

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 823
Tuesday, July 24, 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,	Jackere, Boulden,
Cooper		Butler	Legal
White, Chair			Parnell,
Turnbo			Zoning Official

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Friday, July 20, 2001, at 8:20 a.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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Case No. 19102

Action Requested:

Mr. Beach stated that the applicant requested to withdraw Case No. 19102.

Board Action:

No action needed.

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 June 26, 2001 (No. 821).

UNFINISHED BUSINESS

Case No. 16611

Action Requested:

Special Exception to reduce the required number of parking spaces in accordance with the previous approval granted on a temporary basis in March 1994 and subject to the same development standards.

Presentation:

T. Michael Smith, 3415 S. Peoria, stated in 1994 a special exception was approved for shared parking and was to be revisited in six months. He added that for some reason it did not go before the Board again.

Comments and Questions:

Mr. White asked if the conditions of the first Board Action are being honored. Mr. Smith replied that the conditions are being honored. Mr. Smith submitted a letter from Neighborhood Inspections (Exhibit A-1) stating there have been no complaints.

Interested Parties:

Craig Abrahamson, 3314 E. 51st Ste. 200A, stated he is the general counsel for the Sandetin Companies. He stated that the applicant is in compliance with all of the previous conditions. The hours of operation do not conflict and both tenants have complied with the conditions regarding the shared parking.

Nancy Apgar, 3914 S. Norfolk, stated that the Brookside Neighborhood Association is in support of the application.

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 reduce the required number of parking spaces in accordance with the previous approval granted on a temporary basis in March 1994 and subject to the same development standards, subject to the conditions of March 22, 1994: a maximum occupancy of 150, with no age restriction; the business being operated as a family recreation center; recreational games per layout furnished 3/22/94; the bar area being limited to 100 square feet, with beer and alcohol being accessory to the primary use; interior beer signs being limited to 2 signs, with no beer signs being installed on the exterior walls; no live music or cover charge; renovations being per rendering submitted; days and hours of operation being week days (Sunday through Thursday), 10:00 a.m. to 12 midnight, and weekends (Friday and Saturday) from 10:00 a.m. to 2:00 a.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:

E 95' of Lots 1 and 2, and the N 50' of the W 70' of Lot 6 2, Block 2, Oliver's Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19090

Action Requested:

Variance of the 200' setback requirement to allow for a 672 sq. ft. outdoor advertising sign to be located within 50' of an RS district. SECTION 1221.F. USE

UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs -- Use Unit 5, 14, 15, & 21; a Variance of the aggregate display surface area per lineal foot of street frontage requirement to allow a 672 sq. ft. sign to be located on the subject property which includes 132' of freeway corridor frontage and 100' of street frontage in a CH zoned area. SECTION 1221.E. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CG, CH, CBD, IL, IM, and IH Use Conditions for Business Signs; Variance of the 10 feet setback requirement for outdoor advertising signs from a freeway right-of-way. SECTION 1221.F.5. Use Conditions for Outdoor Advertising Signs, located 1312 S. Peoria.

Presentation:

Rick Ford, Reunion Center, 9 E. 4th St., Ste. 1000, stated he was representing the applicant. He submitted a packet of exhibits (Exhibit B-1). He informed the Board they simply want to replace a 23-year-old sign with a new one of the same size and height. He spoke with the president of the neighborhood association and they are in support as long as it remains the size, and type as the old one.

Comments and Questions:

Mr. White confirmed that it was the same location also.

Interested Parties:

Don Rose, 1319 S. Peoria spoke for Mr. Sylvan, expressing concern that it would block visibility. Mr. White explained to him there would be no change from the existing sign and Mr. Rose withdrew objection.

Mr. White stated the Board received two letters of opposition, and both letters were from the interested parties that withdrew their objections.

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 200' setback requirement to allow for a 672 sq. ft. outdoor advertising sign to be located within 50' of an RS district; a **Variance** of the aggregate display surface area per lineal foot of street frontage requirement to allow a 672 sq. ft. sign to be located on the subject property which includes 132' of freeway corridor frontage and 100' of street frontage in a CH zoned area; and a **Variance** of the 10 feet setback requirement for outdoor advertising signs from a freeway right-of-way, finding the sign is exactly the same size and height as the existing sign and at the same location, on the following described property:

Lots 3 and 4, Block 1, Broadmoor Addition, less and except a tract described as beginning at the SE/c of Lot 4, thence W along the S line of Lot 4 for 17.40', thence N 01°46'29" E for 100.14' to a point in the N line of Lot 3, thence E along said N line for 12.36' to the NE/c of Lot 3, thence S along the E line of Lots 3 and 4 for 100' to the POB, amended plat of Blocks 1, 2, 3, 6, 7, 8, 17, 18 and 19 of

Broadmoor Addition, and that part of Lot 7, Block 1, Broadmoor Addition, described as beginning at the NW/c of Lot 7, thence S along the W line of Lot 7 for 25', thence S 81°46'24" E for 152.06' to the SE/c of Lot 7, thence N along the E line of Lot 7 for 50' to the NE/c of Lot 7, thence W along the N line of Lot 7 for 150' to the POB, amended plat of Blocks 1, 2, 3, 6, 7, 8, 17, 18 and 19 of Broadmoor Addition, all in the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19105

Action Requested:

Variance of required all-weather surface for vehicles being parked or stored. SECTION 222. MOTORIZED VEHICLES and SECTION 1402.D. & E. NONCONFORMING USE OF BUILDINGS, OR BUILDINGS AND LAND IN COMBINATION -- Use Unit 17 and 23; and an Appeal of neighborhood inspector's determination that non-conforming use of buildings or land has ceased for 36 consecutive months, located 17317 E. 14th St.

Presentation:

John Moody, 7146 S. Canton, stated he represented Carl Edmundson, the owner of the subject property. Mr. Moody affirmed that the business on the property is a non-conforming use as decided by the Board on May 18, 1972. He withdrew the request for a variance to the parking requirement for an all-weather surface. He stated that this application is regarding Lot 8 only. He added they are not asking to expand the non-conforming use. The only reason for the application is that Neighborhood Inspections stated that the non-conforming use ceased for 36 consecutive months. He stated that the business has been in operation since 1953 and has never ceased to be in operation for any period of time. He submitted exhibits (Exhibit C-1) including letters of support.

