

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 820  
Tuesday, June 12, 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	Cooper	Beach	Jackere, Legal
Perkins	White	Butler	Cartner,
Turnbo			Zoning Official
			Ballentine,
			Zoning Official

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600, on Monday, June 11, 2001, at 9:40 a.m., as well as at the City Clerk's office, City Hall.

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

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**Case No. 19043**

Mr. Beach stated that staff requests a Continuance to June 26, 2001. The applicant, a church was asking for relief from some landscaping requirements several meetings ago. They have the landscape plans prepared and most likely will withdraw this request but it has not officially been withdrawn yet.

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a **CONTINUANCE** of Case No. 19043 to the meeting on June 26, 2001.

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**Case No. 19090**

**Rick Ford**, Reunion Center, Ste. 1000, 9 E. 4<sup>th</sup> St., stated he represented the applicant. He stated that they learned of a written letter of objection to the Board by an adjacent business owner. They have been working with the neighbors in the R district and Mr. Frank Comp, President of the Tracey Park Homeowners Association. They would like time to discuss the concerns with the adjacent business owner and to work on revisions of the language of the request to satisfy the above-mentioned interested parties.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a **CONTINUANCE** of Case No. 19090 to the meeting on June 26, 2001.

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**Case No. 19099**

Mr. Beach stated that the applicant has requested a continuance for three months, which would be the meeting on September 11, 2001. The applicant was not present.

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a **CONTINUANCE** of Case No. 19099 to the meeting on September 11, 2001.

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**Case No. 19102**

Mr. Beach stated there is a timely request for continuance to the meeting on July 24, 2001. The applicant, Roy D. Johnsen stated that he spoke with the spokesman for the neighborhood association and advised that he would be seeking a continuance and the spokesman had no objection.

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a **CONTINUANCE** of Case No. 19102 to the meeting on July 24, 2001.

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**MINUTES:**

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** the Minutes of April 24, 2001 (No. 817).

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** the Minutes of May 8, 2001 (No. 818).

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## **UNFINISHED BUSINESS**

### **Case No. 19035**

#### **Action Requested:**

Special Exception to permit an outdoor flea market in a CG district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 2; and a Variance to permit parking on a lot other than the one containing the principal use. SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS, located 2626 W. Skelly Dr.

#### **Presentation:**

Mr. Beach stated that the applicant was not present at the meeting in May and not currently present to present his case.

#### **Comments and Questions:**

Mr. Jackere stated that the legal department was concerned that the time limitation for hearing the case would be up in a couple of days. He suggested the Board deny the case if the applicant did not appear at this hearing.

#### **Board Action:**

The Board tabled the case until later on the agenda.

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### **Case No. 19039**

#### **Action Requested:**

Special Exception to permit under Use Unit 5, private school, athletic facilities, buildings and fields in the OM and RM-1 zoning districts. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS and SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS – Use Unit 5; a Variance to permit the minimum of 700 off-street parking spaces for the 2,800 seat capacity football, soccer and track stadium bleachers to satisfy the combined off-street parking requirements for the football, soccer and track stadium and the existing baseball and softball fields. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements; and a Variance to permit a part of the off-street parking spaces required for the football, soccer and track stadium bleachers to be located on a lot other than the lot containing the stadium. SECTION 1301.D. GENERAL REQUIREMENTS, located E side of S. Wheeling, N of E. 78<sup>th</sup> St.

#### **Presentation:**

**Charles Norman**, 2900 Mid-Continent Tower, stated he represented Victory Christian Center and their school. In March of last year the Board approved a site plan for this property for future high school building and gymnasium. They have an amended site plan (Exhibit A-1) and negotiated with the developers. He

submitted a letter of the formal amendment (Exhibit A-2). The 700 parking spaces in the previously approved plans are still available. The hardship was that these spaces satisfy the requirements for the football and soccer field and other games would never generate the need for that much parking. It would be unlikely that all of these athletic fields would be used at the same time as a major event.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a **Special Exception** to permit under Use Unit 5, private school, athletic facilities, buildings and fields in the OM and RM-1 zoning districts; a **Variance** to permit the minimum of 700 off-street parking spaces for the 2,800 seat capacity football, soccer and track stadium bleachers to satisfy the combined off-street parking requirements for the football, soccer and track stadium and the existing baseball and softball fields; and a **Variance** to permit a part of the off-street parking spaces required for the football, soccer and track stadium bleachers to be located on a lot other than the lot containing the stadium, per amended site plan Exhibit C and the new Exhibit E, finding the hardship is that the off-street parking meets the Code for football and soccer and there would not be multiple events at one time, on the following described property:

Lot 1, Block 15, Kensington, Blocks 15, & 17, AND a part of the S/2 NE/4 of Section 7, T-18-N, R-13-E, more particularly described as follows: Commencing at a point on the S line of the NE/4 of Section 7, T-18-N, R-13-E, and 50' W of the E line of said Section 7; thence N 89°48'42" W a distance of 880.00'; to the POB; thence S 0°10'03" W a distance of 370.00'; thence N 89°48'42" W a distance of 414.10'; thence N 89°48'42" W a distance of 414.10'; thence N 0°10'03" E a distance of 554.75'; thence S 89°48'42" E a distance of 364.10'; thence S 0°10'03" W a distance of 185.00'; thence S 89°48'42" E a distance of 50.00'; to the POB; AND a part of the S/2 NE/4 of Section 7, T-18-N, R-13-E, more particularly described as follows: Commencing at a point on the S line of the NE/4 of Section 7, T-18-N, R-13-E, and 50' W of the E line of said Section 7; thence N 89°48'42" W a distance of 880.00'; thence S 0°10'03" W a distance of 370.00'; thence N 89°48'42" W a distance of 414.10' to the POB; thence continuing N 89°48'42" W a distance of 392.43'; thence N 0°10'03" E a distance of 554.89'; thence S 89°48'42" E a distance of 392.43'; thence S 0°10'03" W a distance of 554.75'; to the POB; AND a part of the S/2 NE/4 of Section 7, T-18-N, R-13-E, more particularly described as follows: Commencing at a point on the S line of the NE/4 of Section 7, T-18-N, R-13-E, and 50' W of the E line of said Section 7; thence N 89°48'42" W a distance of 880.00'; thence S 0°10'03" W a distance of 370.00'; thence N 89°48'42" W a distance of 806.53' to the POB; thence continuing N 89°48'42" W a distance of 298.47' to the E boundary of Block 13, Kensington Addition; thence continuing N 89°48'42" W a distance of 20' to the Ely right-of-way of S Wheeling

Ave.; thence N 0°10'03" E along said right-of-way, a distance of 555.00'; thence S 89°48'42" E a distance of 20.00' to a point on the Ely boundary of said Block 13, Kensington Addition; thence continuing S 89°48'42" E a distance of 313.47'; thence S 0°10'03" W a distance of 554.89'; to the POB, all in the City of Tulsa, Tulsa County, State of Oklahoma.

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#### **Case No. 19061**

##### **Action Requested:**

Special Exception to permit indoor auto sales in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; and a Appeal of the Neighborhood Inspector's determination that an inoperable or unlicensed vehicle(s) stored on the front or exterior side yard and/or vehicle(s) parked on private property is not on an all-weather surface, located 718 South Lewis.

##### **Presentation:**

**Mark Lyons**, attorney, 616 S. Main, Ste. 201, stated he represented the applicant. The existing building at eighth and Lewis is zoned for auto repair. The applicant desires to have the use of one-half of the building for auto repair and one-half for auto sales. Mr. Lyons listed four property owners of nearby property, Freddie Willis, Michael Alley, Robert Young, and Wally Harbert as present and in support of the application. He described the autos for sale as expensive sports cars. There are no plans for outside advertising, no outdoor storage of vehicles for sale. All business would be by appointment only. There are six existing striped parking spaces for employees and customers. There would be no storage of inoperable vehicles.

##### **Comments and Questions:**

Mr. Dunham asked about outside storage of vehicles. Mr. Lyons pointed out that the cars would be too expensive to leave outside overnight. The cars would be kept in a temperature-controlled climate and shown inside by appointment only. Ms. Perkins asked if the applicant was still asking for the appeal to the Neighborhood Inspections office. **John Reeves**, 8714 S. 65<sup>th</sup> E. Pl., the property owner, stated that the whole property is covered with an all-weather surface and they striped the off-street parking spaces within 24 hours of the notice given. He desired to withdraw the appeal.

##### **Interested Parties:**

**Tim Cartner**, with the Neighborhood Inspections informed the Board of a computer error that led to the notice given to the applicant.

**Fred Willis**, 802 S. Lewis stated the applicant has not cause a parking problem. He has improved the property.

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**Applicant's Rebuttal:**

**Applicant's Rebuttal:**

Mr. Reaves refuted the statement that his cars are driven at high rates of speed on the residential streets. He stated that parked vehicles shown in the photographs submitted are in their legally marked parking spaces. He informed the Board that they never use 7<sup>th</sup> or 8<sup>th</sup> Streets to load an unload cars because they have space in front of the building. He stated his only request is to be allow to sell high dollar cars inside the existing building and work within the best interests of his community and business.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 2-1-0 (Perkins, Turnbo “aye”, Dunham “nay”, no “abstentions”, White, Cooper “absent”) to **APPROVE** a ***Special Exception*** to permit indoor auto sales in a CS district. The application was **DENIED** for lack of three affirmative votes.

