

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 825  
Tuesday, August 28, 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  
Turnbo  
White, Chair  
Perkins

Beach  
Butler

Boulden, Legal

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, August 27, 2001, at 10:15 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. 19169**

Mr. Beach stated that the applicant applied for re-zoning and was denied, so there is no need for the relief requested in this application. Mr. White announced that this case was stricken from the agenda.

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**UNFINISHED BUSINESS**

**Case No. 19157**

**Action Requested:**

Variance of off-street parking requirement of 273 spaces down to 192. SECTION 1212.D. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements -- Use Unit 12, located 7113 S. Mingo.

**Presentation:**

**Mike Bartlett**, 4441 S. 72<sup>nd</sup> E. Ave., stated he is with Mazzio's Corporation. He introduced Rex Hall, an engineer for Mazzio's Corporation, and Bob Burkhart, a regional manager for Zio's. Mr. Bartlett stated that they opened the first Zio's at 71<sup>st</sup> and Mingo in 1994. He submitted a packet of exhibits (A-1). He pointed out a space that they leased for storage and restrooms two years ago, which did not

increase their seating capacity. He described the congestion in the carryout area and parking area. Mr. Bartlett added that since the shopping center has filled up with other businesses, the parking area is very congested. He stated that the City of Tulsa never informed them of any deficiency in parking space. He suggested that they would probably try to use runners to deliver the carryout orders to the customer cars.

**Comments and Questions:**

Mr. Beach stated that 273 spaces would be required by the zoning code based on the square footage. Mr. Dunham noted that they have been out of compliance from the beginning.

**Interested Parties:**

Mr. White noted that the Board received a letter (Exhibit A-2) from the owner's of Ron's in opposition to the application because of concern regarding the parking congestion.

**Comments and Questions:**

Mr. Cooper asked Mr. Bartlett to describe where the cars go and what happens when the parking lot fills up. Mr. Bartlett referred the question to Bob Burkhart.

**Bob Burkhart**, 3224 N. Oak, Broken Arrow, Oklahoma, stated that often cars circulate through the parking lot until a parking space becomes available. He added that sometimes customers park in non-designated areas. Mr. Beach stated that there has not been a change in parking requirements since the restaurant was opened. Mr. Boulden reminded the Board that the action would affect the entire lot and all future owners because the variance goes with the land.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of off-street parking requirement of 273 spaces down to 192, with conditions that no further additional square footage area, no more seating, and no more kitchen area in any restaurant in this shopping center or future restaurant, finding the restaurant has been in existence since 1994, on the following described property:

Lot 1, Block 1, East Pointe Center, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19158**

**Action Requested:**

Special Exception for a church children's nursery, which will be used by the public Monday – Friday, in an RM-1 district. SECTION 401. PRINCIPAL USES

PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 5, located 6621 E. Latimer Pl.

**Presentation:**

**Derrel Harris**, 5365 E. Young Pl., stated the church proposes to start a day care center in the old sanctuary area.

**Comments and Questions:**

Mr. White asked for the square footage of that area. Mr. Harris replied that it is 39' x 65'. Mr. Dunham asked the size of the new sanctuary. Mr. Harris stated there are about 4,000 square feet in the new sanctuary. Ms. Turnbo asked about days and hours of operation and number of children they plan to accept. Mr. Harris replied that they would be open 6:00 a.m. to 6:00 p.m., Monday through Friday, for infants through 12 years of age, and for 65 to 75 children. Mr. Beach noted that the day care would only increase the number of parking spaces by six spaces.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** for a church children's nursery, which will be used by the public Monday – Friday, in an RM-1 district, per plan, with conditions that hours of operation be Monday through Friday, 6:00 a.m. to 6:00 p.m., no more than 75 children, from infants to 12 years of age, 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 9 and W ¼ Lot 8, Block 3, S/2 of NW/4, Section 35, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19048**

**Don Haslam** came before the Board and indicated that his case was supposed to be heard at this hearing. Mr. Beach responded that it had been inadvertently left off of the agenda.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19048 to the meeting on September 11, 2001.

## NEW APPLICATIONS

### Case No. 19168

#### Action Requested:

Special Exception to allow a manufactured home in an RS-3 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9; and a Special Exception to extend the time limit to permanent. SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 3704 S. Jackson.