Comments and Questions:

Mr. Moody responded that whether in or out of the building, autos have been repaired there. Mr. White noted that some of the photographs submitted to the Board show an apparent salvage situation, which changes the use unit. Mr. Moody replied that in each of the operations there has been storage of automobiles and use of their parts to repair classic cars. Mr. Jackere questioned the storage of an excessive number of car parts. He commented that it was obvious what would initiate the inspections notice. Mr. Moody responded that he has observed the parts and advised his client that such storage is not appropriate and would not be a part of this application. Ms. Turnbo noted that he could not drive a car into the building because the door would not stay open properly.

Carl Edmundson, 17317 E. 14th St., stated he that he has repaired cars on the premises continuously every year since his father lived there. He stated that he has pulled a car into the building for repair when Candy Parnell and Bill Winston were there.

Interested Parties:

Gary Smith, 1916 W. Kenosha, Broken Arrow, stated that Mr. Edmundson has worked on his family cars since the mid 1970's. He referred to a tool truck in some of the photographs. He informed the Board that Neighborhood Inspections towed off a new generator that Mr. Edmundson had purchased and stored on the property for this truck. Mr. Smith stated when he inquired about the generator, he was informed that the generator had been taken to the dump and was already buried. He added that they also removed another truck of his that was stored on the subject property for repair.

Keith Gable, Rt. 2 Box 513, **Bill Eagle**, 3032 S. 101st E. Ave., **Chris Edmundson**, 17317 E. 14th St., each stated the same affirmation that Mr. Edmundson has done auto repairs on the subject property since the 1970's.

David Gurthet, with Neighborhood Inspections, quoted the Zoning Code description of a junk/salvage yard. He indicated that the Board addressed Lot 8 only for a non-conforming use; and asked that Lots 1, 2 and 7 not be considered a non-conforming use. He noted that the applicant expanded the non-conforming use to Lot 7. The building used for auto repair has not been used since 1989. He stated use has changed auto repair and vehicle storage to a junk and salvage recycle facility. Photos, letters and affidavits (Exhibit C-2) were submitted to the Board.

Comments and Questions:

Mr. Dunham noted the discrepancy in the supporting and opposing parties. Mr. Dunham asked for proof that the business had ceased operations.

Interested Parties:

Joyce Balente, 13217 E. 46th St., stated that the father's original intent in 1972 was to help her brother, Carl Edmundson to do auto repair when he returned from Viet Nam. His intention was that there be no more than two cars stored at one time. She stated that her brother did not comply and it caused numerous confrontations until the family was compelled to move her parents from the property to get them away from the situation her brother had created.

Tommy Turner, 1213 S. 17th E. Ave., stated she and her husband have lived there since 1964. In 1987 they did not observe any work being done in the building in question. She also noted that for two years a pick-up truck was parked across the driveway to the building, near the street, preventing access to the building. She noted for three years or more that autos were brought in at night, increasing the number of cars stored there.

Ron Gratiff, 1402, 1410, and 1426 S. 173rd E. Ave., has lived there since 1996. He has noted auto repairs being done on the subject property, many times late at

night, in front of the property. He stated he has not observed use of the property on 173rd for auto repairs in five years.

Tricia Beach, 1204 S. 173rd E. Ave., has lived there since 1994. She stated that Mr. Edmundson used to work on cars for her, but he has not been there more than to drive up the street since 1995 or 1996. She has even taken clients to refer to him for business and no one is ever there.

Applicant's Rebuttal:

Mr. Moody stated that Mr. Edmundson has had to be away from the property, but there is no requirement that anyone live there. He submitted the tax receipts (Exhibit C-3) for the subject property. He asked that statements by Mr. Gurthet be stricken that were not based on his own personal knowledge about the use of the building 1989. He stated they are only asking to store autos that are to be repaired, and to repair autos. The applicant would volunteer to build a screening fence around the entire rear of the property.

Mr. Edmundson stated that he brought cars in at night to work on them rather than in the heat of the day, and the limo service has night business, so he is on call.

Board discussion ensued.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **Uphold** the Appeal of neighborhood inspector's determination that non-conforming use of buildings or land has ceased for 36 consecutive months, finding that there has been evidence the business has continued to operate since 1972, and the Board has not heard concrete evidence it has not been operating, on the following described property:

Lots 1, 2, 7, 8, Block 7, Lynn Lane Estates, Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19107

Action Requested:

Special Exception use to allow a paint ball facility – Use Unit 20 Intensive Outdoor Recreation Facility in an AG zoned district. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -- Use Unit 20; and a Variance of parking requirement from one space per 800 sq. ft. site area to 0 spaces. SECTION 1220.D. USE UNIT 20 – COMMERCIAL RECREATION: INTENSIVE; Off-Street Parking and Loading Requirements, located SW/c SH-266 & N. 145th E. Ave.

Presentation:

The applicant was not present. R.H. Harbaugh, 2843 E. 39th St., manager of Green Hill Properties, LLC, a neighbor to the subject property. He stated that the Rogers County Board of Adjustment denied the similar application last week. He submitted a letter (Exhibit D-1) from Rogers County to this Board.

Comments and Questions:

Mr. Beach stated that this Board was waiting to hear the Rogers County Board decision.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Cooper, Perkins "absent") to **DENY** Case No. 19107 without prejudice, finding that the Rogers County Board of Adjustment has denied the application for a paint ball field, and the applicant failed to appear for this hearing.

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NEW APPLICATIONS

Case No. 19127

Action Requested:

Special Exception to allow a private lodge/club on an OL and CS zoned property. SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS and SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 2, located 2808 S. Sheridan.

Presentation:

Warren Werling, 2808 S. Sheridan, stated he represented the AKDAR Association. He stated that they are a fraternal organization and will abide by all zoning laws. They have a membership and provide services to the public. He stated the facility would not be a bar or eating establishment, but a place for the organization offices and activities.