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**Case No. 19064**

**Action Requested:**

Special Exception to permit a manufactured home in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; a Special Exception to permit the manufactured home permanently. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; and a Variance to permit two dwellings on one lot of record. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 2605 East 49<sup>th</sup> Street North.

**Presentation:**

**Patsy Powell**, 1334 N. Boston Pl., stated she proposes to place a mobile home on the subject property on a permanent foundation with skirting. She desires relief for two dwellings on one lot of record.

**Interested Parties:**

**Don Risten**, 2515 E. 49<sup>th</sup> St. N., stated his concern regarding storm water from creek and detention pond. He indicated that her property is in a flood plain. He stated there is no sewer system. Mr. Dunham commented that the Department of Environmental Quality and Storm Water Management would deal with those issues before a sewage system could be approved or a building permit would be issued.

**Eddie Neal**, 2520 E. 49<sup>th</sup> St. N., was concerned regarding crime and safety issues in the area.

**Darlene Hill**, 2601 E. 49<sup>th</sup> St. N., stated her support of her mother moving onto the property.

**Comments and Questions:**

Mr. Dunham commented that the lot may not be large enough for two septic tanks. Ms. Perkins stated that October 13, 1998 the previous Board action allowed a mobile home with two dwellings on one lot of record.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo “aye”, no “nays”, no “abstentions”, White, Cooper “absent”) to **APPROVE** a **Special Exception** to permit a manufactured home in an RS-3 district; a **Special Exception** to permit the manufactured home permanently; and a **Variance** to permit two dwellings on one lot of record, finding the hardship that the Board has approved similar actions and the size of the lot, on the following described property:

The N 132' of W/2 of NE/4 of SE/4 of NW/4 of SW/4 of Section 8, T-20-N, R-13-E of IBM, City of Tulsa, Tulsa County, Oklahoma, and an easement for access being the E 15' of W 122' of S 198' of W/2 of NE/4 of SE/4 of NW/4 of SW/4.

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**Case No. 19087**

**Action Requested:**

Special Exception to allow expansion of existing neighborhood community center and common area maintenance facility into an AG zoned lot, separate from existing RS-3 lot. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -- Use Unit 5, located 2100 W. Seminole.

**Presentation:**

**Michael Hackett**, 406 S. Boulder, Ste. 642, stated he represented Gilcrease Hills Homeowners Association. He introduced Larry Duke, manager of the association that could address any operational issues or other. They propose to build a maintenance facility on a 5.87 acre tract that is not zoned AG, near the community center. They want an indoor storage area to park a tractor, other vehicles and lawn care equipment. This would be used only for the landscaping and lawn care for the community center and common area of the neighborhood. It would be low intensity use and not clearly visible to neighborhood.

**Comments and Questions:**

Mr. Dunham asked about the request to expand the community center. Mr. Hackett responded that they do not have plans to expand the community center.

**Interested Parties:**

**Mary Felder**, 2351 W. Tecumseh, stated she was opposed to the proposed site and she did not feel they needed that much storage space.

**David Maxwell**, 1808 N. Xenophon Ave., just wanted to know the actual proposed site for the building. He was not opposed to the plans.

**Applicant's Rebuttal:**

Mr. Hackett stated that they have 400 to 500 acres to maintain, and they have too much equipment to store in the existing facility.

**Comments and Questions:**

Mr. Dunham asked the applicant if there would be any maintenance of equipment or activities that would create noise or detract from the area. Mr. Hackett replied that everything done at the building would be done within the building. Mr. Dunham asked for the hours of operation. Mr. Hackett stated that hours would be 7:30 a.m. to 4:30 p.m. Tuesday through Saturday.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a **Special Exception** to allow expansion of existing neighborhood community center and common area maintenance facility into an AG zoned lot, separate from existing



RS-3 lot, with the conditions that all storage be kept inside, no maintenance to be done on any equipment outside the building, hours of operation when the equipment can be used from 7:00 a.m. to 4:30 p.m. Tuesday through Saturday, building for accessory use for the maintenance of the common green area of Gilcrease Hills Subdivision only, on the following described property:

A tract of land situated in the S/2 SE/4 SW/4 NW/4 of Section 27, and the NE/4 NW/4 SW/4 of Section 27, T-20-N, R-12-E, of the IBM, being more particularly described as follows: Beg. at the NE/c NE/4 NW/4 SW/4; thence S 0°27'19" W along the E line of said NE/4 NW/4 SW/4 a distance of 628'; thence due W a distance of 160'; thence N 51°11'26" W a distance of 288'; thence N 2°52'34" W a distance of 200'; thence N 30°00'17" W a distance of 140'; thence due N a distance of 133.04' to an intersection with the N line of the said NE/4 NW/4 SW/4; thence continuing due N along a line in the S/2 SE/4 SW/4 NW/4 a distance of 56.77'; thence S 83°07'56" a distance of 472.88' to an intersection with the E line of the said S/2 SE/4 SW/4 NW/4; thence S 0°14'12" W along the E line of said S/2 SE/4 SW/4 NW/4 a distance of 6.77' to the SE/c thereof and the POB, more or less, City of Tulsa, Osage County, State of Oklahoma

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#### **Case No. 19089**

##### **Action Requested:**

Special Exception to permit an outdoor activity in an AG zoned district for Gatesway International Balloon Festival, August 17, 18 and 19, 2001. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -- Use Unit 2, located SE/c E. 66<sup>th</sup> St. & S. Mingo Rd.

##### **Presentation:**

**Stacy Conner**, 116 W. Commercial, Broken Arrow, Oklahoma, stated they desire to hold the three-day Gatesway Balloon Festival at 66<sup>th</sup> and Mingo. A site plan (Exhibit C-1) was submitted for this application.

##### **Comments and Questions:**

Mr. Dunham asked where the parking would be located. Ms. Conner replied that they did not have designated parking, but would shuttle people to the location.

##### **Interested Parties:**

**Matt Latimer**, 7912 E. 31<sup>st</sup> Ct., Ste. 200, stated he represented the owner of Mingo Market Place, southeast of the proposed location. They are concerned that the overflow parking would cause them to need security for their own parking lot. He asked for time to discuss this with the applicant to work out agreeable plans.

##### **Board Action:**

The case was tabled to the end of the agenda.

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**Case No. 19091**

**Action Requested:**

Special Exception to reduce required parking for a non-conforming bar from 32 spaces to 11 spaces. SECTION 1408.B. ADULT ENTERTAINMENT ESTABLISHMENTS -- Use Unit 12a. & 13, located 716 and 720 N. Sheridan.

**Presentation:**

**Dan Mordhurst**, 2607 E. 57<sup>th</sup> St., requested a continuance. He stated he had a pending case that would make this application unnecessary.

**Comments and Questions:**

Mr. Beach commented that staff had some questions regarding this application and even though it is not a timely request if he is acquiring more property it would be better for the city. Mr. Beach asked what prompted this application. Mr. Mordhurst replied when he applied for a new liquor license and a change in requirements for an occupancy permit. Mr. Jackere informed Mr. Mordhurst that his business is no longer non-conforming because he does not meet the new requirements for parking. Mr. Jackere informed the Board that he cannot operate his business without an occupancy permit and liquor license.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a **CONTINUANCE** of Case No. 19091 to the meeting on July 10, 2001.

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**Case No. 19089**

The request and presentation were entered previously in these minutes.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a **Special Exception** to permit an outdoor activity in an AG zoned district for Gatesway International Balloon Festival, August 17, 18 and 19, 2001, per plan, on the following described property:

Lot 1, Block 1, Asbury United Methodist Church, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19092**

**Action Requested:**

Minor Special Exception to allow a detached accessory building to be located on a lot other than the lot containing the principal use. SECTION 1608.A.11. SPECIAL EXCEPTION, General -- Use Unit 6, located 1116 E. Haskell Pl.

**Presentation:**

**Raymond Miller**, 1116 E. Haskell Pl., stated in 1995 he bought the property as an empty lot and moved a house onto the lot. He purchased two lots next door and obtained a tie-agreement.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a **Minor Special Exception** to allow a detached accessory building to be located on a lot other than the lot containing the principal use, with the understanding there be a tie-contract that is executed and filed of record, on the following described property:

Lots 19-22, Block 4, Frisco Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19100**

**Presentation:**

Mr. Dunham announced that one of the Board members would need to abstain from this case and they would not have a quorum to vote. He stated that the Board would continue the case to a future meeting.

**Interested Parties:**

An interested party asked if the case could be delayed until after June 26, 2001.

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **CONTINUE** Case No. 19100 to the meeting on July 10, 2001.

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**Case No. 19093**

**Action Requested:**

Variance of the allowable square footage for accessory building from 750 sq. ft. to 1,177 sq. ft. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL

DISTRICTS, Accessory Use Conditions -- Use Unit 6, located N of W. Apache St. & W of N. Denver.

