

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 802
Tuesday, August 22, 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	Perkins	Beach	Prather, Legal
Cooper		Butler	
White, Chair		Stump	
Turnbo			

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, August 17, 2000, at 2:00 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 1:00 p.m.

UNFINISHED BUSINESS

Case No. 18807

Action Requested:

Variance of required setback from an abutting R district from 75' to 10' on south and west. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS; a Variance of required number of parking spaces from 9 to 0. SECTION 1215. USE UNIT 15. OTHER TRADES AND SERVICES; a Variance of required setback from centerline of West 36th Street from 50' to 38'. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS; a Variance of Section 1002.A.2. that requires a five-foot landscape area along abutting street right-of-way except at points of vehicular access. SECTION 1002.A.2. LANDSCAPE REQUIREMENTS; a Variance of Section 1002.A.3. that requires that off-street parking areas shall be separated from abutting R districts by a minimum five-foot wide landscaped area. SECTION 1002.A.2. LANDSCAPE REQUIREMENTS; and a Variance of Section 1002.C.1. that requires one tree for each 1500 SF of street yard. SECTION 1002.A.2. LANDSCAPE REQUIREMENTS, located 3602 S. Maybelle.

Presentation:

The applicant, **Tim Nall**, 3755 S. Tacoma, stated that he lives about ½ mile from the subject property, which he owns. He uses the property to store and maintain some vehicles that he uses for his business. Mr. Nall obtained light industrial zoning. He built an 8' fence, planted trees and repaired the old grocery building.

Case No. 18807 (continued)

He only has one crew, and they do maintenance on their vehicles only on this property. He needs to build a garage to help in the maintenance of the equipment. The paved parking lot around the grocery store was already existing and he would have to tear in up to put in landscaping along the street.

Protestants:

Charlotte Smith, 3632 S. Maybelle, submitted photographs of the subject property (Exhibit A-2) to the Board. She made a complaint of a refrigerator on the front porch, that it would be a health hazard to children in the area. She added that there are wood shavings piled up on the property. She also stated that his fence was built partially into the right-of-way at the back of property. Ms. Smith complained that he was parking vehicles on the railroad and city right-of-way, and an inoperable van was parked on corner that blocks the view at a stop sign.

Applicant's Rebuttal:

Mr. Nall stated that he has never heard from Ms. Smith regarding any of her objections. He discussed and agreed with the neighbor that the fence would be built around the large trees rather than remove them. He informed the Board that the refrigerator Ms. Smith referred to is a reach-in style without doors. He has been trying to sell several of the old grocery refrigerators and will haul off those that don't sell. He explained that the wood chips were for landscaping and he put them on the side of his property facing the refinery and away from the residential area as much out of site as possible. Code Enforcement has come out and inspected several times and they have not found any more violations.

Comments and Questions:

Mr. Dunham stated that he noticed the wood chips from the street near 36th and Maybelle and asked if it is permissible in an IL district. Jay asked the applicant if he has erected a screening fence on the east, west and south sides. Mr. Nall replied that there is a fence all of the way around the business. The shavings are on the parking area on the north side. Mr. Stump stated that the only area that can remain unscreened is on the north with no access to Maybelle. The outside storage is allowed in an IL district.

Mr. White asked for comment on the Variance for parking spaces from 9 to 0. Mr. Beach explained that the existing parking spaces do not meet the technical requirements for the design of parking spaces so they do not count as parking spaces. Mr. Stump added that the applicant is backing into the street to get into the parking spaces and that is not permitted.

Mr. Cooper asked for the hardship for the Variance of setbacks. Mr. Nall replied that there is an existing building and there is not room to turn around within the fenced area for egress onto 36th. Mr. Nall was not aware that he was not

Case No. 18807 (continued)

supposed to use an access to Maybelle. He accesses the property from 36th and then drives out onto Maybelle.

Board discussion ensued.

