

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 812
Tuesday, February 13, 2001, 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
Turnbo	Cooper	Butler	
White, Chair			

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Thursday, February 8, 2001, at 12:00 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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UNFINISHED BUSINESS

Mr. Beach announced that of the following cases, the applicants requested to withdraw.

Case No. 18956
Case No. 18962
Case No. 18965

Mr. Beach announced that the applicant made a timely request for a Continuance of the following case.

Case No. 18967

Action Requested:

Appeal from the decision of the Administrative Official that the Juvenile Delinquency Center/Detention/Correctional Facility, Residential Treatment Center, or Transitional Living Center requires a Special Exception from the Board of Adjustment; OR in the alternative: Special Exception to operate as a Juvenile Delinquency Center until June 30, 2001 in an RS-3 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS and SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 5; a Variance from the maximum floor area ratio of 0.5. SECTION 404.F.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; a Variance from the minimum lot size of 12,000 square feet. SECTION 404.F.2. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; a Variance from the minimum frontage of 100'. SECTION 404.F.3. SPECIAL EXCEPTION

Case No. 18967 (continued)

USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; and a Variance from the minimum building setback of 25' from abutting properties located within an R District. SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 10852 E. 33rd St.

Presentation:

Steven Novick, 1717 S. Cheyenne, stated that he represented the Brown Schools of Oklahoma. He requested that this Case be continued to March 13, 2001.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (White, Dunham, Turnbo, "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **CONTINUE** Case No. 18967 to the hearing on March 13, 2001.

MINUTES:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo, "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** the **Minutes** of January 23, 2001 (No. 811).

NEW APPLICATIONS

Case No. 18968

Action Requested:

Variance of required lot width for RS-1 zoned district from 100' to 93.75' for two lots to allow a lot split. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 4349 S. Jamestown.

Presentation:

Patricia and Joe Lochrie, 4336 S. Louisville, stated that they live behind the subject property. Patricia stated that the property is unique, in that it is larger than the majority of lots in the area. A lot split would make the lots more consistent with the neighborhood. She submitted two maps and photos (Exhibit A-1, A-2, A-3). She mentioned that these lots are for single-family dwellings, and that there were other lot splits approved by the Board of Adjustment (BOA) in this area.

Interested Parties:

John Gibson, stated that he represented his mother-in-law who resides at 4367 S. Jamestown. He wanted to clarify that her lot was not split, though she sold a lot that was south of her residence. He mentioned her concern about having houses too close together near her own home.

Comments and Questions:

Chair White, asked staff about the history of property. Mr. Beach responded that it appeared that the lot immediately south of the subject property consists of one

platted lot and a half of another platted lot. He stated that it also appears there have been several lot splits on this street.

Rebuttal:

Ms. Lochrie stated that Ms. Burns, Mr. Gibson's mother-in-law sold a lot that was perhaps not a lot split. Ms. Lochrie added that a new two-story home was built on the lot she sold and stated she could not understand why she would object to two more new homes on the other side of her property.

Comments and Questions:

Mr. Beach pointed out that the subject lot and the lot immediately south are about the same size. It appears that at some time in the past Lot 11 was split, the north half went to Lot 12 and the south half went to Lot 10, creating two larger lots out of three original lots. He stated that now the applicant wants to split the larger lot in half, making two smaller non-conforming lots. Mr. Beach noted that the fact that the lot is larger is not because it was platted that way but because of the action of a private party it was made that way. He considered it a self-imposed hardship. Mr. White asked the applicant to state the hardship. Ms. Lochrie responded that this is an unnecessary hardship to the property because it is a unique size. She stated that the lot split would bring a consistency to the uniformity of the neighborhood.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** of required lot width for RS-1 zoned district from 100' to 93.75' for two lots to allow a lot split, finding the hardship that other lot splits have been approved in the area and this would not create smaller lots than would be consistent with the neighborhood, on the following described property:

N/2 of Lot 11, and all Lot 12, Block 4, Villa Grove Heights 1st, City of Tulsa, Tulsa County, Oklahoma.

