

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 806
Tuesday, October 24, 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
White, Chair
Perkins
Turnbo

Beach
Butler
Stump

Prather, Legal

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, October 20, 2000, at 10:45 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.

REQUESTS FOR CONTINUANCE

Mr. Beach informed the Board that the applicant for Case No. 18873 requested a Continuance. Brad Beasley, stated he was a partner of the applicant, and that they had requested a Continuance because they did not think they would be able to have adequate back up to present the case. Mr. Beasley asked to withdraw the request for Continuance, as he was able to find another knowledgeable back-up person.

MINUTES:

On **MOTION** of Dunham, the Board voted to **APPROVE** the Minutes of September 12, 2000 (No.803).

UNFINISHED BUSINESS

Case No. 18873

Action Requested:

Special Exception to allow Use Unit 5 in an RM-2 zoned district (furniture maintenance facility for TU). SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located 2807 E. 10th St.

Presentation:

Brad Beasley, 100 W. 5th St., Ste.800, stated that he came to present for **Nik Jones**, his partner in the law firm of Boeshe, McDermott, and Eskridge. He submitted a campus map and photographs (Exhibit A-1, A-2) to the Board. He pointed out the location on the campus where the workshops in question are located. He described the use of these workshops in these converted apartments now university housing units for light maintenance, storage of supplies. He added that these shops have been used, as any apartment complex would do for storage and repair of items that cannot be done within the apartments. He introduced **Charlie Head**, the Mechanical Systems Supervisor for Housing and Dining Services at the university. This accessory repair facility has been in use for about 18 years in this location. Mr. Beasley stated that an inspection by the Fire Marshall prompted this application. The university was not aware that they might be in violation of zoning standards. This shop and the others like it are used solely to serve as accessory facilities to the proximate university housing apartments in that vicinity. Mr. Beasley addressed the staff comments regarding noise and dust stating that they were not aware of any complaint filed internally or formally on those issues. A graduate student lives next-door to one of the workshops and would have come today, but his schedule did not permit. He was prepared to come before the Board to let it be known he has no complaints of those issues. Mr. Beasley also advised the Board that occasionally they use an electrical hand saw once per week on average to cut a piece of wood. It is not a woodshop or major maintenance facility, but it is more efficient for the university to service the needs of the apartments.

Comments and Questions:

Mr. White asked about hours of operation. **Charlie Head**, 2821 E. 8th St., Ste. 111, stated that the hours of operation for the shop are 8:00 a.m. to 5:00 p.m., Monday through Friday. Mr. Dunham asked if he does work for anyone but the university. Mr. Head replied that he does not.

Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to allow Use Unit 5 in an RM-2 zoned district (furniture maintenance facility for TU), finding that this is an accessory use to the university and it would be restricted to university use only, on the following described property:

Lot 19, Block 25, College Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18880

Action Requested:

Special Exception to permit a mobile home in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Special Exception of one-year time limit to permanent. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 4445 E. Evanston Pl. N.

Presentation:

Velda Robinson, 420 Overlook Dr., Sapulpa, stated that she bought the property on June 5, 2000 and the next day they began cleaning it up. She described removing the vegetation and trash. She stated her willingness to put a house roof on it, skirt it and brick the outside.

Comments and Questions:

Mr. White asked if it was a new mobile home. Ms. Robinson replied that it was not, but that it had been well maintained. Ms. Turnbo asked if the applicant had any photographs, to which she replied that she did not. Ms. Turnbo asked if it is a manufactured home or mobile home. Ms. Robinson responded that it is a mobile home.

Protestants:

Harry Highsel, 21233 S. Keatonville Rd., Claremore, OK., stated that he knows Ms. Robinson. He added that he owns six properties in the neighborhood of the subject property. He noted that Neighborhood Inspections has been helping the neighborhood by enforcing the Code. He stated that it is a small neighborhood and there are no mobile homes. He stated his concern was that a mobile would cause a decrease in property values. He agreed that she does keep up her property.