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 required setback from an abutting R district from 75' to 10' on south and west, finding the hardship to be a public safety issue; **Variance** of required number of parking spaces from 9 to 0, finding there is adequate parking on the property; **Variance** of required setback from centerline of West 36th Street from 50' to 38', to correct an existing condition of many years; **Variance** of Section 1002.A.2. that requires a five-foot landscape area along abutting street right-of-way except at points of vehicular access, finding adequate landscaping has been done; **Variance** of Section 1002.A.3 that requires that off-street parking areas shall be separated from abutting R districts by a minimum five-foot wide landscaped area, finding adequate landscaping and screening have been done; and **Variance** of Section 1002.C.1 that requires one tree for each 1500 square foot of street yard, finding adequate screening and landscaping have been done, **CONTINUANCE** for additional relief for a Variance of the screening requirement along Maybelle Avenue to permit vehicular access, on the following described property:

Lots 2 - 3, Block 8, Garden City, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18833

Action Requested:

Special Exception to allow an auto repair and service in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; and a Variance of the required all-weather parking surface to allow gravel parking. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located NE/c E. 10th St. & Sheridan Rd.

Presentation:

The applicant, **William Yuan**, 5912 S. Jamestown, introduced his son **Robert Yuan** as his business partner. He stated that he purchased the property from an automotive business for a parts store and repair business in 1980. He was notified that he was in violation of zoning. He has built a screening fence to comply, and took a petition to the neighborhood for acceptance of his business. He received 60 signatures on his petition. He submitted the site plan, petition and photographs (Exhibit B-1, 2) to the Board.

Comments and Questions:

Mr. White asked what the hardship would be for a Variance for gravel parking. Mr. Yuan replied that he used the gravel parking area only for overflow for cars waiting to be picked up by owners after repair. He plans to asphalt it later. Mr. White asked if he does any salvage business at this location. Mr. Yuan replied that he does not. Mr. Dunham commented that he saw some inoperable vehicles and parts. He stated at one time he leased the grassy area to someone and stopped when he found out it was a violation. He stored a racecar body on a trailer and when he was told the requirements for tag, wheels, etc. he got rid of it. Mr. Dunham asked about the engine cores and transmissions on ground in pictures taken June 26th. Mr. Yuan said he does not have any of that laying around anymore. He has a bin for disposing those items and they are hauled off as the bin fills up. When asked about specific pictures of cars, Mr. Yuan identified the reason for being parked there. Two cars were awaiting parts from England. Robert Yuan pointed out that the motors in the photos have value, but it is not cost effective to ship them back to a company until there are several at a time. Ms. Turnbo stated that when they are sitting around in weeds it looks like junk. Mr. R. Yuan stated that they understand that now and they are no longer storing them but disposing of them at the time. He also added that they tried parking the foreign cars up front, but because parts are hard to find, they get vandalized.

Mr. White read the nine violation citations that this business has received. Mr. R. Yuan stated that all of those issues have been corrected. Mr. White stated that Ms. Turnbo's comment about the perception of junk is appropriate.

Protestants:

David Shriner, 6526 E. 9th St., stated he came in three years ago when Mr. Yuan tried to change the zoning. He listed the following complaints/comments: trash container was obtained only after Neighborhood Inspections gave a citation; they do not need an auto repair shop behind their house; Car Mart is an auto dealership, not a repair shop; thanked INCOG for letter to neighbors because no sign was posted in front of property regarding hearing for zoning change (Mr. Stump interjected that a sign was posted on 10th Street, but it is not for zoning change, but for a Special Exception for a use that is not currently allowed); obtained and submitted a petition of opposition with 72 signatures (Exhibit B-3), one letter of opposition from a neighbor (Exhibit B-4), and photographs (Exhibit B-6); EPA hazards from cars parked without motors and transmissions; late night operating hours, racing car on neighborhood streets causing safety hazard; and the fence is used to hide work that is in violation of ordinance.

Councilor Roscoe Turner, City Council District 3, stated there has not been cooperation between the applicant and the neighborhood. He added he has received complaints about this business since he has been in office, November 1998. He was concerned that the auto parts portion of the business has become

Case No. 18833 (continued)

used parts from salvage of the repair business. He stated that the only time anything was corrected was when Neighborhood Inspections gave citations. He requested that the application be denied.