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Case No. 18969

Action Requested:

Special Exception to allow a children's daycare in an RM-2 district (both sides of duplex). SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance of parking requirement from 5 to 0 parking spaces. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements, located 6302 – 6304 S. Owasso Ave.

Presentation:

Joenetta Ojo, 6302 S. Owasso Ave., stated her request to have a daycare at her residence where she currently runs a daycare home. Ms. Ojo submitted photos (Exhibit B-1) of the property. She stated she is licensed for seven children, she would need to apply to the state for a larger daycare center. She added that all of the changes would be within the structure, no changes on the outside. Ms. Ojo commented that there is no one who parks all day there except for her; and the parents drop off and pick up children.

Comments and Questions:

Ms. Turnbo asked how many employees she would have. She replied that she has an assistant and a substitute occasionally, as needed. Ms. Turnbo asked where they park. Ms. Ojo replied they park in the driveway. Ms. Turnbo stated if there are no spaces available, then children are going to have to enter the street to get to a car. Ms. Ojo responded that there is a grassy driveway on the other side of the duplex, and she plans to pave it one day. Mr. White noted staff comments that four other variances would be needed. Mr. Beach replied that there is a maximum floor area ratio of .5; a minimum lot size of 12,000 square feet; a minimum frontage of 100'; and a minimum building setback of 25' from abutting properties located within an R district. Mr. Beach noted that the applicant did not request these variances and according to the case map she could not meet those requirements. Mr. White clarified to the applicant that other relief was needed, noting that floor-area-ratio was insufficient, the lot size was insufficient, the frontage was too small, and the setback was too short. Candy Parnell stated it has been her experience when working with internal commercial daycare facilities, that parking is a problem. She cited one on 41st Street, just East of Riverside, which was enlarged and provides care for about 62 children and has only three parking spaces. Ms. Parnell stated it has become a real problem for the neighborhood. She asked that the Board take this into consideration since there seems to be no way of controlling this type of problem.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **DENY** a **Special Exception** to allow a children's daycare in an RM-2 district (both sides of duplex); and a **Variance** of parking requirement from 5 to 0 parking spaces, finding the property and structure to be inadequate.

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Case No. 18970

Action Requested:

Minor amendment to a previously approved site plan. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2902 S. Boston Ct.

Presentation:

Bob Gibson, stated he was the builder/contractor for this residence. He stated that to meet Federal Emergency Management Agency (FEMA) guidelines, he requested the garage have a minor separation from the residence instead of attached per the previous plans. The separations would be about six inches on one side and three feet on the other, and setbacks would remain the same. A revised site plan was submitted (Exhibit C-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Minor amendment** to a previously approved site plan, per the new plan submitted, on the following described property:

Lot 1, and the N 15' of Lot 2, Block 2, Travis Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18971

Action Requested:

Variance of 24' required aisle width to back vehicles out from garage down to 18'.
SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS –
Use Unit 6 & 12, located 1733 S. Boston Ave.

Presentation:

Amanda Lawhon, 1733 S. Boston Ave., submitted a site plan and elevation (Exhibit D-1).

Comments and Questions:

Mr. White noted the Board had approved the plan before. Ms. Lawhon responded that was for a Special Exception for a coffee shop downstairs and her apartment above. Mr. Beach added that her first site plan was conceptual and subject to change.

Ms. Lawhon continued, describing the plan for her personal drive and added that the plan also meets requirements for the commercial parking and drive aisle.

Case No. 18971 (continued)

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** of 24' required aisle width to back vehicles out from garage down to 18', finding the hardship to be the size of the lot and that it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 3, Block 1, Stutsman Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18972

Action Requested:

Variance to allow sign to be setback 43' from the centerline, down from the requirement of ½ right-of-way or 50' in a CS zoned district. SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 11, located 4821 S. Peoria.