#### Presentation:

**Bette Mathes**, 3715 S. Olympia, stated that this property belonged to her husband's family.

**Perkins out 1:50 p.m.**

She stated that because there was so much vandalism they removed the house and cleared the lot. They now propose to put a mobile home on the property as a permanent residence.

#### Comments and Questions:

Mr. White noted this area is in transition. Mr. Dunham commented there are other mobile homes in the area.

#### 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"; Perkins "abstained"; no "absences") to **APPROVE** a **Special Exception** to allow a manufactured home in an RS-3 zoned district; and a **Special Exception** to extend the time limit to permanent.

Mr. Boulden suggested that setting a specific number of years would be more consistent with the time limit in the code.

On **Amended Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; Perkins "abstained"; no "absences") to **APPROVE** a **Special Exception** to allow a manufactured home in an RS-3 zoned district; and a **Special Exception** to extend the time limit to thirty years, 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 6 and 7, Block 6, Garden City Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Perkins returned at 1:55 p.m.

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**Case No. 19171**

**Action Requested:**

Special Exception to allow a manufactured home in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9; and a Special Exception to extend the one-year time limit to indefinitely. SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 3636 S. Jackson.

**Presentation:**

**Michael Seymore** stated he represents Mary Carr, owner of the subject property. The property is vacant and they propose to place a mobile home on the lot.

**Comments and Questions:**

Mr. White noted that the lot adjacent to the subject property was on the site plan for this case. He also noted a garage on that lot. He asked if the applicant owns the lot with the garage. Mr. Seymore did not know if they own the property at 3640 S. Jackson Ave., it has never come up in his conversations with the applicants. Mr. Seymore asked that the case be continued so as not to misrepresent the applicant.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19171 to the meeting on September 11, 2001.

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**Case No. 19172**

**Action Requested:**

Variance to allow a detached accessory building in the front yard. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions -- Use Unit 6; and a Variance of required front yard of 25' down to 15'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 445 S. 73<sup>rd</sup> E. Ave.

**Presentation:**

**Steve Wilson**, 445 S. 73<sup>rd</sup> E. Ave., submitted photographs and two letters of support (Exhibits C-1, C-2, and C-3). He stated that his elderly grandmother

needed the covering of this carport to get to and from her car. He pointed out there are several carports in the neighborhood.

**Comments and Questions:**

Mr. Dunham stated to clear the record is that the variance would be from 50' to 40'. Mr. Beach confirmed Mr. Dunham's statement.

**Interested Parties:**

**Betty Willis**, 6936 E. 5<sup>th</sup> Pl., stated she also owns property at 433 S. 72<sup>nd</sup> E. Ave., one block from the subject property. She stated that she has been told she cannot enclose her front porch because it would not been in line with other houses on the street.

**Applicant's Rebuttal:**

Mr. Wilson stated that the carport is attached to the house and garage so it does not leak. He stated it would have siding on the front to make it look presentable from the street. Mr. Boulden asked if there was anything unique about this property.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins "aye"; Cooper "nay"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to allow a detached accessory building in the front yard; and a **Variance** of required front yard of 25' down to 15', with conditions that sides be open, not enclosed, front yard reduced from 50' to 40', finding several carports have been approved in this neighborhood, and it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 10, Block 21, Tommy Lee Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19173**

**Action Requested:**

Special Exception to allow an auto body paint booth within 150' of an RM-1 zoned property. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 17, located 719 N. Lewis.

**Presentation:**

**Janet Espino**, 708 N. Victor Ave., submitted a floor plan, detail plan, petition of support and large floor plan (Exhibits D-1, D-2, and D-3). They have contacted neighbors around the property regarding this application. There are two rooms in the building, one room would be the office and the other would be a paint booth.

**Comments and Questions:**

Ms. Turnbo asked how they would contain the fumes, odor and spray. Ms. Espino replied that the paint booth would be closed off with special exhaust fans and filters to prevent environmental pollution. She stated that Larry Myers, an engineer in Oklahoma City was recommended to them by the City of Tulsa for the planning and preparation of this paint booth. Mr. Dunham asked if this is currently a body shop. Ms. Espino replied that it is and they don't do paint work any more, until they get all approval and permits.