Barbara Fenton, 2858 E. 44th St. N., described to the Board that the neighborhood has been really run down, with clothes hung on fences, parked cars up and down the streets, in the yards, trailers with junk in them, and junk cars abandoned.

Applicant's Rebuttal:

Ms. Robinson stated that there is another mobile home in the area in a cul de sac.

Comments and Questions:

Mr. Dunham asked where the other mobile is located. Mr. White commented that it is one that was approved by the Board, but it was a manufactured home that was heavily buffered by trees.

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***

Case No. 18880 (continued)

Exception to permit a mobile home in an RS-3 district; and a **Special Exception** of one- year time limit to permanent, on the following described property:

Lot 44, Block 10, Lakeview Heights Amended Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Chairman White stated he would abstain from Case No. 18882.

Case No. 18882

Action Requested:

Variance of the required 464 parking spaces to permit 426 parking spaces for an existing apartment complex, Section 1208.D Off-Street Parking. SECTION 1208. USE UNIT 8. MULTIFAMILY DWELLING AND SIMILAR USES – Use Unit 8; and a Variance of land area per dwelling units, Section 403.A Bulk and Area Requirements, to permit the existing 288 units on one lot of record as depicted on the survey. SECTION 205. NUMBER OF DWELLING UNITS ON A LOT and SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 4343 S. 109th E. Ave.

Presentation:

Bob Buss, 502 W. 6th St., stated that **Don Haslam**, the applicant, is an associate in his firm of Riggs and Abney. They represent the owner of the subject property. He stated that the lenders perceived a problem in the title. The structure and parking have not changed in this 20-year-old structure, and no new units are being added.

Protestants:

None.

Board Action:

On **MOTION** of **Cooper**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; White "abstained"; no "absences") to **APPROVE** a **Variance** of the required 464 parking spaces to permit 426 parking spaces for an existing apartment complex; and a **Variance** of land area per dwelling units, Section 403.A Bulk and Area Requirements, to permit the existing 288 units on one lot of record as depicted on the survey, finding this is an existing condition and the application is to fix the deficiencies to the title, on the following described property:

Pt of Lot 1, Block 1, Towne Centre II, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to wit: Commencing at the NW/c of Lot 1, Block 1, Towne Centre II, said point also being the POB; thence S 89°57'04" E a distance of 350.00'; thence N 00°08'29" E a distance of 450.00';

Case No. 18882 (continued)

thence S 89°57'04" E a distance of 534.15'; thence S 00°08'29" W a distance of 481.78'; thence N 89°57'04" W a distance of 308.40'; thence S 00°08'29" W a distance of 107.25'; thence N 89°57'04" W a distance of 179.07'; thence S 30°02'56" W a distance of 220.00'; thence N 89°57'04" W a distance of 241.12' to a point; thence N 22°34'00" W a distance of 0.00'; thence along a curve to the right having a radius of 591.73' through a central angle of 22°42'29" and for an arc length of 234.52'; thence N 00°08'29" E a distance of 101.06' to the POB.

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Case No. 18883

Action Requested:

Special Exception to permit a children's nursery in a residential district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located 7463 E. 98th St.

Presentation:

Jim Daugherty, 916 W. Norman, Broken Arrow, stated that Happy Hands is a day center for deaf children up to age six. He gave a brief history of previous locations. He introduced Bill Ward, a previous neighbor in a Broken Arrow residential neighborhood.

Bill Ward, 3167 E. 49th St. Apt. 207, Tulsa, stated that for about 2 ½ years he was a neighbor of Happy Hands, across the street from their facility. He was concerned about traffic congestion, noise levels, and other things before Happy Hands moved in. He stated that his fears were unjustified. He described the facility as a good neighbor, with well-kept landscaping, quiet at night, never a traffic problem, appeared residential rather than commercial.