Presentation:

Ralph Sigler, 4411 S. Sheridan, with Commercial Sign and Neon, stated he is the contractor for the installation of this sign. The sign was manufactured by another firm and sent from out of state. He stated that the location selected for the sign was not going to work. The two owners of the separate lots at this location have paved the parking area for common use for ingress and egress of the two businesses. He pointed out that the fifty-foot setback and curb cuts required in this zoning area would cause the sign to be standing in the common drive.

Comments and Questions:

Mr. Dunham noted a large tree that would obstruct view of the sign. He reminded the applicant that if approved, he would need a license agreement with the City of Tulsa. Mr. Sigler acknowledged that requirement.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** to allow sign to be setback 43' from the centerline, down from the requirement of ½ right-of-way or 50' in a CS zoned district, per plan, on condition that a license

Case No. 18972 (continued)

agreement would be required with the City of Tulsa, finding the hardship to be the configuration of the parking and the existing tree, on the following described property:

North 90' of West 180', Lot 1, Block 1, Southern Center Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18973

Action Requested:

Special Exception to waive screening requirement on east, west and south sides of property. SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 5, located 13902 E. 11th St.

Presentation:

Ken Riggs, 13902 E. 11th, submitted photographs (Exhibit F-2) to the Board. A site plan (Exhibit F-1) was submitted with the application. He stated they have received a building permit for a new sanctuary to the east of the current one. The Stormwater Management indicated that screening would be a problem in restricting the flow of water particularly on the southeast corner if the creek overflowed. He pointed out there was no residence close to the south property line; on the west there will be no construction because it is completely in the floodway; and the back half of the east side is also in the floodway.

Comments and Questions:

Chair White asked if the applicant has talked with the neighbor on the east, since he would be most directly affected by the request. Mr. Riggs responded that he has not talked with the owner. Mr. Riggs stated he would not be opposed to a short screening on that side.

Interested Parties:

Bill Wiles, 320 S. Boston, with Electronic Research and Development, stated that they have property in the area and was simply interested in the case. Mr. Wiles offered no objection.

Comments and Questions:

Chair White asked Mr. Riggs for the height of the new structure. He replied that he would have twelve foot sidewalls and would be elevated about twenty-one inches above the ground. He also asked for the side yard dimension. He replied that they received a variance for five feet. Mr. Riggs commented that parking would be in the rear, and there would be no parking in the front. The front would be landscaped with green grass.

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Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a ***Special Exception*** to waive screening requirement on east, west and south sides of property, per plan submitted, with the condition, there will be no parking in the front of the building, on the following described property:

Lot 5, Block 3, 11th Street Acres, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18974

Action Requested:

Special Exception to allow a single-family dwelling in a CS zoning district.
SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS,
located 8822 E. Admiral Blvd.

Presentation:

David Rowan, 8822 E. Admiral Blvd., stated he is renting the structure as it is now. He added he would like to purchase the property.

Comments and Questions:

Chair White asked if the application was for title purposes. Mr. Rowan replied in the affirmative. Chair White noted there were about fourteen homes in this CS district.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Special Exception** to allow a single-family dwelling in a CS zoning district, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 3, Block 2, Hirrlinger Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18975

Action Requested:

Variance of required front yard from 30' to 24' in an RS-2 zoned district. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2435 E. 22nd Pl.

Presentation:

Michele Falkenstein, 3319 S. Yorktown, with OakLeaf Designs, stated she is the designer for her client, Virginia Heller who resides on the subject property. She submitted a site plan with photo (Exhibit G-1) to the Board. She described the conditions of a stoop at the back door, which makes it difficult to maneuver a full size car down the driveway. They have been parking their cars in the front of the house and in the street, which is a concern to them and their neighbors. She pointed out a sewer line that runs along the east of the property, which creates a very small lot and causes an open gulley at the bottom of the hill. Ms. Falkenstein showed illustration and described the addition plans and the plans in comparison to the building lines, and use of materials to keep it uniform and consistent with the neighborhood.

Comments and Questions:

Chair White asked if Ms. Falkenstein has spoken with the neighbors. She replied that she has not but her client has shared her preliminary plans with them.

