

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 839
Tuesday, April 9, 2002, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

White, Chair
Dunham, Vice Chair
Turnbo
Cooper
Perkins

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Beach
Butler

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Thursday, April 4, 2002, at 11:10 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.

Mr. Jim Beach read the rules and procedures for the Board of Adjustment Public Hearing.

Cooper arrived at 1:01 p.m.

MINUTES:

On **MOTION** of **Turnbo**, the Board voted 4-0-0 (White, Cooper, Turnbo, Perkins "aye", no "nays", no "abstentions", Dunham "absent") to **APPROVE** the Minutes of March 26, 2002 (No.838).

UNFINISHED BUSINESS

Case No. 19289

Action Requested:

Special Exception to permit a home occupation, photography studio, in an RM-2 district. SECTION 402. ACCESSORY USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 6, located 1437 S. Carson.

Presentation:

Paul A. McKnight, Jr., 8800 N. 161st E. Ave., Owasso, Oklahoma, stated the action requested.

Dunham arrived at 1:04 p.m.

Mr. McKnight stated there would be a small sign by the door just to help clients locate the house. He referred the presentation to his tenant.

Wayne Parrish, 1437 S. Carson Ave., stated that the original application did not fit their needs at the previous Board of Adjustment meeting. They determined that a home occupation was more appropriate for their needs. He stated that he attended a community meeting and the neighbors were concerned that he would use a large sign close to the street. He assured them that he planned for a discreet sign by the front door.

Comments and Questions:

Mr. White asked Mr. Parrish if he was aware of the home occupation guidelines. Mr. Parrish replied that he received a copy. Mr. White asked if he would be able to conduct business in the manner, which he intended following those guidelines. Mr. Parrish assured him that he would.

Ms. Turnbo asked about parking for customers that come to the house. Mr. Parrish stated there would be only one client at a time, and the paved driveway is large enough for three cars at a time. He explained there is room for two cars to park behind him and it would not even interfere with the sidewalk. In response to her questions he hopes to have three or four clients per day, with appointments of one hour or less, and 50 to 60% of his shoots are on location not at the house. He added that his appointments would be planned with at least one hour between them. He responded that he would be willing to accept the condition of no more than five clients per day at the house studio. He expected to work 9:00 a.m. to 6:00 p.m., Tuesday through Saturday.

Interested Parties:

Tracy Horner-Shears, 1522 S. Carson Ave., stated she represented Riverview Neighborhood Association in the previous hearing. They opposed the application at that time. After Mr. Parrish met with the neighborhood, they support the application with conditions. They were under the impression that the relief would be for the tenant only. Mr. White informed her that the relief goes with the land. She asked that the record reflect the relief be limited to this use. She stated they also understood that the sign had to be a part of the application, but they were ok with the sign. The neighborhood was concerned that the parking be limited to the driveway.

Applicant's Rebuttal:

Mr. Parrish responded that he could only have one client at a time and no clients waiting because that is not good for business.

Board Action:

On **MOTION** of **Turnbo**, 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 a home occupation, photography studio, in an RM-2 district, with conditions of no more than five clients per day at the studio, time allotted between each client, hours and days of operation 9:00 a.m. to 6:00 p.m. on Tuesday through Saturday, the home occupation being a photography studio, a sign size of 7" x 3 ½" on the porch, all parking on driveway, and meet all home occupation requirements, finding 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 34, Block 2, Carlton Place, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19313

Action Requested:

Special Exception under Section 701 of the Tulsa Zoning Code to permit the building located on Tract One in a CH Zoning district to be used for light manufacturing as permitted under Use Unit 25. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 25; and a Special Exception under Section 1301.D. to permit part of the off-street parking required for the Use Unit 25 uses to be located on Tract Two. SECTION 1301.D. GENERAL REQUIREMENTS, located SW/c E. 9th St. & RR ROW & NE/c E. 11th St. & RR ROW.

Mr. White stated he would recuse himself from Case No. 19313.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, stated he represented Oklahoma Installation Company. He added that since the last hearing there are some changes to the application. He submitted letters from himself and the Oklahoma Installation Company (Exhibits B-1 and B-2) and samples of the product (Exhibit B-6) the company plans to make. He referred to the environmental assessment obtained by the company (Exhibit B-4). Site plans were provided with an aerial photo (Exhibit B-3) to the Board. A copy of the City of Tulsa Industrial District Provisions (Exhibit B-5) was provided to the Board. He cited the history and the changes in the plans as provided in the exhibits to the Board. The plans were changed to benefit the neighborhood, to reduce noise and air pollution, including odors, and to cause no adverse effects on the neighborhood. He stated that the City could evaluate samples of air quality in a lab, but the human nose could detect odors much faster. He informed the Board that the company would make phone

numbers available to the neighborhood for 24-hour access to the company if there were any complaints.