Comments and Questions:

Ms. Turnbo asked for the hours of business and activities. Mr. Werling replied 8:30 a.m. to 5:00 p.m., Monday through Friday for business and activities such as dinner and dancing in evenings to 11:00 p.m. and as late as 1:30 a.m. He stated that they might want to use an outside patio on a lower level that cannot be seen from the street level. Mr. White asked if they used outside speakers for music. Mr. Werling stated they have used outside speakers but would refrain from using them like they have in the past. Mr. Dunham asked about the vacant lot on the north

side of the property. Mr. Werling stated that they have considered buying the vacant lot, and they would build a garage to park their vans. Mr. Dunham asked what goes on during business hours. Mr. Werling replied that they have one person who schedules van transportation for patients. Mr. White asked about renting out space to other organizations. Mr. Werling stated they might rent out the assembly areas on the upper and lower levels for special activities.

Interested Parties:

John Clark, 2819 S. Maplewood, stated he was in support of the Shriners moving into this facility. He did state concern regarding increased traffic since there is not access from Sheridan Rd. for the parking lot on 28th.

Mr. Cooper arrived at 2:37.

Kimberly Jobe, 2823 S. Maplewood, expressed concern regarding the empty lot and liquor consumption. She was in favor of the Shriners having the facility.

Applicant's Rebuttal:

Mr. Werling responded that they would construct access from 28th St. for the vacant lot. He assured the Board that any use of alcoholic beverages would not be around children.

Comments and Questions:

Mr. Jackere cautioned Mr. Werling that a Use Unit 2 lodge/club is to be operated as a service to the members rather than a business, and he should seek legal counsel regarding renting space.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Special Exception** to allow a private lodge/club on an OL and CS zoned property, with condition that chief activity is service not a business, music played on outside speakers be turned off at 10:00 p.m., the north lot limited to parking only, with provision to construct a four-car garage for the vans, 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 tract of land situated in the SE/4 SE/4 of Section 15, T-19-N, R-13-E, more particularly described as follows, to-wit: Beg. 170' S and 50' W NE/c SE/4 SE/4 of Section 15, T-19-N, R-13-E, thence S 0°12'52" W a distance of 175' to a point; thence due W a distance of 140' to a point; thence S 0°12'52" W a distance of 125' to a point; thence due W a distance of 71.67' to a point; thence Wly along a curve to the left with a radius of 230' for a distance of 69.42' to a point; thence N 0°12'52" E a distance of 310.17' to a point; thence N 89°57'09" E a distance of 280' to the POB; AND a portion of the SE/4 SE/4 of Section 15, T-19-N, R-13-E, being more

particularly described as follows: Beg. at a point 50' W and 345' S NE/c SE/4 SE/4 of Section 15, T-19-N, R-13-E; thence continuing S and 50' equidistance from the E line of said Section 15 a distance of 125' to a point; thence due W a distance of 140' to a point; thence N and parallel to the E line of said Section 15, a distance of 125' to a point; thence due E a distance of 140' to the POB, all within City of Tulsa, Tulsa County, Oklahoma.

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Case No. 19129

Action Requested:

Variance to allow a bar within 300' of a church. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 12a; and a Special Exception for a bar to be within 150' of a residential zoned district. SECTION 1212a.C.3. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions, location 1707 S. Sheridan.

Presentation:

John Brightmire, 320 S. Boston, stated he was representing the applicant. He submitted a packet of exhibits (Exhibit E-1) to the Board. The Silver Star Saloon has been operated since 1992. They seek to add 40' of vacant space in the building to the existing bar on the south side. There will not be an additional sound system. There would be one additional emergency exit. The controls for the sprinkler system are in the vacant space. That space is not heated and last winter the pipes froze, caused a water break and the business and church flooded. He pointed out the letter in the exhibit packet from the church stating they have no objection to the application. The exits would be the same so it would not be any closer to the residential district. The occupancy permit would be increased; so fewer customers would have to stand outside.

Comments and Questions:

Mr. Cooper asked which was there first the bar or the church. Mr. Brightmire replied that the bar was there first.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Cooper**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** to allow a bar within 300' of a church, finding that the church is in support and the bar existed first; and a **Special Exception** for a bar to be within 150' of a residential zoned district, finding that the parking does not encroach on the neighborhood and it is a previously existing condition, on the following described property:

Tract 1: Lot 3, Block 1, 21st and Sheridan Center 4th Addition; and Tract 2: All that part of the NE/4 NE/4 SE/4 of Section 10, T-19-N, R-13-E of the IBM, more particularly described as follows, to-wit: Beg. at a point in the S boundary of said NE/4 NE/4 SE/4, 50' from the SE/c thereof; thence S 89°58'02" W along the S boundary of said NE/4 NE/4 SE/4 a distance of 281.86'; thence N parallel with the E boundary of said NE/4 NE/4 SE/4 a distance of 152.62'; thence N 89°58'2" E parallel with the S boundary of said NE/4 NE/4 SE/4 a distance of 281.86' to a point 50' from the E boundary of said NE/4 NE/4 SE/4; thence S 0°27'15" W a distance of 152.62' to the POB, less and except a part of the NE/4 NE/4 SE/4 of Section 10, T-19-N, R-13-E, more particularly described as follows, to-wit: Beg. at a point in the S boundary of said NE/4 NE/4 SE/4, 50' from the SE/c thereof; thence S 89°58'02" W along the S boundary of said NE/4 NE/4 SE/4 a distance of 281.86'; thence N 0°27'15" E and parallel with the E boundary of said NE/4 NE/4 SE/4 a distance of 152.62'; thence N 89°58'02" E parallel with the S boundary of said NE/4 NE/4 SE/4 a distance of 136.00' to a point; thence S 0°27'15" W a distance of 80.00' to a point; thence S 89°58'02" W a distance of 68.00' to a point; thence S 0°27'15" W a distance of 40.00' to a point; thence N 89°58'02" E a distance of 68.00' to a point; thence S 0°27'15" W a distance of 22.62' to a point, said point being 10' N of the S line of the NE/4 NE/4 SE/4; thence N 89°58'02" E a distance of 110.86' to a point; thence N 77°07'00" E a distance of 35.97' to a point, said point being 50' W of the E line of Section 10; thence S 0°27'15" W a distance of 18.00' to the POB; and Tract 3: Lots 1 and 2, Block 1, 21st and Sheridan Center 4th Addition, a Re-subdivision of Part of the 21st and Sheridan Center Addition; and Lot 1, Block 1, 21st and Sheridan Center 6th Addition, all within City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19130

Action Requested:

Special Exception to permit church and accessory church uses in an RM-2 district.
SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS –
Use Unit 5, location 585 W. Fairview St.