Interested Parties:

Pamela Lowe, 2447 E. 42nd Pl., stated that she lives on the east of the subject property. She stated her objection to the protrusion of the house into the front further than the other homes along the street.

James Torey, 2472 E. 22nd Pl., stated he is a neighbor and long-time resident. He suggested there are better alternatives to achieve the same goals.

Charles Tobbins, 2430 E. 22nd Pl., and Sara Landers, 2424 E. 22nd Pl. stated the objection as above.

The Board received a letter of opposition to the application (Exhibit G-3) and signatures of interested parties present, who were in opposition were obtained during the hearing (Exhibit G-2).

Rebuttal:

Ms. Falkenstein stated that there is no way to fix the problem unless you fix the whole problem. She urged consideration that there are several other garages that face the front of lots in the area.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **DENY** a **Variance** of

Case No. 18975 (continued)

required front yard from 30' to 24' in an RS-2 zoned district, finding that it would cause substantial detriment to the public good and impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

Case No. 18977

Action Requested:

Variance from required parking from 384 to 96 spaces to permit the addition of a new gymnasium to Webster High School. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements – Use Unit 5; and a Special Exception to approve an amendment to a previously approved site plan, located NE/c W. 40th St. & S. Yukon Ave.

Presentation:

Jeannie Kovach, 3027 S. New Haven, P.O. Box 470208, Tulsa, OK 74147, stated that she represented Tulsa Public Schools. She stated Dale Ragland, Sr. was with her at the hearing.

Comments and Questions:

Mr. Dunham asked if she had seen the Staff comments on the application. She stated she had not seen them, but would address them. She called their attention to the existing and proposed gymnasiums on the site plan. The existing gymnasium will be turned into a practice gym. They would not have simultaneous uses on campus. This means an increase of only 185 seats, requiring only 52 new parking spaces on this site according to the architect, and they are able to provide 92 new spaces.

Interested Parties:

George Parker, 3928 S. Union, stated his opposition to the application because the creek still overflows and he was concerned about the flood control problems.

Comments and Questions:

Mr. Dunham explained to Mr. Parker that they would have to meet the requirements of the City Stormwater Management Department regarding those issues.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** from required parking from 384 to 96 spaces to permit the addition of a new gymnasium to Webster High School, 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; and a **Special Exception** to approve an amendment to a previously approved site plan, per plan, with the condition that not more than 1

Case No. 18977 (continued)

event take place at the same time, 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 portion of SE/4 SE/4 of Section 22, T-19-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma, consisting of Lots 4-23, Block 1 inclusive, Lots 7-26, Block 2 inclusive, Lots 1-20, Block 3 inclusive, Lots 1-20, Block 4 inclusive, Lots 8-27, Block 5 inclusive, and that portion of W. 38th St. bounded on the W by the E right-of-way of S. Yukon Ave. and bounded on the E by the centerline of 20' alley and W. 39th St. bounded on the W by the E right-of-way of S. Yukon Ave. and bounded on the E by the centerline of a 20' alley and S. Waco Ave. bounded on the N by the S line of Block 1 and bounded on the S by the N right-of-way of W. 40th St. and the W 10' of an alley perpendicular with and contiguous to Lot 4, Block 1, W. 38th St., Lots 7 and 26, Block 2, W. 39th St., and Lots 8 and 27, Block 5, all in Clinton Homesites an Addition to Red Fork; now an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18978

Action Requested:

Special Exception to permit retail sales in an IL district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 14 / 23; and a Variance of required parking from 28 spaces to 8. SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements and SECTION 1223.D. USE UNIT 23. WAREHOUSING AND WHOLESALING, Off-Street Parking and Loading Requirements, located 8516 E. 41st St.

Presentation:

Roy Johnsen, 201 W. 5th, Ste. 501, stated that they discovered there was a previous Board action (BOA Case No. 7477) that granted the relief he was seeking today. He saw no need to proceed and asked to withdraw this application.