Applicant's Rebuttal:

Mr. Yuan stated that if anyone has a complaint his door is open, and no one has come by to make a complaint. He stated he has always complied when a complaint is made. He stated that the racecar is gone because he addressed the problem when made aware of it. Robert Yuan pointed out that Car Mart would have to make some repairs to prepare a used car for sale. They propped the sign up after it fell but they did not have anything to do with posting it. He pointed out that they have containers to dispose of oil. He stated that they are not even close to any residences except for a 5' portion on the northeast of the property that is enclosed in a privacy fence. They never open on Sundays, and they do not even have a lighted facility for working nights, and close at 5:30 or 6:00 p.m. everyday. He added that they were not even aware of a neighborhood association until they talked with Mr. Turner a month ago. The president of the association refused to talk with them when they attempted to make an appointment with her. He pointed out that they are not interested in storing any cars because they don't make any money off of them. He stated that they have over \$400,000 worth of new auto parts, which is 90% of their business.

Comments and Questions:

Mr. Stump stated that sale of auto parts is a Use Unit 14, and installation of the parts or repair of automobiles is a Use Unit 17.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **DENY** a **Special Exception** to allow an auto repair and service in a CS zoned district; and a Variance of the required all-weather parking surface to allow gravel parking.

Case No. 18834

Action Requested:

Variance of permitted 20% coverage of the rear yard to permit construction of a garage. SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located 2001 W. Archer Pl.

Presentation:

Bill Covert, with W.D. Covert Construction, stated he was representing the owner. They plan to build a 24 x 24 garage because the property does not have a garage. The yard is a little small.

Case No. 18834 (continued)

Protestants:

None.

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 permitted 20% coverage of the rear yard to permit construction of a garage, finding that the lot is non-conforming and there is not enough room to otherwise, on the following described property:

Lot 1, Block 28, Phillips Re-subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18835

Action Requested:

Variance of setback requirement of 75' right-of-way from the centerline to 70' to change the face on an existing sign. SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 17, located 3434 S. Sheridan.

Presentation:

Mike Moydell, 1221 W. 3rd, stated that they are not just changing the facing but the entire head of the sign on the same pole. He stated it is for Tulsa Auto Collection's new Lincoln/Mercury lot.

Comments and Questions:

Mr. White asked how much larger is the new sign. Mr. Moydell stated he did not believe it was any larger.

Protestants:

None.

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 setback requirement of 75' right-of-way from the centerline to 70' to change the face on an existing sign, per plan, provided that it is in the same location as the existing sign and not be moved, on the following described property:

Beg. 222.15' N and 50' W of the SE/c on the NE/4 then N 137.95' then NW 124.48' then N 662.75' to highway right-of-way then SW 984.25' to M.K.T. right-of-way then 1,173.82' to POB, City of Tulsa, Tulsa County, State of Oklahoma.

Mr. White stated that Mr. Dunham would abstain from Case No. 18836.

Case No. 18836

Action Requested:

Approval of Site Plan pursuant to Board of Adjustment Case No. 18663, located N side of E. 101st St., 5300-5500 blocks.

Presentation:

The applicant, **Stephen Schuller**, 500 OneOk Plaza, Suite 500, 100 W. 5th St., stated he filed a site plan with the application. The plan of construction is the parking lot on the southwest corner of the property first, followed by the sanctuary on the original church property behind the existing church building, then eventually the larger sanctuary shown to the north of the new parking lot and the larger parking lot to the north of that. They are not going to look at the larger sanctuary and larger parking lot for ten years or more. The planning commission approved the preliminary plat, including a drainage easement of 35' in width along the west side of the property and 25' easement on the east side of the property and at the rear of the property on the north a 2.6 acre detention pond in a reserve area. He reviewed the access points, fencing, water drainage issues, and landscaping. He informed the Board that they met with the neighboring homeowners, representatives of Leisure Estates, and Sun Meadow associations. He stated that they discussed light pollution, fencing, landscaping, preservation of mature trees along the property line, and trees near the detention pond.

Comments and Questions:

Mr. Stump asked about the 6' wood fence on the west boundary. Mr. Schuller stated that it is an existing fence and the neighbors did not want any more fencing. Mr. Schuller stated they do not have any plans for fences.

Protestants:

Cynthia Woodson, stated that she is the president of the Sun Meadow Residents' Civic Association. She added that she lives on Lot 12 on the north side abutting the subject property. Ms. Woodson informed the Board that the association members want the mature trees to remain, no spotlights that would cause light pollution in the residential area, existing fencing is sufficient, and the new detention pond to be built immediately.

Applicant's Rebuttal:

Mr. Schuller stated that regarding a light barrier, the zoning code will provide for the lights to be directed downward and away from the residential areas.

