

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 815  
Tuesday, March 27, 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		Beach	Prather, Legal
Cooper		Butler	
White, Chair			
Perkins			
Turnbo			

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600, on Thursday, March 22, 2001, at 3:30 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**

**Case No. 19008**

**Action Requested:**

Mr. Beach stated the applicant requested a Continuance to meet with the whole neighborhood association, at the regularly scheduled meeting on April 17, 2001.

**Interested Parties:**

The interested parties were in agreement with the continuance.

**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. 19008 to April 24, 2001, to give applicant time to meet with the neighborhood association.

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**Case No. 19025**

**Action Requested:**

Mr. Beach stated that there was a flaw in the notice and a new notice has been prepared for the April 10, 2001 meeting. He stated that no action was needed for this case.

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**Case No. 18993**

**Action Requested:**

Variance of the required 25-foot setback from adjacent property lines for temporary office trailers during the US Open Championship. SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 5, located 2636 E. 61<sup>st</sup> St.

**Mr. Cooper stated he would be abstaining from this case.**

**Presentation:**

**Steve Worthy**, for Frank Bussey, Director of Operations for the U.S. Open, came to present this case. Mr. White asked if the neighbors have been contacted. Mr. Worthy responded that it is mostly the club members that would be affected, and they are aware of this application. He stated that because of the increased size of the U.S. Open vs. the PGA Championship in 1994, they would like to have this variance just in case it is needed.

**Interested Parties:**

**Virginia Nowlin**, 6126 S. Florence Pl., stated her backyard abuts the country club. She was not in opposition but needed more information about the application. She stated she was trying to sell her home.

**Comments and Questions:**

Mr. White asked the applicant what he would need for a time frame. He asked for a month on either side of the U.S. Open.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-0-1 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; Cooper "abstained"; no "absences") to **APPROVE** a **Variance** of the required 25-foot setback from adjacent property lines for temporary office trailers during the US Open Championship, finding 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:

A tract of land in Section 32, T-19-N, R-13-E, and Section 5, T-18-N, R-13-E, City of Tulsa, County, State of Oklahoma; Beg. at the SW/c of Lot 3, Block 2, Southern Villas Addition, the E 165.09'; thence S 330.18'; thence E 165.11'; thence S 815.5'; thence SE 368.48'; thence E 295.42'; thence S 656'; thence W 955'; thence S 825';



00°10'04" E a distance of 50.00' to the SE/c of said Lot 26; thence W along the S line of said Lot 26, a distance of 38.61' to a point of curvature; thence Wly along the S line of said Lots 23 through 26, on a curve to the left having a radius of 625.00' and whose chord bears S 77°03'55" W with a chord distance of 279.80', an arc distance of 282.19' (platted as 282.78') to the point or place of beginning.

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**Case No. 19016**

**Action Requested:**

Special Exception to allow a manufactured dwelling in an IM zoned district. 901. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 9; and a Variance of the required 30' frontage on a public street to 0'. SECTION 206. STREET FRONTAGE REQUIRED, located 3738 S. Galveston.

**Presentation:**

**Christina Felton Watts**, 3738 S. Galveston, stated that there is currently a mobile home on the property, and would like to make it in compliance with the Code. The property has never been used for industrial purposes, and according the records has been used for residential. She informed the Board that property has been neglected. She stated that they have cleaned up and improved the property. The easement to the property was granted in 1947, but no action was ever taken regarding rezoning.

**Comments and Questions:**

Mr. White asked if this was for the existing mobile home and no change. Ms. Watts replied in the affirmative. Mr. Dunham asked what precipitated this application. Mr. Beach did not have any more information. Mr. White asked if the applicant just took title. Ms. Watts stated that they just made a contract for lease with option to purchase with the property owner.

**Interested Parties:**

**Dave Grubb**, 137 W. 71<sup>st</sup> St., stated that he grew up in the neighborhood and knew the history. Two brothers owned the property, and one of them built a house of boxcar wood, which was condemned and was supposed to be torn down nine years ago. Mr. Grubb informed the Board there is not a city street just his private driveway, and he does not plan to give the applicant permission to use his drive. He also protests the mobile home on the subject property. He indicated that the mobile is illegally connected to the City sewer system.