Board Action:

Withdrawal was accepted.

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Case No. 18979

Action Requested:

Variance of the maximum height for a business sign from 25' to 64'. SECTION 1103.B.2.b.4. USES PERMITTED IN A PLANNED UNIT DEVELOPMENT, Accessory Uses – Use Unit 19; and a Variance of maximum display surface area from 325 square feet to 348 square feet. SECTION 1221.D.3. USE UNIT 21.

BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs, located 7141 S. 85th E. Ave.

Presentation:

John Moody, stated he was assisting Richard Craig in the presentation of this case. He stated he represented Tri-Star Investments. They own and operate the Hampton Inn on South 85th East Avenue. He described the location and surrounding properties, mostly retail stores. Mr. Moody pointed out that this is essentially a request to remove and take down an existing wall-sign 43.2" in height that was affixed to the eastern wall of the building and to replace it with a monopole sign approximately the same size and would stand 63' in height. He stated that during the design phase of the hotel the wall sign was designed for a four-story building. A site plan, and sign photo were previously provided for the Board (Exhibits I-1, I-1a). He illustrated the additional height that was added to the DSW Shoe Store when the strip mall was remodeled, subsequent to the ground breaking for the hotel. The owners found after two months of opening the hotel that people could not locate the hotel when they were specifically looking for the Hampton Inn. They propose to put up the monopole sign on the undeveloped northeast corner of the property, behind the Barnes and Nobel Bookstore, for greater visibility. He submitted a letter (Exhibit I-3) from Mr. James H. Beacham, President of the Woodland Office Park Association, who is in support of the application. He described the size of the sign, lettering and height, including lighting.

Comments and Questions:

Mr. White asked if there was a potential problem with the proposed location since it was land, which is off the Hampton Inn site, and probably an area for future development. Mr. Moody stated the same owner owns the property. Chair White was still concerned that if this part of the property were split off if the sign would be a problem. Mr. Moody mentioned that that there is no way to provide access to that portion of the lot if there was a lot split.

Richard Craig, 810 W. Walnut Street, Collinsville, OK, stated he was the contractor that put up the wall signs for this Hampton Inn. He stated that in order to fit the sign as high as possible in the peak of the wall for the best visibility, they asked for a new sign to be made with letters three-feet tall instead of four feet. He described the survey and submitted photographs (Exhibit I-4) to illustrate how they determined what size of lettering and sign they needed.

Comments and Questions:

Mr. Dunham asked if the pole was calculated in the required footage of the sign. Mr. Craig responded that the variance requested would cover the ground sign at the entrance and the pole sign.

Case No. 18979 (continued)

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** of the maximum height for a business sign from 25' to 64'; and a **Variance** of maximum display surface area from 325 square feet to 348 square feet, per plan for the combination of two signs, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 7, Block 2, El Paseo, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18980

Action Requested:

Special Exception to permit residential uses under Use Unit 6, 7, and 8 in RM-2, RS-2, and CS districts. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6, 7 & 8; and a Variance of off-street parking design requirements to permit tandem parking. SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located SE/c N. Country Club Dr. & Latimer St.

Presentation:

Roy Johnsen, 201 W. 5th St., Ste. 501, stated he represented Tulsa Housing Authority, regarding Osage Hills Apartments. The proposed project is to remove some of the old structures and redevelop under more modern techniques and approaches. He stated that this is similar to the application several months ago, and is south of the previous project. He pointed out that on the property they are adding to the south, there were three duplex structures in CS to be used for residential use. Mr. Johnsen added that they are requesting tandem parking within the duplex areas of the project.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Special Exception** to permit residential uses under Use Unit 6, 7, and 8 in RM-2, RS-2, and CS districts; and a **Variance** of off-street parking design requirements to permit tandem parking, per plan, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A tract of land located in a part of Osage Hills Apartments and a part of South Osage Hills Addition and all of Block 8 Osage Hills Addition, being more particularly

