

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 809  
Tuesday, December 12, 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		Beach	Prather, Legal
Cooper		Butler	Ballentine,
Turnbo			Neighborhood Insp.
White, Chair			
Perkins			

The notice and agenda of said meeting was posted in the Office of INCOG, at 201 W. 5<sup>th</sup> St., Suite 600, on Friday, December 8, 2000, at 2:04 p.m., as well as at the City Clerk's office, City Hall.

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

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**MINUTES:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of November 14, 2000 (No. 807) as amended.

**MINUTES:**

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 Minutes of November 28, 2000 (No. 808) as amended.

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**Case No. 18924**

**Action Requested:**

Case was withdrawn by the applicant.

**Case No. 18926**

**Action Requested:**

Case was withdrawn by the applicant.

**Case No. 18929**

**Action Requested:**

Case was stricken from the agenda due to error in preparation of the case map.



**Case No. 18935**

**Action Requested:**

Mr. Beach stated that an interested party asked for a Continuance to January 23, 2001. The staff was asked to attempt to contact the applicant and let him know. Mr. White stated that the Board would hear this request when they come to it on the agenda.

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**UNFINISHED BUSINESS**

**Case No. 18893**

**Action Requested:**

Special Exception to waive the screening requirement. SECTION 1228.C. USE UNIT 28. JUNK AND SALVAGE YARDS, located 13805 E. Apache.

**Presentation:**

**Paul Mauldin**, 13805 E. Apache, stated he is the owner of the subject property. He stated that he has discussed the application with his neighbors and they did not object.

**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 **Special Exception** to waive the screening requirement, 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 1, Block 1, Sewell Industrial District, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18923**

**Action Requested:**

Variance of setback requirements for parking and structure parking. SECTION 1302.B. SETBACKS; a Special Exception for church use. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance of height limitation from 35' to 51'. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, located 4102 East 61<sup>st</sup> Street.



Case No. 18927 (continued)

She stated her concern that the flooding problem worsened since some new businesses were built nearby with paved parking lots. She also pointed out that a storm water drain was vacated when it collapsed and was not repaired. She stated her opinion that it would be better to not pave her parking lot until the flooding problem could be corrected.

**Comments and Questions:**

Mr. Dunham commented that the subject property is not in the 100-year flood plain. Mr. Beach commented that there is a requirement in the Code that states after January 1, 1999, all non-conforming, non-paved parking lots must be paved. He also observed that the flooding shown in the photographs indicates that the absence of paving did not alleviate the flooding problem then. He added that the presence or absence of pavement of such a small area would not be significant in affecting the possibility of flooding.

**Interested Parties:**

No one was present that wished to speak. Mr. White noted that the Board had received a letter of opposition from Mapleview Associates.

**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 the hard surface parking to allow gravel, finding a lack of hardship.

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**Case No. 18928**

**Action Requested:**

Variance of setback from Southwest Boulevard from 50' to 40' to permit a sign. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 11, located 2420 Southwest Blvd.

**Presentation:**

**James Adair**, 7508 E. 77<sup>th</sup>, stated he was representing Community Bank. Mr. Adair stated the request. The hardship is that the bank building is set back 40' and if the sign is set back 50' it would not be visible.

**Comments and Questions:**

Mr. Cooper asked staff if a removal contract is needed. Mr. Beach stated technically it was needed because of the Major Street and Highway Plan. Mr. Dunham commented that a removal contract would effect the location of the building also. He asked the applicant if he would be agreeable to the removal contract. Mr. Adair replied in the affirmative.