Mr. Daugherty showed a map of the area (Exhibit C-3) locating where the subject property is in relation to the homes/apartments, detention center, and the park. He also showed photographs (Exhibit C-2) to make his presentation. He stated it was an ideal retreat for deaf children, isolated from other homes. The facility would be maintained as residential with daytime hours of operation, no heavy traffic. He informed the Board that only one tree would be felled to construct the parking lot.

Comments and Questions:

Mr. Dunham asked about any signage for the facility. Mr. Daugherty replied they would like to put up a 20 square foot monument sign at the entry as a marker rather than advertising. Mr. Dunham asked about outdoor activities. He replied there would be a play area to the north and east of the house.

Protestants:

Diksit Kidagia, 7425 E. 98th St., stated he lives next door to the subject property on the west. He commended the City of Tulsa and INCOG for their part in the planning and development of the area of this property. He appreciated the transition from commercial properties to residential that has maintained the beauty and rural atmosphere of the large residential lots. He presented a petition signed by some of the neighbors (Exhibit C-4) objecting to Happy Hands facility. They object to the use of the narrow private road of 98th Street from Memorial, because there is no maintenance agreement, and it is a dead end. He informed the Board of their active neighborhood watch, and they do not feel they can adequately protect their neighborhood with unknown vehicles coming to the school.

Don Clifton, 7421 E. 98th, stated concern regarding possible expansion of the school, and the impact on the road maintenance and traffic.

Gary Duffield, 7404 E. 98th St., stated he just recently moved into their home. He stated concern about what business might move in if the school moves out. He indicated concern that there is no traffic light at 98th and Memorial. He maintained the subject property for a number of years, and he was concerned about flooding that a paved parking area could worsen.

Jeannie Murphy, 7701 E. 98th Pl., stated the trees are a good buffer from the turnpike.

Applicant's Rebuttal:

Mr. Daugherty stated he understands the protests of the neighborhood, and their desire to protect their investment. He commended the neighborhood watch. He reassured them that they would not clear cut trees, because they want to maintain the beauty of the property, and the residential appearance of the neighborhood.

Board discussion ensued.

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 permit a children's nursery in a residential district, with conditions: maximum of 45 children, 6 years and younger, deaf or siblings of deaf children or children of deaf parents; per plan with parking on east; outdoor activities north and east of the house; hours of operation Monday through Friday 7:00 a.m. to 6:00 p.m.; and sign 4' x 5' maximum, and relief needed for the outbuilding will require the case be continued to the next hearing on November 14, 2000, for the following described property:

Case No. 18883 (continued)

The E 385' NE/4 NW/4 SE/4, Section 23, T-18-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18884

Action Requested:

Variance of required street frontage from 30' to 0'. SECTION 206. STREET FRONTAGE REQUIRED – Use Unit 6, located 11814 S. Sheridan Rd.

Presentation:

Roy Johnsen, 201 W. 5th, Ste. 501, stated he was representing Mr. and Mrs. Antry, the owners of the subject property. The attorney who did the title examination check determined that the subject property was the lot of record, prior to the operative dates. If the tract is 2.5 acres or greater and of record prior to 1992, then it did not require a lot split approval of the TMAPC. They plan to build a 6,000 square foot home. They were denied a building permit for a single-family dwelling because the lot did not have access to a public street. Mr. Johnsen provided photographs and a map (Exhibit D-2). He could not find any record of variances for access to Sheridan for four other homes on connecting tracts.

Comments and Questions:

Mr. Dunham asked if all five tracts were made at the same time, and if easements were not filed at the same time. Mr. Johnsen replied that they already have access to the south, but they would like to avoid cutting down trees. Mr. Johnsen pointed out an area on the north of the property where they would like to connect to the surfaced area of road, which requires an easement. Mr. Stump asked if the lot was created in the early 1990's. Mr. Johnsen replied, no the late 70's, but if it was created before 1992 and it was over 2 ½ acres, it would not require a lot split. Mr. Stump added that the provision prohibiting building a residence on the property was in effect at the time this lot was created. Mr. Johnsen responded that was correct since 1978. Mr. Stump surmised that they knew when the lot was created that it was not for residential purposes, and they would be violating the Code if they did try to use it for residential purposes. Mr. Johnsen agreed with his statement but disagreed that the process works that way. Mr. Stump asked how it was going to be served by fire protection and water. Mr. Johnsen stated that there is a physical road in place. Mr. Stump asked if there was a fire hydrant. Mr. Johnsen replied that he did not know. Mr. Stump asked if it has a public water supply. Mr. Johnsen replied that he was sure it would or if not, that the applicant would meet whatever requirements are imposed. The applicant informed Mr. Johnsen that she has access to public water supply. Mr. Stump stated that one of the reasons for these regulations is because a fire on a house that size probably could not be put out with the water that a fire truck carries, and it is probably too far from a fire hydrant. Mr. Stump added that the level of fire protection would be far lower than

Case No. 18884 (continued)

the rest of the city and that can affect the city's total fire protection ratings. Mr. Cooper asked Mr. Johnsen how he would define the hardship. Mr. Johnsen responded that in this situation the Zoning Code is not intended to deny all use of the property.

Ms. Turnbo left the hearing.

Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of required street frontage from 30' to 0', finding there is an existing street with access to the lot, if access is established to this lot anywhere other than the south property line that an easement of record will be required granting easement to the existing roadway, and there are four other lots adjacent in the general area, per plan, for the following described property:

A part of the NE/4 of the SE/4 of Section 34, T-18-N, R-13-E, of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, described as follows: Beg. at the SE/c of the E/2 of the SW/4 of the NE/4 of the SE/4, Section 34; thence N 0°00'19" W, 356.62'; thence S 69°24'12" E, 392.28'; thence S 2°01'17" E, 85.05'; thence S 17°31'32" E, 79.70'; thence S 38°22'01" E, 70.89'; thence S 89°43'58" W, 437.77; to the POB.

Case No. 18885

Action Requested:

Variance of average lot width from 200' to 165; to permit splitting a five-acre tract. SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6, located 17501 E. 11th St.

Presentation:

Burt Kelso, Jr., 17270 E. 11th St., stated that they have been at this address for a little over 18 years. He planned to build two dwellings on the subject property and found that it does not have 200' frontage.

Comments and Questions:

Mr. White stated that they received a letter of support for this application.

Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE Variance** of average lot width from 200' to 165; to permit splitting a five-acre tract, per plan, finding that it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, for the following described property:

The W/2 SE/4 SE/4 SE/4 of Section 2, T-19-N, R-14-E, of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, less and except a strip of land 30' wide, more or less, off the south side thereof, less and except the W 15' of the above described property.

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Case No. 18886

Action Requested:

Special Exception to construct a 100' monopole wireless telephone transmission tower within 110' of residentially zoned property. SECTION 1204.C. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions – Use Unit 4, located 5032 S. Sheridan Rd.

Presentation:

Kevin Coutant, 320 S. Boston, Ste. 500, stated the relief requested for a 100' monopole located within the 110% distance of an R zoned district. He submitted a packet of exhibits (Exhibit F-1) to the Board. He pointed out the proposed location of the cell tower on the north side of the shopping center. The property is zoned CS, with RM-2 to the north, west is a single-family residential subdivision zoned RS-3, and east is the restaurant. He stated the distances from the centerline of the pole 75' to the north property and 85' to the apartment building, north and west it is 108' to the RS-3 to the brick column with a total of about 200' to the closest residence. There is another existing monopole tower south of 51st Street about ¼ mile, owned by Sprint. He stated they contacted Sprint, but there is not sufficient ground location to collocate on that tower. The surrounding topography is flat, with no tree coverage. The design of this tower is galvanized steel, with slim line panel antennas, no platform on top. The building is 12' x 20' at the base, with chain link fence for security. A screening fence can be added if required. The panel antennas are 60" x 12" x 7". He stated the need for the new tower is that the existing cell site at 41st and Sheridan is at peak capacity. The proposed site is on the perimeter of a fully developed retail center. He pointed out that it would be out of the way of any future redevelopment of the center or any widening of arterial streets.