Case No. 18980 (continued)

described as follows: Beg. at the SW/c of Blk 5, Osage Hills Apartments; thence N 00°07'01" E along the W line of Blk 5, a distance of 705.00'; S 89°23'10" E a distance of 542.37'; S 00°01'43" W a distance of 115.00'; S 89°23'10" E a distance of 195.01' to the E line; S 00°01'43" W along the E line a distance of 716.86' to a bend in the E line; S 00°00'00" W along the E line a distance of 25.00' to the NE/c of Blk 3; N 89°41'25" W along the N line of Blk 3 a distance of 154.00'; S 00°05'07" W a distance of 454.00'; N 89°23'10" W a distance of 444.62' to the W right-of-way of Country Club Dr. in South Osage Hills Addition; N 00°05'07" E along the W right-of-way of Country Club Dr. a distance of 606.67' to the most Sly SE/c of Blk 5, Osage Hills Apartments; N 89°23'10" W along the S line of Blk 5, a distance of 140.00' to the SW/c of Blk 5, to the POB; less and except any public dedicated streets or roadways within the above description; and a tract Beg. at the NE/c of Blk 3, Osage Hills Apartments; thence S 00°00'00" W along the E line a distance of 1281.55' to the SE/c of Blk 2; S 89°56'50" W along the S line of Blk 2 and across Osage Dr. a distance of 266.33' to the W right-of-way of Osage Dr. in South Osage Hills Addition; N 00°05'07" E along the W right-of-way of Osage Dr. a distance of 406.08' to the SE/c of Blk 1, Osage Hills Apartments; N 89°23'10" W along the S line of Blk 1, and across Country Club Dr. a distance of 334.19' to the W right-of-way of Country Club Dr. in South Osage Hills Addition; N 00°05'07" E along the W right-of-way of Country Club Dr. a distance of 423.73'; S 89°23'10" E a distance of 444.62'; N 00°05'07" E a distance of 454.00' to the N line of Blk 3, Osage Hills Apartments; S 89°41'25" E along the N line of Blk 3, a distance of 154.00' to the NE/c of Blk 3, the POB; less and except any public dedicated streets or roadways within the above description, all located within the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18981

Action Requested:

Minor Special Exception to modify site plan. SECTION 410 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS. – Use Unit 5, located SW/c E. 18th Pl. & S. 129th E. Ave.

Presentation:

Roy Johnsen, 201 W. 5th St., Ste. 501, stated that this property is located in a multi-family residential zoned district. The First Four Square Gospel church came before the Board a few months ago, and received approval for church use. The Board told them they could come back with minor changes in a revised site plan. They desire to move the structure further to the south and to increase floor area from 10,000 to 10,340. He asked for approval of the revised site plan (Exhibit K-1).

Case No. 18981 (continued)

Comments and Questions:

Chair White asked if this plan could be considered the final site plan. Mr. Johnsen replied in the affirmative.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Minor Special Exception** to modify site plan, including the increase of square footage from 10,000 to 10,500 square feet, per plan, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 1, Block 1, Coventry Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18982

Action Requested:

Special Exception to permit Use Unit 14, Retail Electrical Supply, and General retail store in an IL district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 14; and a Variance of Section 1303.D requirement for an all-weather material in parking areas to permit the existing gravel lot. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 8136 E. 48th St.

Presentation:

Perry Schauvliege, 2109 Chyme St., Ponca City, OK, stated he is an architect on behalf of William G. Allen. The structure on the subject property is an existing two-story facility built in 1971. He stated that they desire approval of a Use Unit 14, for the businesses, which are already in place.

Comments and Questions:

Mr. Dunham noted that they are also requesting a variance of the all-weather surface on the parking lot. Mr. Schauvliege responded in the affirmative, stating part of the surface is hard surface and some gravel.

Interested Parties:

Mike Hilsabeck, 2615 E. 15th St., stated he was an attorney representing the property owners across 48th St. of Lots 1 and 2, Block 2, of the subdivision. They object to the variance for a gravel parking lot because it is an eyesore. He stated that large tractor-trailer trucks use it frequently and kick up dust. There are no properties in the area that have gravel parking lots.