Presentation:

Walter Benjamin, 2422 W. Oklahoma St., stated he was representing Dr. Maxine Bruner, the owner of the subject property. He stated that Dr. Bruner has extended the use of a portion of her residence to Dr. Grace Tucker for church services and accessory church uses. It would provide 90 seats and adequate parking space. The usual uses for this portion of the property are weddings, receptions and similar gatherings. This would be a temporary use until Dr. Tucker's facility is remodeled.

Comments and Questions:

Mr. Cooper asked what hours and days it would be used. Mr. Benjamin replied Sundays and Wednesdays for the usual church hours, and evenings from 7:00 p.m. to 10:00 p.m. He added that they would probably continue to use it for accessory church use after they return to their own facility. Mr. Jackere informed

Mr. Benjamin that accessory uses would not be permitted without the principal use, they would have to seek other relief.

Interested Parties:

Philip Elder, 506 W. Fairview, expressed concern regarding on-street parking in this area, which already has a parking problem. Since the church started using the property they have had problems with parking on the street where no parking signs are posted, sidewalks, and on the parkway. He submitted photographs (Exhibit F-1) to illustrate the parking problems. The services do not always end at 10:00 p.m., but children are running and playing as late as midnight on weeknights.

John Clinghagan, 650 N. Osage, stated he works for the Tulsa Housing Authority. He pointed out all of the renovation/construction in the neighborhood to improve the area. He agreed with Mr. Elder that parking is a concern and would be a major concern when the new apartments are finished.

Emily Warner, 1011 N. Cheyenne, the President of the Brady Heights Neighborhood Association gave a brief overview of a letter from the association (Exhibit F-2). She noted that Mother Tucker's church couldn't be separated from her ministries. There is a very high concentration of social services similar to this ministry in the area. This area is intended for residential and they ask the Board to deny any special exceptions.

David Danum, 606 N. Osage Dr., **Russell Burkhart**, 752 N. Denver, **Brenda Berry**, 568 N. Guthrie stated their opposition for the above reasons.

Applicant's Rebuttal:

Mr. Benjamin stated they are only requesting temporary church use, and they would be glad to oversee the parking for compliance.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **DENY** a **Special Exception** to permit church and accessory church uses in an RM-2 district, finding that it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare.

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Case No. 19132

Action Requested:

Variance of maximum height for a fence in the front yard from 4' to 6' along East 36th Street. SECTION 212.A. SCREENING WALL OR FENCE, Specifications -- Use Unit 6, located 3458 & 3460 S. Atlanta Pl.

Presentation:

Don Phillips, 3515 S. Lewis, stated he lives next door to the subject property. He consulted his attorney and the City of Tulsa regarding changing the address for a front yard on the north. He was told that would not be a problem. He noted that five blocks north of this property there are five houses facing the street with fences over five feet.

Comments and Questions:

Mr. White suggested Mr. Phillips read the staff comments. Mr. Beach commented that this is the same case as the one on the agenda in May, and was denied without prejudice.

Interested Parties:

Bonnie Henke, 3449 S. Atlanta Pl., stated she also owns the residence next door at 3455 S. Atlanta Pl. She expressed concern for advertisements for lots in a private gated community on 36th St. for two addresses that had not previously existed. She objected to the wall that height and setback requirements in the zoning code.

Comments and Questions:

Mr. Cooper asked if they want the access to be from 36th Pl., and are they against the fence. She replied they would like for the access to be from 36th Pl.; and they would prefer a fence in compliance with the code rather than the wall.

Bob Boswell, 3404 S. Atlanta Pl., stated he agrees with Ms. Henke's objections.

Frank Henke, 3449 S. Atlanta Pl., stated there is no hardship, the wall violates height restrictions, and is in the public right-of-way.

Mary Anna Vestly, 3437 S. Atlanta Pl., stated her opposition for the reasons stated above.

Applicant's Rebuttal:

Mr. Philips stated they have only received one citation. He also stated that he trusted the survey company figured appropriately for the setbacks. He explained that the wall is for security and a noise buffer.

Comments and Questions:

Mr. Cooper asked about a hardship for this variance. Mr. Philips did not have a hardship to offer.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **DENY** a **Variance** of maximum height for a fence in the front yard from 4' to 6' along East 36th Street, finding a lack of hardship.

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Case No. 19133

Action Requested:

Special Exception to allow a church and related church uses in an RS-1 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 5, located SW/c E. 41st St. & S. Atlanta Pl.

Presentation:

Louis Levy, 5314 S. Yale, stated he was representing St. Johns Episcopal Church. The church owns the subject property and they propose to renovate their building and re-configure parking. This property has had a non-conforming use.

Comments and Questions:

Mr. Jackere asked about the height of the elevator tower. Mr. Levy assured him it would not extend above the roofline. Ms. Turnbo inquired about the landscaping. Mr. Levy replied they are proposing new landscaping. Ms. Turnbo also noted that some of the parking appears to be in the street right-of-way. City of Tulsa Zoning Notice (Exhibit H-1) is on file regarding setbacks. Mr. Dunham explained to Mr. Levy that the site plan would have to comply with the zoning code for parking and landscaping.

Interested Parties:

There were no interested parties present who wished to speak. Mr. White acknowledged a letter of opposition (Exhibit H-2) submitted to the Board.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a ***Special Exception*** to allow a church and related church uses in an RS-1 zoned district, not 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:

W/2 NE/4 NW/4 NW/4, Section 29, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

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Mr. White stated he would abstain from Case No. 19134.

Case No. 19134

Action Requested:

Variance of the required 30' frontage on a public street or right-of-way to 0' to allow construction of new dwelling on a private street. SECTION 206. STREET

FRONTAGE REQUIRED -- Use Unit 6, located S of SE/c W. 73rd St. S. & 33rd W. Ave.