**Presentation:**

**Scott Trizza**, 2626 N. Denver Ave., stated he proposes to build a 750 square foot accessory building, two-car garage on eight acres zoned RS-3. The hardship is the size of the lot. He stated that his neighbors do not object to the application.

**Interested Parties:**

**R.V. Anderson**, 2720 N. Cheyenne, stated that he has no objection to the application.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a **Variance** of the allowable square footage for accessory building from 750 sq. ft. to 1,177 sq. ft., with the condition that the property can never be subdivided, finding the hardship to be the size of the lot, on the following described property:

The W 700.76' of the S 660' of Gov Lot 8, Section 23, T-20-N, R-12-E of the IBM, City of Tulsa County, State of Oklahoma, less beg. at the SW/c of Gov Lot 8, thence N 207.21', E 208.92', SEly 249.87', E 250.46', S 180', to point on the S line of Gov Lot 8, W 706.75' to POB and less beg. NE/c, W 700.76', S 660', Gov Lot 8, thence S 30', W 100', N 30', E 100' to POB, Section 23, T-20-N, R-12-E.

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**Case No. 19094**

**Action Requested:**

Appeal of the decision of Neighborhood Inspector (5/2/01, 5/7/01) that vehicles stored on subject property were inoperable. SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL -- Use Unit 17, located 40 S. Garnett.

**Presentation:**

**Ollie Gresham**, 1141 E. 37<sup>th</sup>, stated he represented Bryan Holliday. Mr. Holliday owns the subject property. The Board approved auto sales, service, accessories, body shop in a CS district, limited to no outside storage of parts and inoperable vehicles. He received three notices for unlicensed vehicles, inoperable vehicles-junked or abandoned vehicles, and storage of inoperable vehicles. He asked for input regarding what is operable versus inoperable. He reminded the Board that he was given the approval to buy and sell cars and to store cars.

**Comments and Questions:**

Ms. Perkins noted a 1992 license plate on a photograph of one of the cars on the subject property. Mr. Gresham asked how the inspections official determined it was inoperable. Mr. Dunham responded that operable means it can be driven on

the street. Mr. Dunham explained that the intent is that the applicant will have current up to date vehicles for sale. Mr. Jackere stated to Mr. Gresham that he has alleged the notices were in error, and asked him if he had any evidence to offer that the cars are operable. Mr. Gresham replied that he did not have evidence at this time because the applicant has a right to keep cars there because of his license and the use that he has to buy and sell used cars. Mr. Jackere responded that was correct except that he cannot keep inoperable cars there.

**Interested Parties:**

**Roy Ballentine**, a Neighborhood Inspector, had submitted copies of zoning violation notices and photographs to the Board (Exhibit D-2) and stated they were taken on May 4, 2001. He added that there were prior notifications by Inspector Parnell on October 2, 2001, for similar violations. Vehicles cannot be driven on the street with expired tags, so they are considered inoperable. Some of the cars had flat tires. The owner has removed several vehicles, but there were still numerous inoperable vehicles on the property yesterday.

**Comments and Questions:**

Mr. Jackere commented that the 1989 action did not prohibit inoperable vehicles, but the outside storage of inoperable vehicles. Then in 1994 the action prohibited the storage of inoperable vehicles.

**Interested Parties:**

**Dewayne Bohannon**, 10617 E. 1<sup>st</sup> St., President of the Wagonwheel Neighborhood Association, submitted photographs (Exhibit D-1) to the Board. He quoted the Board Action from Case No. 16778, the Board approved "storage of automobiles, campers, and recreational vehicles. He pointed out school buses and a farm tractor that do not fit the description of approved vehicles.

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **DENY** Appeal of the decision of Neighborhood Inspector (5/2/01, 5/7/01) that vehicles stored on subject property were inoperable, and **UPHOLD** the decision of the Neighborhood Inspector.

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**Case No. 19095**

**Action Requested:**

Variance of required floor area ratio of .5 to .67. SECTION 404.F.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; Variance of building setback of 25' from abutting properties zoned R on north and east boundaries to 10'. SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; and a Variance of landscape

requirements on north and east boundaries. SECTION 1002. LANDSCAPE REQUIREMENTS, located SW/c E. 9<sup>th</sup> St. & 91<sup>st</sup> E. Ave.

**Presentation:**

**Dick Holmes**, 948 S. 91<sup>st</sup> E. Ave., represented Eastwood Baptist Church. He stated they are in the process of building a new family life center, to include a gymnasium for the church and school, fellowship hall, and classrooms. He stated that they are land-locked and have run out of space.