Comments and Questions:

Chair White noted the plan indicates forty-two spaces, and wanted to know if that was sufficient for these businesses. Mr. Beach replied that he did not have enough information to determine parking needs. He added that in 1979 the Board approved a Special Exception for this same use, subject to the applicant providing 125 parking spaces with a dust free surface for this property. Mr. Hilsabeck responded that the owners would be willing to provide the additional spaces.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Special Exception** to permit Use Unit 14, Retail Electrical Supply, and General retail store in an IL district, finding that in Case No. 10304 on January 18, 1979 this same use was approved on the condition that 125 additional dust free parking spaces be provided; and to **DENY** a **Variance** of Section 1303.D requirement for an all-weather material in parking areas to permit the existing gravel lot, on the following described property:

Lots 1 and 2 and the E 86' of Lot 3, Block 3, Second Research and Development Center Resubdivision, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18983

Action Requested:

Variance of Design Standards for off-street parking areas. SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 12a; and a Special Exception to reduce required parking spaces from 28 to 20 spaces. SECTION 1212a. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS and SECTION 1408.B.4. ADULT ENTERTAINMENT ESTABLISHMENTS, located 2913 E. 11th St.

Presentation:

Roy Johnsen, 201 W. 5th St., Ste. 501, stated he represented Tony Henry, owner of J.R.'s, a bar near the University of Tulsa campus. The residences surrounding this property are owned by the university, one is unoccupied and would be scheduled for something long-term other than single-family.

Comments and Questions:

Chair White asked if there was any new construction planned on this site. Mr. Johnsen responded there might be remodeling of restrooms, but he knows of nothing planned for the exterior. He added that the parking does not meet the standards regarding aisle space, so they may be short on required spaces. Mr. Dunham asked if the plan submitted is the correct plan. Ms. Turnbo noted that the

Case No. 18983 (continued)

majority of the customers are probably pedestrian or bicyclists because of the location.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** of Design Standards for off-street parking areas, finding it is an existing condition, the size of the lot, and there are no R uses; and a **Special Exception** to reduce required parking spaces from 28 to 20 spaces, per plan, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 6, Block 27, College Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18984

Action Requested:

Variance of rear setback from 25' to 15'. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 6, located 2218 E. 48th Pl. S.

Presentation:

Jeff Levinson, 35 E. 18th St., stated the property has an underlying OL zoning, and a rear setback of 25' along the northern boundary of the subdivision. They would like to get a reduction to 15' setback. The Board has approved other compatible setbacks.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** of rear setback from 25' to 15', and must comply with all other development standards, finding the hardship to be the OL zoning for a residential area, and other cases in the area have been approved, for the following described property:

Lot 14, Block 1, Bolewood Place, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18985

Action Requested:

Variance of rear setback from 25' to 15'. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 6, located 2139 E. 48th Pl. S.

Presentation:

Jeff Levinson, 35 E. 18th St., stated the property has an underlying OL zoning, and a rear setback of 25' along the northern boundary of the subdivision. They would like to get a reduction to 15' setback. The Board has approved other compatible setbacks.

Interested Parties:

Robert Lyon, 4749 S. Yorktown Pl., stated he lives just north of this property. He questioned why he would want to reduce the setback, because he would object to the loss of privacy.

Comments and Questions:

Chair White noted that the neighboring rear setbacks have already been reduced. Mr. Dunham also noted that there is a wall that separates their properties.

Rebuttal:

Mr. Levinson commented that one of the development standards mentioned in the previous case is that no windows on the second story level would be allow on the north side. He stated his client intends to abide by that standard.


Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** of rear setback from 25' to 15', and must comply with all other development standards, finding the hardship to be the OL zoning for a residential area, and other cases in the area have been approved, for the following described property:

Lot 10, Block 1, Bolewood Place, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 3:24 p.m.

Date approved: FEBRUARY 27, 2001



Chair