Case No. 18928 (continued)

**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** a **Variance** of setback from Southwest Boulevard from 50' to 40' to permit a sign, per plan with the condition that if a removal contract is required, the applicant will grant it, finding the hardship to be the existing building has a 40' setback, on the following described property:

Lots 1 - 12, Block 5, Clintondale Addition, City of Tulsa, Tulsa County, State of Oklahoma, and together with that portion of W. 24<sup>th</sup> St. lying between Southwest Blvd. and the E lane of the Red Fork Expressway, being more particularly described as: Beg. at the NE/c of Lot 3, Block 5, thence W a distance of 200' to the NW/c of Lot 6, Block 5, thence NEly to the SW/c of Lot 8, Block 4, thence E along the S line of said Block 4, a distance of 150'; thence S a distance of 60' to the POB.

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**Case No. 18931**

**Action Requested:**

Special Exception to allow a manufactured home in an AG zoned district. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 9; and a Variance to allow it permanently, located 2102 E. 43<sup>rd</sup> St. N.

**Presentation:**

**Keith Rash**, 2101 E. 43<sup>rd</sup> St. N., stated his request. His wife, Pamela Rash, gave a little history of ownership in the family.

**Comments and Questions:**

Mr. White asked if the mobile would be new. Ms. Rash replied in the affirmative. Mr. White commented that staff had a question about the frontage. He also asked if they were getting a separate title for this tract or would it remain in the same ownership. She responded that it is already in their name. Mr. Beach stated that he could not find record that 43<sup>rd</sup> is a public street. Ms. Rash replied that the City of Tulsa paved the road.

**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** a **Special Exception** to allow a manufactured home in an AG zoned district, subject to

Case No. 18931 (continued)

requirements for tie downs, skirting, DEQ permit, all necessary permits and inspections; According to the Code, the Variance for permanent placement of mobile home in an AG zoned district was not needed, and was therefore stricken, on the following described property:

A tract of land situated in the SE/4 NE/4 of Section 18, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at a point 1,322.5' N and 770' W of the SE/c of the SE/4 NE/4 thereof; thence Sly parallel to the E line of SE/4 NE/4 a distance of 171'; thence Wly parallel to the S line of SE/4 NE/4 a distance of 550'; thence Nly parallel to the E line of SE/4 NE/4 a distance of 171'; thence Ely parallel to the S line of SE/4 NE/4 a distance of 548' to the POB.

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**Case No. 18934**

**Action Requested:**

Variance of the required rear yard setback from 25' to 11' for new construction. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2223 E. 24<sup>th</sup> St.

**Presentation:**

**Martin Brown**, 3904 S. Sandusky, stated he is an architect representing David and Janie Scott. He stated that the request is to preserve mature trees on their property and to remain consistent with other homes in the neighborhood. The hardship would be in keeping the existing curb cut, original drive location, and repeat the original garage orientation.

**Interested Parties:**

None.

**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 **Variance** of the required rear yard setback from 25' to 11' for new construction, per plan, finding the hardship to be it would be more harmonious with the neighborhood to keep the garage in the back and keep the historic significance of the street, on the following described property:

Lots 15 and 16, Block 1, Wildwood, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18935**

**Action Requested:**

Variance of the required 50' setback from centerline of street to 45' to add addition to existing building approved per plan. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 2, located 10111 E. 45<sup>th</sup> Pl.

**Presentation:**

**Sam Stokely**, 10111 E. 45<sup>th</sup> Pl., stated he wanted to add on to an existing building, because of his growing business and increased vandalism. He would like to keep a clean and uniform appearance. He indicated the hardship was the configuration of the lot, the closeness of the expressway. Mr. Stokely added that three other buildings have received the same approval in the same general area.

**Comments and Questions:**

Mr. Cooper asked if the applicant had read the staff comments regarding the setback from the centerline of the highway service road. Mr. Beach informed the applicant that the northeast corner of the new addition would be closer than the required setback from the service road, and would require more relief if the Board approved the application today. Mr. Stokely stated he would like to mention another hardship that if he has to use another building plan, he would not be able to move the trucks straight through the building, causing a safety hazard.