Presentation:

Don Kirberger, 7326 E. 61st Pl., stated he was seeking a variance in accordance with the previous variance approved for the other lots in the area.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Cooper**, the Board voted 3-0-1 (Dunham, Turnbo, Cooper "aye"; no "nays"; White "abstained"; Perkins "absent") to **APPROVE** a **Variance** of the required 30' frontage on a public street or right-of-way to 0' to allow construction of new dwelling on a private street, finding that all of the lots are five acres or greater, the Board has approved the same variance in the past, and 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 tract of land in the S/2 NW/4 of Section 10, T-18-N, R-12-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, and being more particularly described as follows to-wit: Commencing at the SW/c of said S/2 NW/4; thence due N along the W line of said S/2 NW/4, a distance of 594.12'; thence due E, perpendicular to the W line of said S/2 NW/4, a distance of 391.56' to a point of curvature; thence on a curve to the left having a radius of 300.00' and a central angle of 55°04'27", for an arc distance of 288.37' to a point of reverse curvature; thence NEly, Ely and SEly along a curve to the right having a radius of 195.00' and a central angle of 130°48'25", for an arc distance of 445.19' to a point of reverse curvature; thence SEly along a curve to the left having a radius of 520.00' and a central angle of 39°21'26", for an arc distance of 357.19' to a point of compound curvature; thence SEly along a curve to the left having a radius of 275.00' and a central angle of 21°02'51", for an arc distance of 101.02' to the POB; thence continuing SEly, Ely, and NEly along a curve to the left having a radius of 275.00 and a central angle of 56°21'55", for an arc distance of 270.53' to a point of reverse curvature; thence NEly along a curve to the right having a radius of 485.00' and a central angle of 30°11'16", for a distance of 255.53'; thence S 10°50'58" E, a distance of 491.30' to a point on the S line of said S/2 NW/4, said point being 796.34' W of the SE/c thereof; thence S 89°40'56" W, along the S line of said S/2 NW/4, a distance of 660.00'; thence N 15°19'41" E, a distance of 329.61' to the POB.

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Case No. 19135

Action Requested:

Variance of structure setback (sign) from centerline of East 31st Street from the required 50' to 40'. SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS -- Use Unit 11, located 3227 E. 31st St.

Presentation:

Sandra Joseph, 2005 N. Willow, Broken Arrow, the applicant, introduced Mr. Dillon. **Jerry Dillon**, 1252 Hazel Blvd., stated they are in the business of finding families for abandoned/orphaned children in third world countries. Their business has grown and they have moved to the subject property. He submitted photographs (Exhibit I-1) of street frontage. They propose a new sign that would be more visible to the street. He submitted contact directories (Exhibit I-3) showing the drop in contacts. He believes the decrease is due to poor visibility of their signage.

Interested Parties:

George Brewer, 2879 S. Gary Ave., stated his property backs up to the subject property. He expressed concern for high traffic and increased speed of the traffic. He submitted photographs (Exhibit I-2) and believes that there is shrubbery would hide any sign they put up.

Applicant's Rebuttal:

Mr. Dillon reviewed his own photographs again noting there is no landscaping on his property that would obstruct the view of a sign at the 40' setback, where he would like to place a sign.

Comments and Questions:

Mr. White questioned if a ground sign at that point would block the visibility for drivers pulling out of the driveway on the east.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** of structure setback (sign) from centerline of East 31st Street from the required 50' to 40', finding the hardship to be the visibility on 31st Street; the fact that other variances have been granted in the neighborhood; and on condition for only one sign for the building, a removal contract, on the following described property:

The W 124' of the E 540' of the S 320', less the S 40' SE/4 SE/4 SE/4 of Section 17, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19136

Action Requested:

Review and approval of previously approved site plan. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15, located SE/c E. Admiral Pl. & 89th E. Ave.

Presentation:

David Hendricks, 8904 E. Admiral Pl., came to present his case. A site plan (Exhibit J-2) was submitted.

Interested Parties:

There were no interested parties present who wished to speak. One letter of opposition was sent to the Board (Exhibit J-1).

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** an addition to this previously approved site plan, having reviewed the 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:

N 236.30' of Lot 1, Block 5, Day Suburban Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19137

Action Requested:

Variance of required front yard from 50' to 40' from centerline to permit an addition to an existing building. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 2720 W. 48th St.

Presentation:

David Simmons, for Tulsa Public Schools, submitted plans (Exhibit K-1) for the case.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** of required front yard from 50' to 40' from centerline to permit an addition to an existing building, per plan submitted, finding it is in line with the existing building, and 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 Block 1, Oak-Grove Addition to Carbondale, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19138

Action Requested:

Variance for sign height from maximum 40' to 60' for a La Quinta Motel. SECTION 1221.E. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CG, CH, CBD, IL, IM, and IH Use Conditions for Business Signs -- Use Unit 19, located 12525 E. 52nd St.

Presentation:

Mike Moydell, 1221 W. 3rd, for La Quinta Motel, proposes to increase the height of their pole sign because of the new Super Motel 8 sign. He stated that the hardship is the elevation of the expressway.

Comments and Questions:

Mr. White asked if this sign would be placed in the same location as the existing sign. Mr. Moydell replied as close as possible to the same location.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** for sign height from maximum 40' to 60' for a La Quinta Motel, with condition to place in same location, finding the hardship to be the elevation of the expressway, and the additional elevation needed for reasonable exposure, 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:

All that part of Lot 2, Block 1, Business Commons at Metro Park, a Resubdivision of Part of Lot 1, Block 4, Metro Park, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beg. at a point in the N boundary of said Lot 2 a distance of 418.40' from the NW/c thereof; thence S 89°49'03" E along the N boundary of said Lot 2 a distance of 20.50'; thence S 58°52'03" E along the NEly boundary of said Lot 2 a distance of 416.00'; thence S 31°07'57" W a distance of 380.00' to a point in the SWly boundary of said Lot 2; thence N 58°52'03" W along the SWly boundary of said Lot 2 a distance of 240.00'; thence N 31°07'57" E a distance of 18.96'; thence along a curve to the left having a

radius of 100.00' a distance of 54.02'; thence N 00°10'57" E a distance of 348.72' to the POB.

..*.*.*.*.*.*.

Case No. 19139

Action Requested:

Appeal of the Administrative Official's decision that use is classified as Use Unit 25, located 9130 E. 11th St.