Comments and Questions:

Mr. Cooper asked if the applicant provided the newest list of conditions to the neighborhood association. Mr. Norman replied that they did provide the list.

Interested Parties:

Steve McCullough, 725 S. Erie, stated that he has researched the project. The only problem he found was the odor if in the right proportions. He talked with Purdue University to see if any changes have been made regarding styrene in the last six-weeks; and they informed him there were no changes. The monitors cannot pick up the increased odor until it is 400 times higher than the human nose can detect. It is heavier than air and sinks to the lowest levels. If there was any adverse effect on animal life it would be to the reproductive system and there is plenty of proof that it is not affecting the ducks in the park. He has found that the company is very responsive if they present any complaints. He noted that no one has complained about the fumes or fire danger at the gasoline station nearby or the air dryer on the carwash being too noisy.

Comments and Questions:

Ms. Perkins asked if Mr. McCullough has any ownership in the building or proposed business. He replied that he was not related in any way and does not and never has worked for the company, and is not on the board.

Interested Parties:

Donald Farris, 5515 E. 9th St., submitted a copy of the NFPD Rating System (Exhibit B-9), and Health and Safety, with MSDS information (Exhibit B-10) to the Board. He stated he has lived there since 1948. He informed the Board that prior to the existing manufacturing of hard surface material, the plant did not exhaust odorous vapors into the air. He mentioned the large fan on the outside of the building that produces a loud volume of noise that they can hear inside their home until midnight each night. Mr. Farris submitted photographs (Exhibit B-8) to show the proximity of the building for the new process to homes. He informed the Board that a neighbor, Melvin Swain, a resident at this location since the early 1950's, could not be at this meeting for health reasons, but he is very concerned about this application. He referred to the exhibits provided and informed the Board that the fumes from styrene are heavier than air. He added that one time when the fumes were blown toward his house that the basement filled up with the fumes and they could not even go down there. He concluded if the wind is stagnant then it would come down around the area, no matter if they move the exhaust-stack. He pointed out that the NFPD rating sign on the building reveals there are health hazards and fire hazards involved. He contended that the manufacturing was moderate if not heavy rather than light manufacturing. He believes it to be injurious to the neighborhood and is not in the spirit and intent of the Tulsa Zoning Code.

Shannon Cavanaugh, 5528 E. 7th, stated she lives 102' from the back of the company. She stated that last May no one responded to her complaints that the fumes were affecting her breathing. She noticed that the applicant kept referring to the proposed business, but they are already up and running. She wanted to know how that could be. Mr. Dunham stated that it is in operation illegally.

Ms. Perkins interrupted Ms. Cavanaugh to make a motion.

Board Action:

On **MOTION** of Perkins, to **DENY** a **Special Exception** under Section 701 of the Tulsa Zoning Code to permit the building located on Tract One in a CH Zoning district to be used for light manufacturing as permitted under Use Unit 25; and a **Special Exception** under Section 1301.D. to permit part of the off-street parking required for the Use Unit 25 uses to be located on Tract Two, finding that this business is heavy manufacturing and does not belong in this neighborhood. Turnbo seconded the motion.

Mr. Norman interrupted to ask the chairman to hear from the neighborhood association with whom the applicant has been working on the issues.

The motion was put on hold to hear from the neighborhood association.

Interested Parties:

Anna America, 546 S. Darlington Ave., stated she is the President of the White City Neighborhood Association. She submitted a letter of support (Exhibit B-11) from the association. In response to questions from Ms. Turnbo, Ms. America stated there were about thirty people that attended the association meetings. She sent e-mail notices to forty-five people, and placed a sign in the park regarding their meetings. She informed the Board there was a slight majority in support of the application with conditions. She indicated they were trying to make the best of a bad situation, in hopes they would have a say in controlling some of the problems.

Applicant's Rebuttal:

Mr. Norman commented that he was told the vote in the last neighborhood association meeting was 13 to 4 to support or at least not to object to the application, according to the extensive proposals the applicant made. He stated that he was not going to defend any activity of Oklahoma Installation Company that would create an annoyance to people in the enjoyment of their homes. He added the applicant has tried to demonstrate by a scientific evaluation with an independent consultant, and to commit themselves to comply with Use Unit 25 that there be slight or no objectionable environmental influence by reason of emission of noise or odors. He suggested that the statistics given by the interested parties were just speculation, unless you discount the EPA, OSHA, DEQ and their efforts in respect to this particular process. He suggested there is no evidence this is a

heavy industrial process, and the building inspector has interpreted it to require light industry.