Comments and Questions:

Mr. Cooper commented that the Board would not be able to approve the application per plan because of the change in the parking on the east side of the lot. Mr. Schuller suggested it could be approved per plan as far as the location of the lot subject to landscaping requirements.

Case No. 18836 (continued)

Board Action:

On MOTION of Turnbo, the Board voted 3-0-1(White, Turnbo, Cooper "aye"; no "nays"; Dunham "abstained"; Perkins "absent") to APPROVE the site plan in Case No. 18836, per plan, with conditions to meet all landscape requirements and all lighting be hooded, directed down and away from the neighborhood, on the following described property:

The W/2 SE/4 SW/4, less the E/2 SW/4 SE/4 SW/4, Section 22, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18837

Action Requested:

Variance of the required 30' setback on front to 22.5' for new porch. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2655 E. 33rd Pl.

Presentation:

Michelle Faulkinston, 3319 S. Yorktown, stated that they intend to add to the existing elevation, and bring out a covered porch to the front. She submitted photographs in a packet (Exhibit C-1). She stated this location is the lowest point of the yard, making this the only option for providing a covered porch, because of the water flow problem.

Comments and Questions:

Ms. Turnbo stated that she could not find this house in the neighborhood. She stated that she did notice it is curved and the front of the houses do not line up in a straight row.

Protestants:

None.

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 required 30' setback on front to 22.5' for new porch, on condition it is open on both sides and not enclosed, per plan, finding the hardship is the watershed in the back yard, and most of the houses do not line up in an even way, on the following described property:

Lot 6, less the E 10', Block 1, Timberland Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18838

Action Requested:

Variance of the required 35' front setback to 29' for construction of new single-family dwelling. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2985 E. 45th St.

Presentation:

Richard Eldridge, 2916 E. 88th St., stated that his wife's parents owned the existing house on the subject property since 1948. His wife has inherited the property. There was one addition built on about 30 years ago. Mr. Eldridge submitted photographs (Exhibit D-1). They intend to build a 5,000 square foot house on the property. The lot is oddly shaped. They would like to preserve the two large trees and the slab floor and fireplace that were added to the existing house. He pointed out that the normal water drainage flow is to the south and it would not be make sense to build further back into the lot.

Interested Parties:

Bill Stanberry, 2940 E. 45th Pl., stated that he lives just around the corner from the property. He stated that the map that was mailed out had two properties outlined. He asked for clarification of the property involved.

Comments and Questions:

Mr. White identified the property involved in the case and Mr. Stanberry was satisfied.

Protestants:

None.

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 35' front setback to 29' for construction of new single-family dwelling, per plan, finding the hardship is the drainage, shape of the lot and the location of the existing trees, on the following described property:

Lot 28, Block 7, Villa Grove Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18839

Action Requested:

Special Exception to reduce the required 110% setback from an R district from 330' to 170' for a cell tower. SECTION 1204.C.3.g.(1) USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions – Use Unit 4; and a Special Exception to waive landscaping requirement. SECTION 1204.C.5.c.(1) USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions, located S of Edison St., W of Union Ave.

Presentation:

The applicant, **John Moody**, 7146 S. Canton, submitted photographs (Exhibit E-1) to the Board. He is representing his client regarding a lattice style cell tower designed for collocation of three companies. They are requesting to reduce the setback from some older residential lots that are undeveloped. He was contacted by the attorney for the owner of a number of the vacant lots and was informed that the owner plans to file for industrial re-zoning on the lots at a later date. He described a fairly steep topography from the expressway to the south. AT&T has a monopole tower nearby. He stated that they attempted to collocate with AT&T but AT&T does not permit collocation. Mr. Moody stated that the hardship is the irregular shaped lot immediately to the west of a used car dealership that works out of an old house and trailer, to the south and east are Tulsa County and City of Tulsa maintenance garage facilities.

Comments and Questions:

Mr. White asked about the height of the tower. Mr. Moody stated they were willing to put in a 300' tower.

Protestants:

None.