**Interested Parties:**

**Maria Barnes**, 2252 E. 7<sup>th</sup>, stated she talked with the shop person. She recognized that they have cleaned up the property significantly. She stated concern that there is no parking in the front. Ms. Barnes was told the paint booth would not arrive for three months. She plans to support this, but she desires some assurance that it will be tightly contained.

**Comments and Questions:**

Mr. Dunham responded that the Environmental Protection Agency has very strict standards and should be sufficient.

**Applicant's Rebuttal:**

Ms. Espino stated she has the same concerns as her neighbors for her own family's safety. She had confidence that Mr. Myers would see that everything is done properly.

**Comments and Questions:**

Ms. Perkins asked how many cars they plan to work on at one time, how long would they be parked on the property and if they would be stored inside. Ms. Espino replied that they could park two cars in front and more on the side of the building. She added that if they have a lot of customers waiting for their cars to be worked on, they ask the customer to come back with the car closer to the time they will work on it. They store any cars left overnight inside the shop.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow an auto body paint booth within 150' of an RM-1 zoned property, on condition they meet all City, State and Federal requirements regarding environmental and air quality, 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 part of Lot 17, Block 3, Ohio Place Addition, more particularly described as follows, to-wit: Beg. at the NW/c of Lot 17; thence E along the N property line of Lot 17, a distance of 83.5' to a point on said N property line; thence S a distance of 0.5' to a point; thence W a distance of 83.5' to a point on the W property line; thence N

along the W property line a distance of 0.5' to the POB; **AND** Lot 18, Block 3, Ohio Place Addition, less and except: Beg. at the SE/c of Lot 18; thence W along the S property line of Lot 18, a distance of 52' to a point on said S property line; thence N a distance of 10' to a point; thence E a distance of 52' to a point on the E property line of Lot 18; thence S along the E property line to the POB; **AND** Lot 19, Block 3, Ohio Place Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19174**

**Action Requested:**

Variance of the allowable signage in an OM district from 150 sq. ft. to 390 sq. ft. for both north and south side of building. SECTION 602.4.b&c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS -- Use Unit 5, a Variance of the height to 76.6' and 73.4'. SECTION 602.4.b&c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, and a Variance to allow two signs per building wall per street frontage. SECTION 602.4.b&c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, located 1111 W. 17<sup>th</sup> St.

**Presentation:**

**Mue Kessry**, 1801 N. Willow Ave., Broken Arrow, Oklahoma, stated they propose to add 98 square feet to the existing sign. The existing sign reads, Oklahoma State University College of Osteopathic Medicine. They desire to add the words, Center for Health Sciences. He pointed out that in 1994 the Board heard Case No. 16815 regarding this sign. A site plan was provided (Exhibit E-1).

**Comments and Questions:**

Mr. Dunham questioned Mr. Kessry about the additional square footage needed and if he was properly advertised. Mr. Beach indicated that they might already be over the allowed square footage of sign area. There is no existing pole sign and the applicant therefore withdrew the request for a variance of the height. Mr. Boulden determined that the applicant was properly advertised. Mr. Cooper asked for a hardship.

**Interested Parties:**

**Tom Dooley**, 4220 E. 77<sup>th</sup> St., stated that he is the Dean of Administrative Affairs at the College of Osteopathic Medicine. He explained the significance of the proposed change in wording is that the Center of Health Sciences allows more than one college to participate there. The purpose for the old Board case was to place the sign where it could be seen from the elevated expressway. Mr. Kessry informed the Board that in 1994 Mr. Bob Gardner defined the hardship, stating it was a large tract of land, surrounded by mixed zoning.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a



**Variance** of the allowable signage in an OM district from 150 sq. ft. to 390 sq. ft. for both north and south side of building; and a **Variance** to allow two signs per building wall per street frontage, per plan, finding the hardship to be the configuration of the land and the relationship of the land to the existing highway system and that the zoning pattern surrounding the property suggests that it could be zoned for a heavier zoning, on the following described property:

Block 5, Riverview Park 2<sup>nd</sup> Addition, Blocks 5-12, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19175**

**Action Requested:**

Variance of required rear yard of 25' down to 10'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS -- Use Unit 6, located 3135 E. 42<sup>nd</sup> St.