Protestants:

Tim and Kim Phelps, owners of Phelps Fine Jewelry, stated they are opposed to the tower site behind their business. Mr. Phelps complained that it is an eyesore, and that the existing tower caused a problem with a credit card machine they were using and had to be replaced by another unit.

James Vanderlin, 4922 S. Maplewood, stated that this is an inappropriate site, adjacent to and in clear view of private residences. He added they are unsightly and belong in industrial areas and compromises the beauty of the area. He pointed out that a special exception should be granted only for extraordinary reasons.

David Bounds, 3033 Carroway, Suite 122, Carrollton, Texas, stated he represented Taco Bueno Restaurants. He stated that his concerns are the potential communications problems with the drive-through and the music system could be negatively affected.

George Howell, 6116 E. 49th Street, stated his concern that a special exception would be made to the Zoning Code for this purpose.

Applicant's Rebuttal:

Mr. Coutant stated that for the most part these are concerns they have heard before with regard to the towers. He responded to the complaints of the aesthetics, that they designed this one to make it as short as possible, and slim line antennas. He stated that he has not heard complaints such as the ones regarding the credit card machine and communications devices. The FCC licenses the towers. The law is clear in that where communications devices are allowed to use unlicensed radio frequencies, they are also subject to the impact of licensed frequency. He pointed out that cellular use is a very low wattage use, and there are many of these towers everywhere in town and across the country next to many other businesses. He checked with his client and the international office and they were in agreement that this is a novel concern that they have not heard before.

Comments and Questions:

Mr. White asked Mr. Stump if a tower could be located anywhere within this thirteen acre CS shopping center as long as it kept the 110% distance would be permissible by right. Mr. Stump replied that was correct. Mr. White asked Mr. Coutant if other sites were considered on this property. Mr. Coutant replied that it could have been placed elsewhere but they tried to avoid a redevelopment problem for the future. Mr. Stump asked the applicant if the tower could not just as easily to put the tower on the east side of the building. Mr. Coutant replied it would work just as well.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE Special Exception** to construct a 100' monopole wireless telephone transmission tower within 110' of residentially zoned property, per plan, with the conditions that the tower be located to the east end of the leased site, and finding that the following requirements be met: height of the tower is 100'; proximity to residential structures is 75' due south of an RM-2 zoning district and 85' to the nearest apartment building, 108' from the RS-3 zoning district and 200' from the closest residential structure, and the nearest monopole tower is about ¼ mile away, and is not suitable for collocation due to lack of space; land uses of adjacent properties north – RM-2, east – OC and CS, south – CS, and west – CS and RS-3; surrounding topography is flat and outside of the 100 year flood plain; no tree coverage or foliage; design is 100' monopole with close mounted panel antennas, with a 12' x 20' x 8' tall building at base of tower, of tan rock aggregate, and an 8' chain link fence, screening fence would be provided if required; three panel antennas of 60" x 12" x 7" planned with space for two additional sets for collocation; ingress and egress will be across driving lanes and parking areas of existing shopping center; the nearest existing cell tower site is at peak capacity for service; and the proposed location would allow for redevelopment of the property and widening of arterial streets in the future, on the following described property:

Lot 1, Block 1, Sheridan Plaza Center, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18887

Action Requested:

Special Exception to permit U-Haul trailer rental and auto sales and minor vehicle repair in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS– Use Unit 17; a Variance to permit open-air storage or display of merchandise offered for sale within 300' of adjacent R district. SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions; a Variance of all-weather surface for parking area. SECTION 1217.C.1. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions; and a Special Exception to waive the screening requirement on south property line. SECTION 212. SCREENING WALL OR FENCE, located 9130 E. 11th St.

Presentation:

David Sperry, 6811 E. 65th Pl., stated his requests for relief. He mentioned the citation for zoning violation of September 12th, and stated that he went to INCOG to find out how to comply. He added that he could not find a use unit for a wrecker service.