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 reduce the required 110% setback from an R district from 330' to 170' for a cell tower, per plan, finding: the height of the proposed tower, 300'; No residential structures; undeveloped residential zoning to the north; 100' monopole 130 feet to the east; Nature of uses on adjacent and nearby properties - City/County facilities south and east, medium industrial west, undeveloped and expressway to the north; Surrounding topography is mostly flat to gently rolling with steep slope up to expressway; Surrounding tree coverage and foliage is sparse urban tree cover; the design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness is a standard self-supporting lattice design, no special design characteristics; the total number and size of antennas proposed and the ability of the proposed tower to accommodate collocation is one at this time; no architectural design of utility buildings and accessory structures to blend with the surrounding environment at this time; proposed ingress and egress is a 30' access easement from public street 70 feet north of tower compound; the need of the applicant for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area is for a proprietary grid; the Comprehensive Plan calls for medium intensity with no specific land use and likely future development would be medium industrial, finding that it will be in harmony

Case No. 18839 (continued)

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:

All of that part of the W/2 NW/4 SE/4 Section 3, T-19-N R-12-E, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at a point 25' E of the center of Section 3; thence E a distance of 632.15'; thence S a distance of 472.2' to a point on the N right-of-way of the county drainage ditch; thence in a NWly direction along said right-of-way a distance of 653.96'; thence N to POB, a distance of 309.55'

Case No. 18840

Action Requested:

Special Exception to the allowable 4' fence in required front yard to 10'3" for rock columns; brick and wrought iron fence will be 8'. SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, 6362 S. Harvard.

Presentation:

Michael R. Dankbar, 9810 S. Vandalia Ave., stated that he was the architect representing the homeowner, Mr. Bill Lee. He informed the Board that the correct street address for the subject property is 3233 E. 65th Street. He stated that the property is approximately three acres. Mr. Dankbar described the fence and with the use of a large drawing he pointed out the details to the Board. He submitted photographs (Exhibit F-1) of the fence.

Comments and Questions:

Mr. Prather asked about the address on the agenda, 6362 S. Harvard, where it was in relation to the subject property. Mr. Dankbar stated that would have been the address if the house had faced Harvard. Mr. Prather determined that the location was the same legal description.

Interested Parties:

Guy Lalicker, 3232 E. 65th St., stated that he lives immediately south of the fence in question, and his house fronts the fence. He stated that he is in support of the application, because it adds to the attractiveness of the property, is well designed and built.

Protestants:

Chuck Shipely, 6336 S. Harvard, stated that he is the neighbor to the north of the Lee property. He submitted photographs (Exhibit F-2) to the Board. He understood that the height limit is 8' for a side yard fence and this fence reaches over 13' and is uphill from his driveway where his children play. Mr. Shipely does not consider it attractive and he also considers it to be a danger. It is his opinion that there is not a hardship, as it was built a year ago without a Special Exception.

Case No. 18840 (continued)

He pointed out that this fence is out of character with the six-foot fence granted by Variance in 1984, and with the rest of the neighborhood. He indicated that the west fence on the subject property also is not in compliance.

Comments and Questions:

Mr. Cooper asked staff why the Board is not dealing with the west fence. Mr. Beach replied that there is nothing in the file from Neighborhood Inspections about the west fence and the application was filed as it has been presented to the Board.

Applicant's Rebuttal:

Mr. Dankbar stated that numerous times there were City officials on the subject property. He stated that they were trying to follow the officials' instructions. He pointed out that the elevations made it difficult besides neither the grading on Harvard nor their own grading and sodding outside the fence had been completed. He understood that an averaging is allowed when constructing a fence, and this was a major 2' wide continuous footing, heavily reinforced wall. He added that the fence was placed 40' away from Mr. Shipley's fence line and the last 20' to 30' has a severe fall. He stated that the last column on the corner is a little bit excessive in height.

Comments and Questions:

Ms. Turnbo asked Mr. Dankbar if he builds fences. He replied that he is an architect, and he designed and built the home. The homeowner had requested that we do some fencing around the property. She also asked if he knew there were regulations on fences. He responded that he was familiar with regulations, but that during the process of building the house the owner changed his mind and decided he wanted a higher fence along Harvard to avoid traffic noise. He stated it was just an instance where they did not stop and re-think the situation at that time, and built the fence while they were doing the foundation of the house.