**Mary Nell Finney**, 4740 S. Maybelle, stated she owns the lot that joins Mr. Grubb on the east. She stated that the case map was wrong because the City cut a street called Guthrie. She commented that the existing house should be torn down also.

**Applicant's Rebuttal:**

Ms. Watts admitted that she has a copy of court records that since 1947 the easement was filed for access to the subject property.

**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 manufactured dwelling in an IM zoned district; and a Variance of the required 30' frontage on a public street to 0', with conditions that existing frame house be removed in 180 days; and subject to an access easement, on the following described property:

The N 105' of the following described tract, to-wit: that part of the W/2 SE/4, Section 23, T-19-N, R-12-E, described as Beg. at a point on the E line of said W/2 SE, 295' S of the NE/c of the S/2 S/2 NW/4 SE/4 of said Section; thence W to a point on the E line of the Midland Valley Railway. Co. right-of-way; thence SEly along said right-of-way to the intersection with the E line of said W/2 SE/4; thence N said E line 635', more or less to the POB. Also, an easement for roadway purposes only over the E 15' of the N 295' of the S/2 S/2 NW/4 SE/4 of Section 23, T-19-N, R-12-E, subject to an easement for roadway purposes over E 15' of the above described 105'.

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**Case No. 19017**

**Action Requested:**

Variance of setback from South 66<sup>th</sup> East Avenue from the required 50' to 43'7" to permit an existing office building. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 11, located 6030 S. 66<sup>th</sup> E. Ave.

**Presentation:**

**Robert Jones**, 2219 S. Terwilliger, came to present his case. Mr. Dunham verified that this was an existing condition, and the application was to clear the title on the property.

**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 South 66<sup>th</sup> East Avenue from the required 50' to 43'7" to permit an existing office building, finding 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:

S 35' of Lot 6 and all of Lots 7 and 8, Block 1, Plaza Professional Park, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19018**

**Action Requested:**

Variance of required front yard from 30' down to 20'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 1919 E. 38<sup>th</sup> St. S.

**Presentation:**

**Steve Gray**, 4530 S. Sheridan Rd., Ste. 205, stated he is an attorney for Steven Harris the owner of the lot. He submitted a packet of exhibits to the Board (Exhibits A-1 through A-4). Mr. White informed the Board that the house shown in the aerial has been leveled. He pointed out the severe elevation fall of an 8% grade, and the unusual shape of the lot as the hardship.

**Interested Parties:**

**John Brewman**, 3744 S. Xanthus, stated his support of the application, and expects the large tree will be save.

**Comments and Questions:**

**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 required front yard from 30' down to 20', per plan submitted, finding the hardship to be the topography and shape 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 9, Block 11, of the amended Plat of Block 1, 2, 3, 11 and 12 of Highland Park Estates, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19019**

**Action Requested:**

Special Exception for an outdoor car show to be held on May 19, 2001. SECTION 1202.B. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Included Uses and SECTION 1202.C. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Use Conditions; and a Special Exception for off-street parking on an unpaved area. SECTION 1202.B. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Included Uses and SECTION 1202.C. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Use Conditions, located NW/c Brady & Elgin & E side of Elgin.

**Presentation:**

**Rick Horton**, 8317 E. 117<sup>th</sup> St., Bixby, Oklahoma, submitted a packet of exhibits to the Board (Exhibit B-1). The application is for an antique car show, and proceeds go to cancer research. He stated that they would like to make it an annual event.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Comments and Questions:**

The Board considered the conditions provided by the Tulsa Development Authority, along with the requests of this application.