Comments and Questions:

Mr. Beach commented that he talked with Ms. Parnell in the Neighborhood Inspections office and found that the applicant has been advised that he must not establish a wrecker service on this property, and yet it is established. He was advised that the CS zoning would not allow Use Unit 23. Mr. Dunham explained to the applicant, that if the Board approved the application today, he would still be in violation, and he would probably never be allowed to run a wrecker service on this property. Mr. Spry acknowledged this information and asked to go ahead with the other requests.

Mr. Spry continued with his presentation, stating that they have auto sales, and repair, a fence was constructed around the property, and U-Haul rentals.

Comments and Questions:

Mr. Dunham asked the applicant if he was asking for the right to store inoperable vehicles on this property. Mr. Spry replied that he was not. Mr. Cooper asked Mr. Spry for the hardship. Mr. Spry could not state a hardship other than economical.

Protestants:

Carolyn Harder, 1238 S. 138th E. Ave., stated she was representing the East Tulsa Mingo Valley Association. She stated that they are in opposition to the Use Unit 17 in a CS location. She added that in their opinion the lot looks too small for a used car lot but if it had an all-weather surface it would be appropriate for a U-Haul lot. Ms. Harder pointed out that the back of the lot looks like a salvage yard with outside storage of inoperable vehicles, part of the fencing has fallen over on a car, and there was an overgrowth of vegetation.

Al Nichols, 8525 E. 16th Street, stated he and others with him represented the Mingo Valley Homeowners' Association. He challenged the Board that in allowing more time to the applicant to present his case that protestants should also be allowed more time to speak.

Mr. White informed him that if the Board feels they need it, they would call on anyone to provide more information on an application. Mr. Prather responded that this is a quasi-judicial proceeding and, as in court, the plaintiff will present his or her case, the defense will then present defense, and then the plaintiff always gets a chance for rebuttal, the defendant would not get a chance to answer again.

Mr. Nichols accepted the explanation but asked that the record show that he requested equal treatment and was denied. Mr. Nichols went on to say that the lot looks like a junkyard. He stated he was not recommending approval but suggested restrictions they would like to see imposed if it were approved. The homeowners recommend a restriction of the number of vehicles for sale, no outside storage of auto parts or disabled autos, or maintenance.

Case No. 18887 (continued)

Applicant's Rebuttal:

Mr. Spry stated he was required to have a screening fence on the south side and a wooden fence was put up on the inside of the property line.

Board Action:

On **MOTION** of **Cooper**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **DENY** Case No. 18887, finding there is no hardship, and finding that it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare.

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Case No. 18888

Action Requested:

Special Exception under Section 1402.F permitting the change of the use of the property from the automotive service station, Use Unit 17, as permitted in Case No. 17319 to Use Unit 13, dry cleaning and laundry pick up only and Use Unit 15, dry cleaning/laundry plant only; a Special Exception under Section 1407.C modifying the parking requirements to permit the proposed uses with 16 parking spaces, or 8 parking spaces plus the drive-thru lanes in the event the license agreement with the City should be terminated; In the event the non-conforming status of the property as to parking is determined to have ended by virtue of non-use, a Variance of the provisions of Section 1402.D to permit the non-conforming status of the property as to parking to continue; In the event the non-conforming status of the property as to parking is determined to have ended by virtue of non-use, a Variance of the provisions of Section 1402.D is denied, a Variance of the requirements of Section 1213.D and 1215.D to permit the proposed uses with 16 off-street parking spaces, or with 8 off-street parking spaces, in the event the license agreement with City should be terminated, located SW/c E. 41st St. & S. Harvard Ave.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, stated that this property has been before the BOA a number of times in the past. He noted that it was about 99' in depth and 150' in length and has never been platted. He stated his client would like to reduce the size of the structure and renovate the structure as a dry cleaners and laundry with drive-through window and 16 off-street parking spaces or 8 spaces in the event the license agreement with the City should be terminated.