Comments and Questions:

Mr. White asked Mr. Dankbar if he obtained a building permit for the fence. Mr. Dankbar replied that he didn't know a permit was needed for a fence. Mr. White stated that a permit is not needed for a fence but this was actually a wall. Mr. Dankbar stated that was explained to him since it was built. Mr. Dankbar explained that this is a three-acre tract and the tract to the west is two acres. They are all fenced on the property line completely around the properties, including Mr. Shipley's. He added that even though they are taller, they were tying into the property corners. He stated that he was asked to submit for the front lot line and apply for the portion in front of the 35' building line, which is what he has done. Ms. Turnbo asked him who instructed him. He replied that it was staff at the City Building Department. He also indicated that the issue Mr. Shipley brought up to him was regarding drainage. Ms. Turnbo asked if in any of the conversations with

Case No. 18840 (continued)

the City had anyone ever informed him that he would need to apply to the Board of Adjustment. He replied that no one instructed him to go to the Board of Adjustment.

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 the allowable 4' fence in required front yard to 10'3" for rock columns; brick and wrought iron fence will be 8' on 65th Street, per existing fence, 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 that is described as follows, to-wit: starting at the SE/c of the NE/4, of the SE/4, of the NE/4, of Section 5, T-18-N, R-13-E; thence N 00°03'18" W for 75.00'; thence N 89°34'44" W for 50.00'; to the POB; thence continuing along said Nly line N 89°34'44" W for 280.50'; thence S 00°02'32" E for 379.91'; thence S 89°35'02" E for 280.59'; thence N 00°03'18" W for 379.88' to the POB of said tract of land, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18841

Action Requested:

Special Exception to allow a cultural facility and a private music school in an RM-2 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, 11; a Variance to allow the parking requirements be met on a lot other than where the principle use is located. SECTION 1301.D. GENERAL REQUIREMENTS; and SECTION 1211.C. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES, Use Conditions; and a Variance of 5' landscape and screening on north from an R zoned district. SECTION 1002.A. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements, located NW/c E. 14th St. & S. Cheyenne.

Presentation:

The applicant, **Roy Johnsen**, 201 W. 5th St., Suite 501, stated he represented the Barthelmes Foundation, a non-profit organization endowed through the estate of Albert and Hete Barthelmes to promote the arts. He submitted a photograph (Exhibit G-1) of the structure. The structure itself is of historical significance and it would be preserved, with some interior alterations as needed. The mission statement is: To endow community support for the arts through the education of its children. They plan to use the facility for lessons on stringed instruments for school-age children, rehearsal rooms, and a performance hall. Mr. Johnsen stated they seek a Special Exception for a cultural facility not elsewhere classified, which

Case No. 18841 (continued)

is one of the included uses in U.U. 5, which may be permitted by Special Exception in an RM-2 district. Mr. Johnsen also stated that one parking space per 800 square feet is required for a cultural facility. There are just under 8,000 square feet in the facility requiring ten parking spaces. On the site there are five spaces at the rear of the building that would access from the alley and probably do not meet the code requirements as to design. There is adjoining ground on the north side of the building that will be improved and will provide eight parking spaces that would be in compliance with the Code provision. To the north of the subject property there are three lots that are zoned RM-2 that were approved by this Board recently for off-street parking. The applicant has a parking easement with the ownership of the International Plaza for off-peak hour parking for sixty parking spaces. He suggested that a condition might be added for a minimum of fifty parking spaces. Mr. Johnsen added that the site plan in the agenda packet that shows a small expansion are in the front that would increase floor area by about 456', and in the rear to expand another 700', so for purposes of the record if the size of floor area be limited to 9000 square feet that would permit the expansions and would not change the conditions.

Protestants:

None.

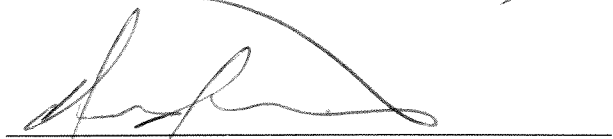
Board Action:

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 cultural facility and a private music school in an RM-2 district; a **Variance** to allow the parking requirements be met on a lot other than where the principle use is located, with the condition that parking be provided with a minimum of fifty spaces; and a **Variance** of 5' landscape and screening on north from an R zoned district, per plan, with the condition that there will be some expansion of the building and the limit of floor area by 9,000 square feet, on the following described property:

Lot 6 and S 34' of Lot 5, Block 5, Friend & Gillette Addition, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 3:40 p.m.

Date approved: SEPTEMBER 26, 2000


Chair