 2 for 550.00' to the POB of said tract of land.

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There being no further business, the meeting was adjourned at 4:32 p.m.

Date approved: July 11, 2000

  
Chair