**Presentation:**

**Dean Nunneley**, 3514 E. 69<sup>th</sup> Pl., stated the owners have asked him to build an addition to their home. He found that only one place would be appropriate to add on to the house. It is a corner lot so it has more frontage and it makes the lot a little narrower than the others. A site plan was submitted (Exhibit F-1).

**Comments and Questions:**

Mr. Beach informed the applicant that he could select the front yard for purposes of establishing the yard. The opposite yard becomes the rear yard and the other two the side yards. Mr. Nunneley stated that the neighbors to the north and west that would be most affected are in support. He submitted three letters (Exhibits F-2, F-3 and F-4) of support to the Board.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required rear yard of 25' down to 10', the north property line to be the rear yard, per plan, finding this to be an existing home on a corner lot making it difficult if not impossible to expand otherwise, on the following described property:

S 160' of Lot 4, Block 1, Sunnybrook Acres, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No.19176**

**Action Requested:**

Special Exception to allow auto sales and repair in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 17, located 1336 N. Lewis.

**Presentation:**

**Sandy Gomez**, 2236 E. Oklahoma St., stated her business is at 1334 N. Lewis. She added that they bought the property at 1346 N. Lewis.

**Comments and Questions:**

Mr. Dunham asked the applicant what type of work they do. She replied that they do light mechanic work on vehicles they sell. The City informed them that they needed a mechanic permit, and a special exception to do auto repair. Mr. Dunham asked if they would service cars other than the ones they sell. Ms. Gomez replied that they would probably do an oil change and tune up. Mr. Dunham asked what the days and hours of operation for the mechanics work would be. Ms. Gomez replied that mechanic work is done from 9:00 a.m. to 5:00 or 6:00 p.m., Monday through Saturday. Mr. Boulden asked if they have ever had any Code Enforcement cases brought against them or any citations for violations. Ms. Gomez responded they were cited for trash and debris. She added that they have done everything they can do to clean up the property and comply with the zoning code. The City did come to the property one time to pick up a wrecked car. Mr. White noted that they have cleaned the property so that it looks good. Mr. Boulden asked if they would object to a condition on the special exception that it was in effect only as long as they own the adjacent property to the west. Mr. Dunham commented that if they sold the adjacent property to the west the special exception would be terminated. Ms. Gomez indicated agreement.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow auto sales and repair in a CS zoned district, with the conditions that days and hours of operation be Monday through Saturday, 9:00 a.m. to 6:00 p.m., restricted to light mechanical work, no inoperable vehicles be stored on the property for more than 48 hours, and this special exception be in effect only as long as the applicant owns the adjacent RM-2 property to the west, and if the RM-2 property to the west were ever sold by the applicant that this special exception would cease, on the following described property:

E 115' of N 125', Springdale Acre, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19177**

**Action Requested:**

Special Exception for a mobile home in an RS-4 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9; and a Special Exception to waive the one-year time limit to permanently. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 5205 E. Woodrow St. N.

**Presentation:**

**Albert Cecil**, 2112 N. Darlington Pl., stated that he purchased the property several years ago, removed the house and has maintained it. There is a 24-inch sewer line running across the property. He stated that it was not feasible to build a home there but a 16' x 80' mobile home would fit in the northwest corner. He added that there are seven other mobile homes within two and one-half blocks of the property. Mr. Cecil pointed out that no houses could be built across the street.

**Comments and Questions:**

Ms. Perkins asked if a 25-year limitation on the relief would be acceptable. Mr. Cecil was agreeable to that.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a ***Special Exception*** for a mobile home in an RS-4 district; and a ***Special Exception*** to waive the one-year time limit to 25 years, per plan, with conditions to meet all City codes, and a permanent driveway, on the following described property:

Lot 18, Block 5, Industrial Addition-Dawson, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19178**

**Action Requested:**

Special Exception to allow a tent revival in a CS and OL zoned district for 2001, 2002 and 2003 for three months each year. SECTION 1202.A. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Description -- Use Unit 2; and a Special Exception of the all-weather surface parking for off-street parking on property during activity. SECTION 1202.C. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Use Conditions, located 2602 N. Lewis.