**Comments and Questions:**

Mr. Dunham asked what the hardship would be. Mr. Holmes replied it was a lack of property. Mr. Dunham asked if the parking lots they lease from the City of Tulsa are long-term agreements. Mr. Holmes stated that they are long-term.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a **Variance** of required floor area ratio of .5 to .67; **Variance** of building setback of 25' from abutting properties zoned R on north and east boundaries to 10'; and a **Variance** of landscape requirements on north and east boundaries, per plan, finding the hardship to be the shape of the lot and finding the 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:

Block 20, less the S 15' thereof, of Clarland Acres, City of Tulsa, Tulsa County, State of Oklahoma.

\*.\*.\*.\*.\*.\*.\*.\*.

**Case No. 19096**

**Action Requested:**

Variance to the parking requirements and to allow meeting the required parking on a lot other than the lot with principal use. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS -- Use Unit 17 & 23; and a Variance of the hard surface, dust free parking to allow gravel parking. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located SW/c E. Latimer Pl. & N. Peoria.

**Presentation:**

**Chief Boyd**, 4998 E. 26<sup>th</sup> St., stated he was representing Cornerstone Assistant Ministries. He pointed out the buildings they propose to convert to storage areas for clothing and appliances for ministry and auto repair.

**Comments and Questions:**

Mr. Jackere asked why they could not pave the parking area. Mr. Boyd replied that the lots around are not paved, and this is an industrial area.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a **Variance** to the parking requirements and to allow meeting the required parking on a lot other than the lot with principal use; and a **Variance** of the hard surface, dust free parking to allow gravel parking, with condition that a tie-contract be obtained, executed and filed of record, finding it is an industrial area and there are many other gravel lots in the area, and 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:

Lots 1-5, 43 and 44, Bullette 2<sup>nd</sup> Addition and Lot 5, Bullette 3<sup>rd</sup> Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*.\*.\*.\*.\*.\*.\*.\*.

**Case No. 19097**

**Action Requested:**

Special Exception to permit church uses and accessory church uses in an IL district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS -- Use Unit 5, located 12330 E. 60<sup>th</sup> St.

**Presentation:**

**Joe Cook**, 2604 W. Kenosha, stated he represented Arrow Life Community Church. He stated the church proposes to hold Sunday services and weekend activities in the specified building in an IL district. He commented that the business is primarily a weekday operation so it would not make a hardship to the industrial park. The traffic flow would come from three different accesses, from 51<sup>st</sup> St. to 122<sup>nd</sup> E. Ave., from 55<sup>th</sup> Pl. and 129<sup>th</sup> E. Ave., and at 60<sup>th</sup> and 129<sup>th</sup> E. Ave. He pointed out that there are two other churches on 129<sup>th</sup> E. Ave., about 5600 block in this IL zoned Metro Park.

**Comments and Questions:**

Mr. Dunham noted that the application indicated 123 parking spaces would be required and the plan shows, 119. Rev. Cook responded that the owner of the property, Tri-Mac Corporation, informed him that the previous tenants paved the back portion of the lot, which joins the MK&T Railroad right-of-way, providing an additional 10-15 parking spaces. He added that they plan to have 2700 square feet of parking space, which would require 78 parking spaces, and the McElroy Group has offered all of their parking spaces. Rev. Cook also stated that the

broker for the Tri-Mac Corporation informed him that the property directly to the west adjacent to the subject property had been used previously for additional parking. Tri-Mac would be willing to negotiate that for the church if they needed additional parking.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a ***Special Exception*** to permit church uses and accessory church uses in an IL district, per plan submitted, 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 10, Block 1, Metro Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*.\*.\*.\*.\*.\*.\*.\*.

**Case No. 19098**

**Action Requested:**

Variance from the parking spaces requirement of 1 per 800 sq. ft. plus 1 per 4 stadium seats. SECTION 1201.D. USE UNIT 1. AREA-WIDE USES BY RIGHT, Off-Street Parking and Loading Requirements -- Use Unit 1; and a Variance in the maximum structure height in an RS-3 zoned area from 35' to 58' for the proposed multi-purpose building. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located Ute to Trenton & Woodrow Pl. to Young.

**Presentation:**

**Darin Ackerman**, 6111 E. 32<sup>nd</sup> Pl., stated he represented Booker T. Washington High School. He stated that the school system came before the Board previously with a different format. Since then they have had to make changes due to budget concerns. These plans are for a multi-purpose building with an additional 227 parking stalls to the north side for a total of 883 parking stalls. The proposed building would have a staggered roofline from 20' to 58'.