**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** for an outdoor car show to be held on May 19, 2001; and a **Special Exception** for off-street parking on an unpaved area, subject to conditions submitted by the Tulsa Development Authority as follows: 1) Cancersucks.com will conduct an event, entitled "Hot Rods and Handlebars" in and around the above referenced land on May 18, 19 & 20, 2001. Any related equipment will be set up on May 18 & 19, 2001 and removed on May 20, 2001. 2) During the above referenced period, Cancersucks.com will have use of the vacant land described as follows: See Attached Legal Descriptions and Plat. 3) Cancersucks.com shall provide a Certificate of Insurance of at least \$1,000,000.00 combined limits per occurrence. The Tulsa Development Authority and the City of Tulsa, Oklahoma shall be named as additional insured on the Certificate of Insurance. Said Certificate to be provided no later than April 30, 2001. 4) Cancersucks.com shall hold the Tulsa Development Authority and the City of Tulsa, Oklahoma, harmless from any loss, cost damage or expense that may arise out of the above-mentioned activity. 5) Cancersucks.com shall clean all areas used for the above-mentioned activity by Midnight May 20, 2001. All materials and equipment shall be removed and the site returned to the condition of May 18, 2001. Cancersucks.com agrees to provide a deposit in the amount of \$500.00, payable to the Tulsa Development Authority, in cash or by Certified check, as security for the performance of the obligations of Cancersucks.com to be performed prior to the return of the Deposit to Cancersucks.com or its retention by the Tulsa Development Authority as liquidated damages. Said Deposit to be provided no later than April 30, 2001. 6) Cancersucks.com will provide parking attendants, security guards and clean-up personnel as needed during the above-mentioned event period from May 18 through May 20, 2001. 7) Cancersucks.com will provide certified copies of permits and authorizations required by government entities including a special Events Permit issued by the City of Tulsa, Tulsa County, State of Oklahoma. Said permit to provide for temporary use of grassy areas for parking. 8) Hours of operation shall be between 6:00 a.m. to 12:00 p.m., 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:

Part vacant railroad right-of-way and vacant street and alley and Lots 1 through 5, Beg. NE/c Lot 1, thence SE 136.5' SW 300' NW 270' E 328.30', POB Block 22; Part Lots 1 and 6 vacant alley and street Beg. NE/c Lot 1; thence SE 50' SW 299.86' NW 90' NE 300' SE 40' POB, Block 25; Part vacant railroad right-of-way and vacant street and alley and Lots 1 through 6, Block 24; Part railroad right-of-way and vacant alley and streets and Lots 1 through 6, Beg. NE/c Lot 1, thence NE 40' SE along centerline Frankfort Ave. to point, thence NW to Point 3.65' NW SE/c Lot 2, thence SE 103.65' SW 300' NW 340' NE 300' SE 40' POB, Block 45; N 88/2, Lot 1 and E 10' vacant alley adjacent on W le4ss Beg. NE/c, thence W 80' E 89.4' N 40' POB for highway, Block 22; S 11.5' Lot 1 N 25' Lot 2 and E 10' vacant alley adjacent on W Block 22; S 50' N 75' Lot 2 and E 10' vacant alley adjacent on W Block 22; Lot 3 and W 10' vacant alley adjacent on E Block 22, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19020**

**Action Requested:**

Variance of side yard setback requirement of 15' down to 6' for an addition to residence. SECTION 403.A.5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts – Use Unit 6, located 5339 S. 32<sup>nd</sup> W. Ave.

**Presentation:**

**Harry L. Harper**, 5339 S. 32<sup>nd</sup> W. Ave., stated he wanted to add a garage and convert the existing garage to a downstairs bedroom. He described the steep topography and odd-shaped lot with a retaining wall 15' behind the house that prevents any changes at the back of the house. He added that he would like to change the access to the garage from 55<sup>th</sup> Street to S. 32<sup>nd</sup>.

**Interested Parties:**

There were no interested parties present who wished to speak.

**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 side yard setback requirement of 15' down to 6' for an addition to residence, per plan submitted, finding the hardship to be the shape of the lot and the topography 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 11, Block 7, Mountain Manor Addition, City of Tulsa, Tulsa County, State of Oklahoma.





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**Case No. 19023**

**Action Requested:**

Applicant was not present. Tabled until the end of the agenda.

**Case No. 19024**

**Action Requested:**

Variance of the requirements of Section 1301.D. to permit a part of the required off-street parking spaces on a lot other than the primary lot. SECTION 1301.D. GENERAL REQUIREMENTS, located SE/c E. 15<sup>th</sup> St. & Yale.

**Presentation:**

**Roger Eldredge**, stated he is an attorney representing Lowe's Home Improvement Stores. He submitted an exhibit packet with a site plan (Exhibit F-1). They have obtained preliminary plat to build a mini-storage. He added that they have to create three different lots, and he gave a description of the phases of construction.

**Interested Parties:**

There were no interested parties present who wished to speak.