Presentation:

Greg Cole, 9 E. 4th St. Ste. 1000, stated he represented David Spry and Ace Towing Service. He is appealing the administrative official's decision that his business is a Use Unit 25. The previous case was for a U-haul rental, auto sales and minor vehicle repair in a CS zoned district, which was denied. He failed to request relief for the wrecker/towing service to the first case, and went back to attempt an amendment. He stated that this service more accurately falls under a Use Unit 17, which deals with automotive and allied activities.

Comments and Questions:

Ms. Turnbo asked if vehicles are stored for more than 60 days. Mr. Cole replied they are not stowed longer than 60 days to his knowledge. Mr. Cooper asked if they sell auto parts. Mr. Cole responded they do not sell auto parts.

Interested Parties:

Al Nichols, 8525 E. 16th St., stated he represented the Mingo Valley Homeowners' Association. He reminded the Board that this business is located on the historical Route 66. He showed photographs on the overhead of cars parked on the property, and indicated they have been there for more than 60 days. He stated some of the cars had no engines. He considers it a junk yard. Mr. Beach asked when the pictures were taken. He replied they were taken five days ago.

James Mautino, 14628 E. 12th St., stated that many of the cars have definitely been on the property for more than 60 days.

Applicant's Rebuttal:

David Spry, 6811 E. 65th Pl., he responded that one car is being stored without an engine. He takes personal property impounds, which take a 45-day process. If the owner does not claim their vehicle it is sold.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **OVERTURN** the decision of the Administrative Official, that the use does not fall within a Use Unit 25, and is classified as a Use Unit 28, after reviewing the code and the applicant's testimony, on the following described property:

Beg. 50' S and 165' W of NE/c NW NE, thence S 280', W 165', N 280', E 165' to POB less beg. 15' S and 105' W NE/c, thereof, thence W 15.12', S 10', W 44.88', S 110.43', NE 134.54' to POB and less beg. NE/c thereof, thence S 15', W 120.12', S 10', W 44.88', N 25', E 165' to POB for street, Section 12, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19140

Action Requested:

Variance to permit outdoor advertising sign 45' from R district on north side of property. SECTION 1221.F.4.b. Use Conditions for Outdoor Advertising Signs, located NE/c U.S. 169 & E. Admiral Pl.

Presentation:

John Moody, 7136 S. Canton, for St. Marks Church, and Stokely Advertising, stated the church proposes to replace an existing sign. One side of the sign would be for the church the other side for outdoor advertising. The property is zoned CS and there are no residences within 300 feet.

Turnbo out at 5:06 p.m.

He stated they will have to place it five feet south of the existing sign due to the nature of the construction of the sign. It will be the same height of forty feet.

Turnbo returned at 5:08 p.m.

Interested Parties:

Wayne Bohanon, 10617 E. 1st St., stated he is President of the Wagonwheel Neighborhood Association. He stated they are in support of the application.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** to permit outdoor advertising sign 45' from R district on north side of property, finding there is no single family that would be adversely affected by this outdoor advertising sign, on the following described property:

Beg. at a point 50' N and 25' E of the SW/c of said Lot 4; thence N and parallel to the W line of said Lot 4, a distance of 390.50'; thence Ely and parallel with the S line of said Lot 4, a distance of 275' to a point in the E line of said Lot 4, said point being 440.50' N of the SE/c of said Lot 4; thence S and along the E line of said Lot 4, a distance of 390.50' to a point, said point being 50' N of the SE/c of said Lot 4; thence W and parallel to the S line of said Lot 4, a distance of 275' to the POB, AND All that part of Lot 5, Spring Grove Subdivision, more particularly described as follows: Beg. at a point in the W line of said Lot 5, said point being the SW/c of the highway

property line of said Lot 5; thence N along the W line of said Lot 5, a distance of 265' to a point; thence E and parallel to the S line of said Lot 5, a distance of 135' to a point; thence S and parallel to the W line of said Lot 5, a distance of 265' to a point in the highway property line of said Lot 5; thence W on and along the said highway property line of said Lot 5, a distance of 135' to the POB, all in the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19141

Action Requested:

Variance of 1200' spacing requirement to relocate outdoor advertising sign. SECTION 1221.F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs -- Use Unit 21 & 26, located N of NW/c W. 31st St. & SW Blvd.

Presentation:

John Moody, 7136 S. Canton, submitted a site plan. This is an existing non-conforming sign to be moved fifty feet to the south. The height will be the same.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** of 1200' spacing requirement to relocate outdoor advertising sign, finding this to be an existing sign that will be moved further away from the closest sign, on the following described property:

Beg. 35.5' W and 274.75' N of the SE/c SW/4 SW/4; thence W 268.34'; thence N 100.53'; thence E 277.77'; thence S 100' to the POB, Section 14, T-19-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 19142

Action Requested:

Variance of maximum allowable size of accessory building from the required 750 sq. ft. to 4,800 sq. ft. on a tract of 2.4 acres zoned RS-2. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions -- Use Unit 6; and a Special Exception for a home occupation (carpet cleaning and construction cleanup) to permit storage of business vans on trailers in an enclosed building in an RS-2 district. SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 206 S. 89th E. Ave

Presentation:

David Teeman, 2628 S. Urbana Ave., stated this building is enclosed for storage and a workshop. It is not for business, as they have a business facility. He added that it would not be an eyesore. The hardship is that he owns a large amount of personal property, including antique cars, children's toys, motorcycles, many of which are high theft items.

Comments and Questions:

Mr. Jackere stated that storage of business vans is a Use Unit 23, and is not a permitted home occupation.

Interested Parties:

Paul Morgan, 2601 E. 74th Pl., spoke for the current owners of this property, in support of the application. He felt it would enhance the neighborhood.

Sue Culbert, 8817 E. 2nd, stated she is opposed to the application and submitted graph showing zoning districts and a petition (Exhibits M-1 and M-2) with 148 signatures. She stated 2nd and 89th Streets are narrow, as well as 3rd and 4th Streets. She also pointed out that 89th St. is in bad condition. She added that she owns two other properties in the area and did not need relief for buildings. The neighbors feel this is a commercial business he is proposing.