**Interested Parties:**

**Quantel Ferguson**, stated he represented Greater Union Baptist Church, 955 E. 36<sup>th</sup> St. N. He stated they are not opposed, just interested in the case. They have a parsonage at 1537 E. Virgin St., and want to understand what the applicant is requesting so they can determine how it would affect this property.



**Comments and Questions:**

Mr. Dunham informed Mr. Ferguson that their property is not a part of this application.

**Board Action:**

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a **Variance** from the parking spaces requirement of 1 per 800 sq. ft. plus 1 per 4 stadium seats to 875 parking spaces; and a **Variance** in the maximum structure height in an RS-3 zoned area from 35' to 58' for the proposed multi-purpose building, per plan submitted, 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 that is all of Blocks 1 and 2 of Carver Heights 2nd Addition; Lots 4 – 12, Block 1, and all of Blocks 2 - 5, Coots Addition; all of Block 1, Trenton Arms, a Re-subdivision of Lots 1 - 5 and 18 – 22, Block 6, Coots Addition, all of Blocks 1 and 2, Carver Heights 3rd Addition, and all that part of N. St. Louis Ave. lying Nly of the N right-of-way line of E. Woodrow Pl. and Sly of the S right-of-way line of E. Zion St., and all that part of N. Trenton Ave. lying Nly of the Sly line of Lot 7, Block 1, Trenton Arms and Sly of the Nly line of Lot 4, Block 2, Coots Addition, and all that part of E. Woodrow Pl. lying E of the Ely right-of-way line of N. St. Louis Ave. and W of the Ely line of said Coots Addition, and all that part of E. Young St. lying Ely of the Wly line of said Carver Heights 2<sup>nd</sup> Addition and Wly of the Ely line of said Coots Addition, and part of the E/2 SE/4 NW/4, said tract of land being described as follows: Beg. at a point that is the NW/c of Lot 1, Block 2, Carver Heights 2<sup>nd</sup> Addition; thence N 88°51'35" E along the Nly line of Blocks 1 and 2, Carver Heights 2<sup>nd</sup> Addition, and along the Nly line of Block 2 of Coots Addition for 466.43' to the NE/c of said Block 2, Coots Addition; thence S 00°10'49" E along the Ely line of said Block 2 for 151.52 feet to the NE/c of Lot 4 in Block 2; thence N 88°51'35" E for 190.03' to the NE/c of Lot 4, Block 1, Coots Addition; thence S 00°10'49" E along the Ely line of Coots Addition for 479.14' to the NW/c of the E/2 SE/4 NW/4 of said Section 30; thence N 89°04'16" E along the Nly line of E/2 SE/4 NW/4 for 661.59' to the NE/c or the E/2 SE/4 NW/4; thence S 00°26'43" E along the Ely line of the E/2 SE/4 NW/4 for 1,280.48' to a point that is 40.00' Nly of the SE/c of the E/2 SE/4 NW/4; thence S 88°46'28" W parallel to and 40.00 feet Nly of the Sly line of the E/2 SE/4 NW/4 and along the Sly line of Block 5, Coots Addition for 800.17' to the SW/c of Block 5, Coots Addition; thence N 00°30'41" W along the Wly line of said Block 5 for 305.02' to the SW/c of Lot 5, Block 5, Coots Addition; thence S 88°46'28" W along the Sly line of Block 1, Trenton Arms for 330.04' to the SW/c of Lot 6, Block 1; thence N 00°30'41" W along the Wly line of Block 1 for 315.02' to the SW/c of Lot 12, Block 1, Carver Heights 3<sup>rd</sup> Addition; thence S 88°46'28" W along the Sly line of Lot 12, Block 2, Carver Heights 3<sup>rd</sup> Addition for 189.09' to the SW/c of said Lot 12; thence N 00°09'34" W along the Wly line of Carver Heights 3<sup>rd</sup> Addition for 638.90' to the NW/c of Lot 1, Block 2, Carver Heights 3<sup>rd</sup> Addition; thence N 00°06'55" E for 55.02' to the SW/c of Lot 12, Block 2, Carver Heights 2<sup>nd</sup> Addition; thence N 00°20'19" W

along the Wly line of Carver Heights 2<sup>nd</sup> Addition for 601.60' to the POB of said tract of land, all in Section 30, T-20-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

\*.\*.\*.\*.\*.\*.\*.\*.\*.\*.

#### **Case No. 19101**

##### **Action Requested:**

Special Exception to construct an 80' monopole cellular transmission tower on property zoned AG. SECTION 1204.C.3. & 5. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions and SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS -- Use Unit 4, located S of SE/c of E. 91<sup>st</sup> St. & Mingo Rd.