**Interested Parties:**

**Allen Craft**, (no address given) stated that he owned property next door to the subject property. His concern was that the new addition would obstruct the view, and it is not a good location for a helicopter pad. Mr. Craft stated his concern for helicopter accidents and the danger of fuel storage. He mentioned that the map used for the application was inaccurate; and added that there is room to construct the building further back. Mr. Craft commented that the Stokely property is kept immaculate. He also described the applicant's approach to him as a neighbor, regarding the application.

**Applicant's Rebuttal:**

Mr. Stokely stated that he used a map provided by INCOG, and it was accurate. He also commented that wherever they add on would block the view. Mr. Stokely stated that an addition to the building would further block the noise and wind from the helicopter.

**Comments and Questions:**

Mr. White asked about the height of the building and the nearness to the billboard. Mr. Stokely responded that the building would be 20' high, same as the existing structure. Mr. Beach stated that the building would not encroach on the billboard. Mr. Cooper asked if the applicant had discussed his plans with the Oklahoma Highway Department regarding their plans for the highway interchange. Mr.





Case No. 18936 (continued)

condition that all conditions as previously listed on March 23, 1999 for Case No. 18352, 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 1, Block 1, Grace Fellowship Church and School, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18937**

**Action Requested:**

Variance of the required setback from 33<sup>rd</sup> Pl. from 65' to 59.5' from center of street to construct an enclosed porch. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2607 E. 33<sup>rd</sup> Pl. S.

**Presentation:**

**Gary Baker**, 2607 E. 33<sup>rd</sup> Pl. S., stated that he did not plan to construct an enclosed porch, just a covered porch attached to the house. Mr. Baker described the plan to enlarge the porch. The hardship is the shape of the lot.

**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** a **Variance** of the required setback from 33<sup>rd</sup> Pl. from 65' to 59.5' from center of street to construct a porch, per plan, on condition that it remain open, finding the hardship to be the configuration of the lot, and 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, on the following described property:

Lot 12, Block 1, Timberland Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18938**

**Action Requested:**

Variance of setback from the street from the required 50' to 25' to permit a sign. SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS, located 1438 S. Indianapolis Ave.

Case No. 18938 (continued)

**Presentation:**

**Ronald D. Flanagan**, 2745 E. Skelly Dr., Ste. 100, stated he represented Eastside Christian Church. He stated that they want to put up a pole marquee sign on the parking lot. He pointed out that 15<sup>th</sup> Street is an arterial street but the unique situation is that the street is offset to the south, leaving an extremely wide right-of-way on the north side of 15<sup>th</sup> Street. In 1960 the church requested a reverse parking agreement to allow parking on city right-of-way, and it was approved. Mr. Flanagan mentioned that 15<sup>th</sup> Street would be widened by about two feet, and the City engineers requested they place the sign at least ten feet back. The church has filed for a license agreement to allow the sign on right-of-way.

**Comments and Questions:**

Mr. Dunham mentioned that the proposed sign is larger than allowed in an RS-3 zoned district, and the applicant would need to request additional relief.

**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** a **Variance** of setback from the street from the required 50' to 25' to permit a sign, subject to a license agreement with the City of Tulsa, finding the hardship to be the offset in the right-of-way, to **CONTINUE** the balance of the application to the hearing on January 23, 2001, on the following described property:

Lots 3, 4, 5 and 21, Block 3; and Lots 1, 2, 3, 4, 5, and 6, Block 4, Summit Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Chair White stated he will abstain from the following case.**

**Case No. 18939**

**Action Requested:**

Variance of the required frontage in an IL zoned district from 150' to 16.26' for a lot split. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 11, located 3445 S. Sheridan.

**Presentation:**

**Mike Marrara**, 9936 E. 55<sup>th</sup> Pl., stated he was handling a lot split for a client to sell of excess property, labeled Tract 2. The service road is the frontage road with 150' of minimum frontage. There is an existing driveway that serves the building on Tract 1. There is a mutual access easement that is recorded. The property has

Case No. 18939 (continued)

unique visibility but poor access, and probably will not develop into anything that would require a lot of access or heavy frontage.