Comments and Questions:

Mr. Dunham asked if she was opposing the building or a business. She stated her concern is a business.

Don Culbert, 8817 E. 2nd St., expressed concern regarding the height of the building and obstruction of view. He stated this request would change the zoning to commercial use, and lower the property value of the other residential property in the area. He stated there is no city sewer service and wondered if there would be bathroom facilities. He questioned if there would be outdoor signs.

Ann Graham, 8821 E. 2nd St., submitted photographs (Exhibit M-3) to the Board. She felt this was an attempt to get a zoning change without going through the correct channels. She considers this request to be inappropriate in an RS district.

Billy Cole, 249 S. 89th E. Ave., stated he is opposed and indicated it would decrease property value. He asked what the construction clean-up in a home occupation means.

Jackie Cloud, 731 S. 89th E. Ave., noted that the reasons stated by the applicant for the application are not the same as the reasons given in the application. She is opposed and stated it is inappropriate use for a neighborhood with narrow streets, such as 89th, which is used for a bike route and pedestrians.

Mr. Teeman stated that as a business owner, it makes no sense to have a business at this location. He plans to live there and wants to store his belongings there and work in his shop. Mr. White asked if the applicant was going to store personal things why did he ask for a home occupation. Mr. Teeman replied that when he built his home he wanted to have an office there. Mr. White asked if he intended to park his company vans there. Mr. Teeman responded that was his plan but if not approved he would park them near his business. Mr. Dunham asked if the building were approved for the storage of personal items only would it be acceptable to him. Mr. Teeman replied that he had not considered that option. Ms. Turnbo asked if there would be any plumbing in the building. He replied there would be because it is 550' from the house. Mr. Cooper asked if he was going to use the same materials as his home for the building. Mr. Teeman stated he planned to use structural insulated panels, and it would be heated and cooled. He added it would be a well-built construction with a nice drive to 89th E. Ave. Mr. Cooper commented that he was concerned that this building would obstruct the view of at least one residence. Mr. White noted that the drawing is out of scale.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a ***Variance*** of maximum allowable size of accessory building from the required 750 sq. ft. to 4,800 sq. ft. on a tract of 2.4 acres zoned RS-2, per plan, on conditions the accessory building be restricted to personal use no commercial use, have 12' sidewalls and 3:12 pitched roof, finding the hardship is the size of the lot, and it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and to **DENY** a ***Special Exception*** for a home occupation (carpet cleaning and construction cleanup) to permit storage of business vans on trailers in an enclosed building in an RS-2 district, on the following described property:

* * * * *

Action Requested:

Special Exception to allow an assisted living facility in an RS-3 zoned district, Use Unit 8. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, located SE/c E. Latimer & N. Yale

Presentation:

Clark Kendall, 5950 E. 31st St., stated he is manager for Vintage Housing. They propose to build Cornerstone Village for senior living, a one-story, 46-apartment facility. He submitted a packet of exhibits (Exhibit N-1). He stated they have received an establishment license from the State Department of Health, which is all that is appropriate at this stage of development.

Interested Parties:

Tiffany Stroup, 1104 N. Allegheny, stated she is the closest resident to the subject property. She was informed that there are mine shafts under the field and strip pits at the end of Pine and Yale. She also indicated that the street is already has a lot of traffic and the exit in front of her driveway would be unacceptable.

Comments and Questions:

Mr. Cooper asked what is the screening requirement on the north side of the subject property. Mr. Beach replied there is no screening requirement. Mr. Cooper asked for a more specific definition of assisted living. Mr. Beach read from the zoning code book the provisions for assisted living facilities. Mr. Dunham asked if they could specify age limits for such a facility. Mr. Kendall replied that the Fair Housing Act allows for the restriction of 62 years of age and older for an assisted living center, which is the limit they planned to use. Mr. Dunham asked if there was a way to restrict the access onto Latimer and use two access points on Yale. Mr. Jackere responded that if it was considered necessary for the safety and welfare of the residents it can be done.

Applicant's Rebuttal:

Ron Smith, P.O. Box 1106, Sapulpa, co-developer of this project, stated that as long as they are consistent with building codes and permits, they would have no objection to the access coming from Yale only. Mr. Kendall responded to the interested party that questioned if the facility would be open long-term. He assured the Board that Vintage Housing is an affiliate of Tulsa Senior Services, which has been in the community for twenty-seven years. They are building two additional adult day-care centers in Tulsa at the present and eight independent-living facilities are in operation. They have no intention of abandoning any of these facilities.

Board discussion ensued.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Special Exception** to allow an assisted living facility in an RS-3 zoned district, with condition for residents 62 years of age and older, and no access to Lamiter, 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:

Case No. 19144

Action Requested:

Variances are requested to the number, size and height limitations of the Zoning Code and to allow flashing illumination, changeable copy, and animation as required to permit new signs at various locations on the subject property.

SECTION 302.B. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT, Accessory Use Conditions and SECTION 1221. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, located SW/c of E. 96th St. S. & Garnett Rd.

Presentation:

John Brightmire, for Grace Fellowship, submitted photographs and a packet of exhibits (Exhibit P-1 and P-2). They propose to place new signs on their property. The hardship for the elevation of 61' sign is due to the new elevation of the expressway. The changeable sign is necessary to provide numerous items of information. The applicant also wants to redirect the positioning of signs to make them visible on 96th Street and the expressway. The flashing sign would not be visible from an R district, or within 50' of driving surface of signalized intersections, nor within 20' of the driving surface of a street, and setback from the centerline of the nearest street by approximately 300'.

Comments and Questions:

Mr. Cooper asked for more definition of the terms for flashing and changeable signs. Mr. Brightmire compared it to the TCC and Union High School signs.

Bryan Ward, 9520 E. 55th Pl., stated that the speed of the variable signs could be set to scroll, unveil or flash. The operator determines the speed.

Interested Parties:

Vic Myer, 20942 E. 102nd St. S., Broken Arrow, the manager of operations stated that four lines of text appear at once with simple graphics, not flashing to the point of being obnoxious.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-1-0 (White, Dunham, Turnbo "aye"; Cooper "nay"; no "abstentions"; Perkins "absent") to **APPROVE Variances** to the number, size and height limitations of the Zoning Code and to allow flashing illumination, changeable copy, and animation as required to permit new signs at various locations on the subject property, 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:

The N/2 of SE/4, Section 19, T-18-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma, less and except the part thereof dedicated to the State of Oklahoma for highway purposes.