**Presentation:**

Mr. Beach informed the Board that when the sign was put up on the subject property, someone came out of the church and informed the sign person that it did not belong on that property. **Leonel Robless**, 2015 Richardson Dr., Richardson, Texas was present to present the case.

**Comments and Questions:**

Mr. Boulden commented that Greg Robertson came to oppose the application; he thought the address was wrong, but he had to leave. Mr. Beach discovered that the legal description was incorrect. He stated that the case would need to be continued to properly advertise the case with the correct legal description.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19178 to the meeting on September 25, 2001, to allow time to advertise with a correct legal description.

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**Case No. 19179**

**Action Requested:**

Special Exception to permit parking in an RM-2 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 25; a Special Exception to permit parking on a lot other than where the principal use is located. SECTION 1301. GENERAL REQUIREMENTS; a Special Exception of screening requirement from abutting R district to permit the screening to be along the RM-2 property line. SECTION 1301. GENERAL REQUIREMENTS; and a Special Exception to permit a Use Unit 25 machine shop in a CH district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and SECTION 1225.C. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY, Use Conditions, located 2222 N. Sheridan.

**Presentation:**

**Scott Pryer**, 2222 N. Sheridan, stated the request is to allow Nordam and American Airlines to expand for production.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit parking in an RM-2 district; a **Special Exception** to permit parking on a lot other than where the principal use is located; a **Special Exception** of screening requirement from abutting R district to permit the screening to be

along the RM-2 property line; and a **Special Exception** to permit a Use Unit 25 machine shop in a CH district, subject to a tie-agreement tying all of these properties together, with the exception of the screening requirement, that all landscape requirements be met, on the following described property:

A tract of land beginning 495' W of the SE/c of the N/2 SE/4 SE4 NE4 of Section 27, T-20-N, R-13-E of the IBM; thence N 264.11', thence E 235'; thence S 264.11'; thence W 235' to the POB, **AND** the W 222.5' E 470' N 65.89' N/2 SE/4 SE/4 NE/4 of Section 27, T-20-N, R-13-E of the IBM; **AND** the S 105' S/2 NE/4 SE/4 NE/4 of Section 27, T-20-N, R-13-E of the IBM, less and except the W 190' thereof; **AND** the N 132' SE/4 NE/4 SE/4 NE/4 of Section 27, T-20-N, R-13-E of the IBM, except the E 35' thereof; **AND** the E 330' N 93' S 198' NE/4 SE/4 NE/4 of Section 27, T-20-N, R-13-E of the IBM, all in the City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No.19180**

**Action Requested:**

Special Exception to allow Use Unit 6 in an OL zoned district. SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS -- Use Unit 6; and a Variance of setback from the centerline of Pine of 100' to 26' from the actual property line abutting Pine. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS, located 1504 N. Boston Ave.

**Presentation:**

**Tom McDermitt**, 6933 S. 66<sup>th</sup> E. Ave., stated he was trying to build a house on property purchased from the Tulsa Development Authority. He discovered it was not zoned for residential use.

**Comments and Questions:**

Mr. Dunham clarified the variance request is for a setback from the centerline of Pine of 100' to 76' from the centerline of Pine.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow Use Unit 6 in an OL zoned district; and a **Variance** of setback from the centerline of Pine of 100' to 76' from the centerline of Pine, per plan, finding the hardship to be that to apply the 100' setback would render the property to be unbuildable, on the following described property:

N 30' of Lot 12 and Lot 11, Block 1, Englewood Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No.19181**

**Action Requested:**

Special Exception to allow Use Unit 17, auto repair in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 17, located 3165 S. Mingo Rd.

**Presentation:**

**Randy Case**, 10410 N. 123<sup>rd</sup> E. Ave., Owasso, Oklahoma, stated that he needed a special exception for auto repair.