Comments and Questions:

Ms. Perkins asked how many employees the business would have. Mr. Norman replied there would be six to ten employees.

Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** under Section 1402.F permitting the change of the use of the property from the automotive service station, Use Unit 17, as permitted in Case No. 17319 to Use Unit 13, dry cleaning and laundry pick up only and Use Unit 15, dry cleaning/laundry plant only, 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 requirements of Section 1213.D and 1215.D to permit the proposed uses with 16 off-street parking spaces, or with 8 off-street parking spaces, in the event the license agreement with City should be terminated, per plan, finding the hardship to be the size of the lot existing before the Code was established, and that there are eight additional spaces on the property under license agreement with the City, per plan, on the following described property:

N 200' of the E 150' NE/4 NE/4 NE/4, less the N 50' and less the E 50' thereof, in Section 29, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18889

Action Requested:

Special Exception to permit a mobile home in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Special Exception from one-year time limit to permanent. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located SW/c 41st W. Ave. & W. Easton.

Presentation:

Cindy Sorrells, 1107 N. Garfield, stated she would like to place an '8' x 60' mobile home on the subject property with a pitched shingle roof, double pane windows. She stated plans to build a stick frame home later. She added that there are mobiles within two blocks on either side of the property.

Comments and Questions:

After discussion, the BOA was familiar with the mobiles mentioned by the applicant, and found they were not applicable to this case, as the locations not a part of same neighborhood. Mr. Dunham asked how long it had been since there was a mobile home on the property. She replied that it was about two years, and there is a utility pole present. Mr. Dunham stated that a previous mobile home would have been in violation of the ordinance. He asked the applicant if there was a special reason to introduce a mobile into the neighborhood.

Case No. 18889 (continued)

Protestants:

Mr. White pointed out that the City Councilors representing this district are very much against mobile homes in this district.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **DENY** Case No. 18889, finding that it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare.

*****.

Case No. 18890

Action Requested:

Variance of required setback from an abutting R district from 75' to 15' on east and west and 30' on the south. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 23, located 1616-1622 E. 1st St. S.

Presentation:

Mike Jones, 7622 E. Brett Dr., Claremore, stated he desires to move his business to Tulsa. He offered a contract on the subject property contingent on the BOA decision in this case. The hardship would be the size of the lot.

Comments and Questions:

Mr. Dunham pointed out the staff comments for this case regarding the size of the lot and the zoning.

Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of required setback from an abutting R district from 75' to 15' on east and west and 30' on the south, per plan submitted, finding the setbacks would prohibit any use of the property, on the following described property:

Lots 7-9, Block 2, Midway Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18891

Action Requested:

Special Exception to modify FAR from .30 to .40. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 11; and a

Variance of landscape requirement along abutting street from 5' to 1'. SECTION 1002.A.2. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements, located NE/c Birmingham & E. 21st St. S.

Presentation:

Roy Johnsen, 201 W. 5th, Suite 501, stated he was representing Clark Bruston. He presented a site plan and photographs (Exhibit J-1 and J-2) to the Board. He described the landscaping plans combined with the plan to move seven parking spaces. Mr. Johnsen described the plans for utilizing attic space for storage that will not change the footprint or design profile but does change the floor area ratio.

Comments and Questions:

Mr. Dunham asked if the request was per plan submitted. Mr. Johnsen replied in the affirmative. Mr. Stump pointed out that 21st Street was downgraded to an urban arterial but it has 120' of right-of-way, and this would allow the applicant to request some of that footage back at this site.

Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a ***Special Exception*** to modify FAR from .30 to .40; and a ***Variance*** of landscape requirement along abutting street from 5' to 1', finding that landscaping requirements are met, per plan, with conditions to maintain the same footprint and design profile, and limit variance for southwest corner to seven parking spaces, on the following described property:

Lots 8-11, Block 1, Bookers 2nd, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

There being no further business, the meeting was adjourned at 4:26 p.m.

Date approved: November 14, 2000


Chair