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Case No. 19145

Action Requested:

Special Exception to permit a children's nursery in an RS-3 district for six months. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 5; and a Variance of required parking from one space per 500 sq. ft. to two total spaces. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements, located 314 E. Young.

Presentation:

Samico Morgan, 2667 N. Peoria, the owner/director of Morgan's Little Learning Cadets, proposes to open a nursery in an RS-3 district. She now would like to get relief for a permanent facility.

Mr. Cooper out at 6:24 p.m.

Comments and Questions:

Mr. Jackere commented the lot would need to be a minimum of 12,000 square feet, and a minimum frontage of 100'. Mr. Dunham responded that she does not meet these requirements.

Mr. Cooper returned at 6:26 p.m.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **DENY** a ***Special Exception*** to permit a children's nursery in an RS-3 district for six months; and a Variance of required parking from one space per 500 sq. ft. to two total spaces, finding the property does not meet the basic requirements.

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Case No. 19146

Action Requested:

Special Exception to allow a church and accessory church uses in an R zoned district. SECTION 403. BULK AND AREA REQUIREMENTS IN THE

RESIDENTIAL DISTRICTS -- Use Unit 5; and a Special Exception to remove the screening fence requirement on the southwest side of the tract. SECTION 212. SCREENING WALL OR FENCE, located S of SW/c E. 11th St. & 131st E. Ave.

Presentation:

Ken Boone, 1424 S. 75th E. Ave., submitted site plans and traffic count (Exhibits O-1, O-2 and O-3) to the Board. He stated the request for relief for church and accessory uses and exception to the screening requirement.

Comments and Questions:

Mr. Dunham asked why they object to the screening fence. He stated that the kennel business on the abutting property does not object to the absence of a screening fence on the west from the southwest corner to the north 180', and it is heavily treed. Mr. White asked if the trees were removed if the church would install a screening fence. Mr. Boone responded they would put up a screening fence.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Special Exception** to allow a church and accessory church uses in an R zoned district, per plan; and a **Special Exception** to remove the screening fence requirement on the southwest side of the tract, with condition that should the trees be destroyed or die that the church would erect a screening fence, 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:

The E/2 NW/4 NW/4 NW/4 of Section 9, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, less a strip of land 25' wide from the S side and a strip of land 20' wide from the E side of the above described property, less and except the N 250' of the above described property.

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Mr. White stated he would abstain from Case No. 19147. Mr. White stepped out.

Case No. 19147

Action Requested:

Special Exception of required screening where purposes of screening cannot be achieved as adjoining properties have screening fences or alternative landscaping to provide sufficient screening. SECTION 212.A. SCREENING WALL OR FENCE, Specifications and SECTION 212.B. SCREENING WALL OR FENCE, Maintenance -- Use Unit 8 & 10, located 6330 S. Owasso Ave.

Presentation:

Todd English, 628 S. Poplar, Sapulpa, stated he owns an apartment complex with 20 units on the subject property. He purchased the property last December. He received a notice that he was in violation of the screening code. He stated that new houses were constructed behind his property and some have built their own fences so he requests the exception where fences are already in place.

Board Action:

On **MOTION** of **Cooper**, the Board voted 3-0-1 (Dunham, Turnbo, Cooper "aye"; no "nays"; White "abstained"; Perkins no "absent") to **APPROVE** a ***Special Exception*** of required screening where purposes of screening cannot be achieved as adjoining properties have screening fences or alternative landscaping to provide sufficient screening, with condition that if a fence is removed or is in disrepair it is the property owner's obligation to replace the fence on the common property line, 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:

Lots 3 through 7, Block 4, South Peoria Gardens Resubdivision, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

Mr. Dunham left the meeting and Mr. White returned at 6:40 p.m.

Case No. 19149

Action Requested:

Special Exception to modify screening requirements along East 22nd Street boundary. SECTION 212.C. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement -- Use Unit 12, 13, & 14, located S of SE/c E. 21st St. & S. 129th E. Ave.

Presentation:

Roy Johnsen, 201 W. 5th St., Ste. 501, submitted a site plan with photograph and a letter from the City of Tulsa. He pointed out the area to the south where the city has planned a detention pond, instead of residential dwellings. The majority of residential traffic does not use 22nd St., and the resident to the east has stated he would not object to this request.

Interested Parties:

James Mautino, 14628 E. 12th St., asked for clarification of the request.

Applicant's Rebuttal:

Mr. Johnsen stated he would accept a condition that this modification only applies to CS uses by right, and we are not trying to set up a future special exception. He stated they would screen Lot 11 if the owner requests and permits them to do so.

Board Action:

On **MOTION** of **Cooper**, the Board voted 3-0-1 (White, Turnbo, Cooper "aye"; no "nays"; Dunham "abstained"; Perkins "absent") to **APPROVE** a ***Special Exception*** to modify screening requirements along East 22nd Street boundary, with condition that property owner build fence from the southeast corner west 150' and the end of the fence line up with the westernmost property line of the housing addition to the south of it, 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 tract of land that is part of Lot 2, Block 1, Mizel Center, City of Tulsa, Tulsa County, State of Oklahoma, and also part of the NW/4 NW/4 NW/4 of Section 16, T-19-N, R-14-E of the IBM, said tract being more particularly described as follows: Commencing at a point that is the SE/c of said Lot 2; thence S 89°52'17" W along the Sly line of Lot 2, for a distance of 225.00' to the POB; thence continuing S 89°52'17" W along said Sly line, for a distance of 329.77' to a point; thence N 0°00'00" E along the Wly line of Lot 2, for a distance of 211.74' to a point; thence N 18°26'01" E, for a distance of 23.20' to a point; thence N 89°52'45" E and parallel with the Nly line of said Block 1, for a distance of 322.45' to a point; thence S 0°00'06" W and parallel with the Ely line of Lot 2, for a distance of 233.69' to the POB

There being no further business, the meeting was adjourned at 7:01 p.m.

Date approved: August 14, 2001



Chair