**Comments and Questions:**

Ms. Perkins asked what type of auto repairs would be done at this location. Mr. Case replied that they would do a little of everything. She asked if they would have outside storage of inoperable cars, equipment or materials. Mr. Case responded they would not. Mr. White asked if they were going to tear down the existing storage building. Mr. Case responded that both existing buildings would be torn down and would start building new structures. Mr. Dunham asked if the property has been removed from the 100-year flood plain. Mr. Case stated that it has been removed from the flood zone. Mr. Boulden asked if the applicant has received any complaints regarding the storage of vehicles on the property. Mr. Case indicated they have not received such complaints. He stated that they only have two stalls currently. Mr. Beach informed the applicant that the code does not allow for any merchandise storage or display for sale outside within 300' of the south property line. Mr. White noted that would be the whole property. Mr. Case commented that one business sends five cars at a time to be worked on and after repairs they pick up all five. Mr. Case added that it was a car lot when he purchased it and is currently a car lot but they plan for it to be a repair shop only. Mr. Dunham asked about days and hours of operation. Mr. Case replied Monday through Friday from 8:00 a.m. to 6:00 p.m.

Mr. Boulden informed the applicant that the zoning code allows a special exception to be granted for the use of auto repair. The special exception comes with conditions including: screening requirement from an abutting residential district, and no open-air storage or display of merchandise offered for sale within 300'.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow Use Unit 17, auto repair in a CS zoned district, with conditions for days and hours of operation to be Monday through Friday, 8:00 a.m. to 6:00 p.m., that no cars for repair be stored for more than 48 hours, and meet all

screening and landscaping requirements, 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 2, Block 1, Mingo Plaza, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19182**

**Action Requested:**

Variance of Section 602.B.4. to allow two business signs on Yale (one at 40 sq. ft. and one at 78 sq. ft.) for a total of 118 sq. ft. SECTION 602.B.4. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions and SECTION 1103.B. USES PERMITTED IN A PLANNED UNIT DEVELOPMENT, Accessory Uses, located SW/c E. 71<sup>st</sup> St. & S. Yale Ave.

**Presentation:**

**Lou Reynolds**, 2727 E. 21<sup>st</sup> St., stated he was representing Mid-First Bank. He described the need to have two smaller signs instead of one large sign for better visibility.

**Comments and Questions:**

Mr. Boulden asked for the unique problem with the land. Mr. Reynolds replied there is a steep elevation to the street.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Section 602.B.4. to allow two business signs on Yale (one at 40 sq. ft. and one at 78 sq. ft.) for a total of 118 sq. ft, finding the hardship to be the topography of the land on which the signs will be placed, per plan, on the following described property:

Lots 1 and 2, Block 1, Executive Center Amended, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19183**

**Action Requested:**

Special Exception to the uses allowed in the RM-2 district per Section 401. (parking). SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 6; a Variance to waive the all-weather surfacing

requirement per Section 1303.D. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS; and a Variance to waive the screening requirement per Section 1303.E. for the period of time from 9-4-01 to 9-9-01. SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located Country Club Dr. & Marshall/Newton Sts.

**Presentation:**

**Jon Klinghagen**, 7247 W. Cameron, stated the request is for temporary parking for the LPGA Tournament.

**White out at 4:06 p.m.**

**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, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to the uses allowed in the RM-2 district per Section 401. (parking); a **Variance** to waive the all-weather surfacing requirement per Section 1303.D; and a **Special Exception** to waive the screening requirement per Section 1303.E. for the period of time from 9-1-01 to 9-10-01, finding it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Osage Hills Apartments Block 4, Lots 3, 4, 5, and 6; Block 5, Lots 3, 4, and 5; and Block 6, Lots 1, 2, and 3, City of Tulsa, Tulsa County, State of Oklahoma.

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

**White returned at 4:08 p.m.**

**Case No. 19184**

**Action Requested:**

Variance of required setback from West Latimer Street (closed) to 0' for expansion of existing building over closed right-of-way for use as community center. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS -- Use Unit 5, located 926 N. Osage Dr.

**Presentation:**

**Roy Johnsen**, 201 W. 5<sup>th</sup> St., Ste. 501, stated he was representing Michael's Development. The relief requested is for a community center in the Osage Hills area.

**Interested Parties:**


There were no interested parties present who wished to speak.





There being no further business, the meeting was adjourned at 4:18 p.m.

Date approved: 9-25-01



A handwritten signature in black ink, appearing to be "D. J. ...", written over a horizontal line.

Chair