**Comments and Questions:**

Mr. Cooper suggested that the Board think through the possible uses for the property with an IL zoning. Mr. Beach responded that Tract 1 is currently used for office use and any future use that would be industrial would require a larger parcel than Tract 1.

**Interested Parties:**

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 Variance** of the required frontage in an IL zoned district from 150' to 16.26' for a lot split, finding the hardship to be the shape of the lot and the location on the frontage road, on the following described property:

A tract of land lying S and E of State Highway 51, N and W of I-44, and N and E of the MK&T Railway in the NW/4 of Section 23, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being described by metes and bounds as follows: Commencing at the SW/c NW/4, Section 23; thence N 89°55'15" E on the S line of the NW/4 for 1172.07' to the Nly right-of-way of I-44; thence N 48°58'03" E on the Nly right-of-way of I-44 for 159.41'; thence on a tangent curve to the left with a radius of 708.94' on the Nly right-of-way of I-44 for 50.94' (Chord distance and bearing: 50.93' N 46°49'32" E) to the POB; thence continuing on said curve to the left with a radius of 708.94' for 16.26' (chord distance and bearing: 16.25' N 44°06'37" E); thence on a non-tangent curve to the right with a radius of 49.28' for 38.00' (Chord distance and bearing: 37.06' N 22°10'01" W); thence N 00°04'45" W for 35.67'; thence S 89°55'15" W parallel with the S line of the NW/4 for 16.25'; thence N 00°04'45" W for 115.00'; thence S 89°55'15" W parallel with the S line of the NW/4 for 180.00' thence S 00°09'03" E parallel with the W line of the NW/4 for 170.00'; thence N 89°55'15" E parallel with the S line of the NW/4 for 182.70'; thence on a non-tangent curve to the left with a radius of 65.53' for 31.37' (Chord distance and bearing: 31.07' S 30°56'51" E) to the POB.

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**Case No. 18940**

**Action Requested:**

Special Exception to allow a communication tower in an AG zoned district. SECTION 1204.C. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions – Use Unit 4, located 14601 E. 21<sup>st</sup> St.

**Presentation:**

**Susie Reagan**, 916 Samson St., Seminole, OK, stated that she is an agent on behalf of Voice Stream Wireless. She stated the request for a 120' monopole to be constructed on the leased 1600 square foot AG zoned property. The associated electronic equipment will be located at the base of the tower in cabinets of 5' X 4'. One to two vehicles per month would be the average traffic to the property after construction. The only utilities needed would be power and telephone. She stated that Voice Stream surveys the area for proposed towers for collocation possibilities, existing buildings, and towers. She indicated that no other towers were located within a mile of this location. This location would be needed for a coverage site.

**Comments and Questions:**

Mr. Dunham asked if the access and utilities would be from S.145<sup>th</sup> E. Ave., and if the tower location was in the northwest corner of the subject property. Ms. Reagan replied that he was correct. Ms. Turnbo asked how far it would be from residential structures. Ms. Reagan responded it would be about one quarter of a mile or well over 300'. Mr. Cooper asked for the color of the pole. The applicant responded that it would be galvanized steel, and they are willing to paint it if requested, however the steel tends to blend with the skyline better. She stated there would be the required landscaping at the base of the tower. Mr. Cooper asked about the proposed number of antennas. Ms. Reagan replied there would be six antennas initially and up to twelve.