**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 requirements of Section 1301.D. to permit a part of the required off-street parking spaces on a lot other than the primary lot, per the conditions of Exhibit B as follows: as part of the re-development of the property, Lowe's plans to simultaneously construct a home improvement store on the property being platted as Lot One, and a new mini-storage facility on the property being platted as Lot Two. Once the new mini-storage facility is completed: 1) Lowe's will convey Lot Two to Brundidge; 2) Brundidge will relocate its mini-storage operation from Lot Three to Lot Two; 3) Brundidge will convey Lot Three to Lowe's; and 4) Lowe's will demolish the old mini-storage facility presently located on Lot Three, and then use Lot Three for a portion of the parking required for the home improvement store to be constructed on Lot One., 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, on the following described property:

A tract of land lying in the NW/4 NW/4 SW/4 of Section 10, T-19- N, R-13-E of the IBM, City of Tulsa, Tulsa County, Oklahoma, being more particularly described as follows: commencing at the NW/c of said SW/4; thence N 89°30'24" E, along the N line of said SW/4, a distance of 161.50'; thence S 00°03'35" W, parallel with the W line of said SW/4, a distance of 50.00' to the POB; thence N 89°30'24" E, parallel with the N line of said SW/4, a distance of 1162.48' to a point on the E line of the NW/4 of the NW/4 of said SW/4; thence S 00°02'27" W, along said E line, a distance

of 609.25'; thence S 89°31'05" W a distance of 1266.19' to a point, said point being 58.00' N 89°31'05" E of the W line of said SW/4; thence N 00°03'35" E, parallel with said W line, a distance of 479.48'; thence N 89°30'24" E, parallel with the N line of said SW/4, a distance of 103.58'; thence N 00°03'35" E, parallel with the N line of said SW/4, a distance of 130.00' to the POB.

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**Case No. 19023**

**Action Requested:**

Variance of side yard requirement of 15' to 10'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2448 E. 33<sup>rd</sup> St.

**Presentation:**

**Alan Madewell**, 5314 S. Yale, stated he represented the owners of the subject property. He informed the Board that the house was designed before the estate zoning was established. He filed for a building permit after the zoning was set in place. They decreased the footage but in order to retain the large trees on this undeveloped lot they request the variance.

**Interested Parties:**

There were no interested parties present who wished to speak.

**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 side yard requirement of 15' to 10', for the western-most lot, finding the hardship to be the existing trees, 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:

Lots 2 and 3, Block 2, Timberlane, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19022**

**Action Requested:**

Variance of the rear yard setback from 25' to 10'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance of side yard from 20' to 10' for addition to an existing non-conforming garage. SECTION 403. 5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 2934 E. 39<sup>th</sup> St.

**Presentation:**

**Nathan Koch**, stated he is with Olson, Coffey Architects. He submitted site plans to the Board (Exhibit E-1). He explained the dimensions and need for the variances to add a one-car garage on a cul de sac.

**Comments and Questions:**

Mr. White questioned the footage requested. Mr. Beach noted the concern that any car not parked in the garage would be parked within the public right-of-way; that is the purpose for the 20' for off-street parking. Mr. Dunham commented that on a cul de sac there would not be a lot of traffic.

**Interested Parties:**

There were no interested parties present who wished to speak.

**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 rear yard setback from 25' to 15'; and a **Variance** of side yard from 20' to 17' for addition to an existing non-conforming garage, per plan submitted today, finding 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 8, Block 26, Resubdivision of Blocks 19 through 26, Ranch Acres, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19031**

**Action Requested:**

Minor Special Exception to amend a previously approved site plan, located 4102 S. Harvard Ave.

**Presentation:**

**Tim Fox**, 9411 S. Gary, stated he owns Fox Cleaners, and he is the general contractor. He has added a canopy to the plan that was previously approved by this Board.

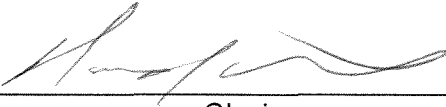
**Board Action:**

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 Minor Special Exception to amend a previously approved site plan, per plan submitted today.

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There being no further business, the meeting was adjourned at 2:26 p.m.

Date approved: MAY 22, 2001

A handwritten signature in cursive script, appearing to read "M. J. ...", written above a horizontal line.

Chair