##### **Presentation:**

**Kevin Coutant**, submitted a packet of exhibits (Exhibit H-1) for an 80' galvanized steel monopole cellular transmission tower on property zoned AG. The proposed site is located 1,000' from the nearest house on the west; 2,000' from the nearest R district to the southeast, zoned RM-O (use: expressway); and no existing towers near the site. To the north is a medical complex zoned Corridor. To the east is an interdispersal loop zoned Corridor. To the south and west is undeveloped land zoned AG. The topography is flat with some trees. It is designed to accommodate three slim-line antennas and engineered to collocate two more similar facilities. The utility building would be 12' X 20', prefabricated with an aggregate rock exterior. There would be a 20' access easement running northwest from the site to 91<sup>st</sup> St. The tower is needed to provide cellular service in an area where there is inadequate service available and to offload capacity from the Woodland Hills site. The tract size is approximately 35' X 30', and the likely development is unknown. The landscaping will be provided as required.

##### **Interested Parties:**

There were no interested parties present who wished to speak.

##### **Board Action:**

On **MOTION** of **Perkins**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to **APPROVE** a **Special Exception** to construct an 80' monopole cellular transmission tower on property zoned AG, per plan submitted, finding all twelve factors have been addressed, and 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:

E 302' of the N 330' of Gov Lot 1, Section 19, T-18-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma.

\*.\*.\*.\*.\*.\*.\*.\*.\*.\*.

**Case No. 19035**

**Action Requested:**

Special Exception to permit an outdoor flea market in a CG district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 2; and a Variance to permit parking on a lot other than the one containing the principal use. SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS, located 2626 W. Skelly Dr.

**Presentation:**

**Rick Vanderpool**, 8429 Meadowside Lane, stated that the subject property is next door to his business. He proposes to put a flea market on the property. He stated that the days and hours of operation would be 9:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 3:00 p.m. on Saturdays, and 9:00 a.m. to 2 or 3:00 p.m. on Sundays.

**Comments and Questions:**

Ms. Turnbo asked how many vendors he would have. He replied there would be 50-55 vendors. Mr. Dunham asked if the parking lot has an all-weather surface. Mr. Vanderpool responded in the affirmative. He added that the vendors would park by their tents and the parking lot is for the customers.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo “aye”, no “nays”, no “abstentions”, White, Cooper “absent”) to **APPROVE** a ***Special Exception*** to permit an outdoor flea market in a CG district; and a ***Variance*** to permit parking on a lot other than the one containing the principal use, with the conditions that days and hours of operation be 9:00 a.m. to 3:00 p.m. Saturdays and Sundays, and business limited to the area north of the creek, 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:

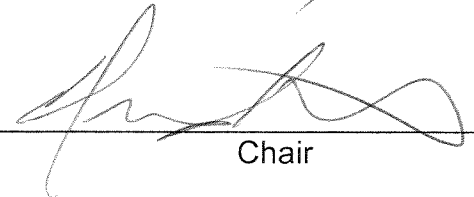
All of the West Skelly Drive Industrial Complex, less and except the following described tract, to-wit: part of the NE/4 NW/4 of Section 34, T-19-N, R-12-E, Beg. at a point that is the SE/c of said Lot 1; thence N 0°01'45" W along the most Ely line of Lot 1 for 759.47' to a corner of Lot 1; thence N 89°45'26" W along a Nly line of Lot 1 for 100.00' to a corner of Lot 1; thence N 0°01'45" W along an Ely line of Lot 1 for 77.00' to a corner of Lot 1; thence N 89°45'26" W along the most Nly line of Lot 1 for 117.74'; thence S 0°02'20" E for 837.10' to a point on the most Sly line of Lot 1; thence S 89°55'33" E along said Sly line for 217.60' to the POB AND A tract of land that is a part of Lot 1, Block 1, West Skelly Drive Industrial Complex, more particularly described as follows, to-wit: Beg. at a point that is the SE/c of said Lot 1;

thence N 0°01'45" W along the most Ely line of Lot 1 for 759.47' to a corner of Lot 1; thence N 89°45'26" W along a Nly line of Lot 1 for 100.00' to a corner of Lot 1; thence N 0°01'45" W along an Ely line of Lot 1 for 77.00' to a corner of Lot 1; thence N 89°45'26" W along the most Nly line of Lot 1 for 117.74'; thence S 0°02'20" E for 837.10' to a point on the most Sly line of Lot 1; thence S 89°55'33" E along said Sly line for 217.60' to the POB, all in the City of Tulsa, Tulsa County, State of Oklahoma, and being located in a CG/IL/RS-3.

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There being no further business, the meeting was adjourned at 4:25 p.m.

Date approved: July 10, 2001

  
Chair