**Interested Parties:**

**Terry Adams**, 1209 N. Joshua, Broken Arrow, stated that he owns property adjacent to the subject property, identified as 14609 E. 21<sup>st</sup> St. He was concerned that his home would be within 300' of the tower. Mr. Dunham assured him that it was over 300'. He also mentioned that there is a tower at 31<sup>st</sup> and 145<sup>th</sup> E. Ave. Mr. White responded that would be a mile as Ms. Reagan stated. He mentioned his concern that it would devalue his property. Mr. Cooper responded that this is a common complaint from homeowners, but the FCC has required that communities make accommodation for these types of towers. He went on to inform Mr. Adams that they must consider eleven specific criteria required for these structures. Mr. Dunham commented that there are a number of trees to screen it also. Mr. Adams asked if this was a 50-year lease. Ms. Turnbo stated that this is not a consideration of the Board. Ms. Reagan could not disclose the terms of the lease but stated it is a lease and not a purchase of the property.

**Applicant's Rebuttal:**

Ms. Reagan responded that she has been involved in this business for a number of years, and one of the things she has seen is that power lines and water tanks have more of an impact on existing properties than the cell tower would have. It could

Case No. 18940 (continued)

be considered an added value in that it provides the service rather than allowing the location to be an outlying area.

**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** a **Special Exception** to allow a communication tower in an AG zoned district, per plan, finding it meets the eleven criteria: height of tower 120'; proximity to residential structures, boundaries and existing towers is over 300'; adjacent properties on the N, S, and W are vacant, and residential on E; surrounding topography is flat; surrounding tree coverage within 300'-500'; design of tower is galvanized steel monopole; number of antennas proposed from six initially to twelve; design of utility buildings are metal 5' x 4' cabinets; proposed ingress and egress is from S. 145<sup>th</sup> E. Ave.; the need for the tower is to fill coverage in the area; size of the tract is 1600 square feet, and on condition tower not to exceed 120', on the following described property:

A 40' by 40' tract located in the S 694' of the W/2 E/2 SW/4 SW/4 of Section 10, T-19-N, R-14-E, subject to a 25' easement on the E side thereof and a 50' easement on the S end thereof, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18941**

**Action Requested:**

Special Exception of the screening requirement where use is abutting an R zoned district on west side. SECTION 1223.C. USE UNIT 23. WAREHOUSING AND WHOLESALING, Use Conditions – Use Unit 23, located N of NW/c E. 61<sup>st</sup> St. & S. Mingo Rd.

**Presentation:**

**Charon Powell**, 6040 S. Mingo, stated that a creek runs behind the houses adjacent to the subject property. She stated that storm water from the creek would wash out cyclone fences.

**Comments and Questions:**

Mr. Dunham asked the staff if the use does not fit the zoning then would there be a reason to hear the application regarding screening. Mr. Beach responded that the reason the applicant came to INCOG was in response to a zoning violation notice, outdoor storage of pallets. Ms. Powell stated that she received a letter from Mr. Ackerman allowing her to store pallets on her property, as long as no work was done on the pallets outside.

**Interested Parties:**

None.

Case No. 18941 (continued)

**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** of the screening requirement where use is abutting an R zoned district on west side, 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 for the record the Board finds this use is in violation of the Zoning Code.

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**Case No. 18942**

**Action Requested:**

Approval of a previously approved site plan to change existing sign.

**Presentation:**

**Gary Larsen**, 533 S. Rockford appeared to present his case. Since he applied he has been informed that his client must include additional information on their sign.

**Comments and Questions:**

Mr. Cooper asked if the applicant is advertised for an increase in the square footage of the sign. Mr. Beach replied that he is not and the relief would need to be changed to a Variance now that circumstances have changed.

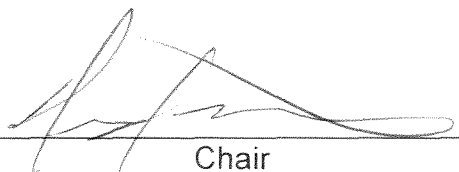
**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 18942 to the hearing on January 23, 2001 to advertise for additional relief.

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There being no further business, the meeting was adjourned at 3:25 p.m.

Date approved: JANUARY 9, 2001

  
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Chair