Comments and Questions:

Ms. Perkins expressed concern that styrene, under the National Fire Protection Association rating system, reveals that it is rated an extreme danger for health hazard, is unstable, and is subject to violent chemical change. She went on to say there are families living just a few feet from this. She commented that employees choose to work there, but people who own their homes may not be able to move. Ms. Turnbo stated that she believes it to be heavy manufacturing and too much for the land use. Mr. Cooper asked if Mr. Norman had any comments regarding the setback requirements from the O and R districts. Mr. Norman responded that a lot of Mr. Farris' comments were regarding the existing building, and the process of most concern is being moved. Mr. Cooper asked by what definition he defined this as an IL use. Mr. Norman replied the applicant received a DEQ air quality construction permit, applied for a building permit and the building inspector gave his opinion in writing that the combining of the materials to produce a new product comes under light industry. Mr. Cooper asked how he reconciled the zoning language that requires IL to have no objectionable environmental influences. Mr. Norman read the code to say slight or no objectionable environmental influences. Mr. Cooper was reading from Section 900 and Mr. Norman was reading from Use Unit 25. Mr. Norman stated they propose that odors will not be discernable at the property lines.

Board Action:

The motion was repeated for the benefit of all:

On **MOTION** of **Perkins**, the Board voted 3-1-1 (Dunham, Turnbo, Perkins "aye", Cooper "nay", White "abstained", no "absences") to **DENY** a **Special Exception** under Section 701 of the Tulsa Zoning Code to permit the building located on Tract One in a CH Zoning district to be used for light manufacturing as permitted under Use Unit 25; and a **Special Exception** under Section 1301.D. to permit part of the off-street parking required for the Use Unit 25 uses to be located on Tract Two, finding 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; and finding that this business is moderate to heavy manufacturing. Turnbo seconded the motion. The motion was regarding the following described property:

Tract 1: Lot 1, less the N 25' and the W 5' thereof and the N 200' of Lot 12, Block 1, Sanford Addition, a resubdivision of Block 26 and vacated E. 10th St. of Blocks 1 and 2, White City Addition; And Tract 2: Lot 1, Block 70, Glenhaven Addition, all in the City of Tulsa, Tulsa County, State of Oklahoma.

Mr. White returned at 2:25 p.m.

Case No. 19322

Action Requested:

Variance of the one-story height limit in the OL District to permit a three-story parking garage. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS; and a Variance of the required setback from the centerline of 22nd Street from 50' to 30'. SECTION 1302.B. Table 1 OFF-STREET PARKING AND LOADING AREA SETBACKS FROM CENTERLINE OF ABUTTING STREETS, located SW/c W. 21st St. & Main.

Presentation:

Roy Johnsen, 201 W. 5th St., Ste. 500, stated he represented the owners of the former Jaycees' property at 21st and Main. He stated that he has returned for additional relief to permit a three-story parking garage in an OL district and variance of required setback from the centerline of 22nd Street from 50' to 30'. He pointed out that the topography falls sharply east to west and south to north and works very well for the multi-level garage. He noted that it is separated from the neighborhood.

Comments and Questions:

Mr. White mentioned the Board received a letter from the Broadmoor Condominiums in support of the application.

Interested Parties:

Sheree Cook, 2224 S. Boston, asked if there could be the possibility of a street opening onto 21st next to Harwelden, for commercial trucks or other traffic. Ms. Turnbo responded the Board would not have anything to do with that. Mr. White replied that it would cause a terrible traffic hazard.

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 one-story height limit in the OL District to permit a three-story parking garage; and a **Variance** of the required setback from the centerline of 22nd Street from 50' to 30', per conceptual plan as previously submitted, finding the hardship to be the existing configuration of the property and Harwelden to the south, on the following described property:

All of Lots 1, 2, 3, and the E 30.00' of Lot 11, and all of Lots 12, 13, 14, Block 3, Third Amended Plat of Riverside Drive Addition, City of Tulsa, Tulsa County, State of Oklahoma, AND a part of Lot 4, Block 3, Third Amended Plat of Riverside Drive Addition, and being more particularly described as follows: Beg. at the SE/c of said Lot 4; thence W along the S line of Lot 4, a distance of 60.00' to a point; thence N parallel to the E line of said Lot 4 a distance of 89.50' to a point; thence around a curve to the right having a radius of 38.00' a distance of 59.69'; thence continuing N parallel to the E line of said Lot 4 a distance of 20.00' to the N line of said Lot 4; thence E 22.00' to the NE/c of said Lot 4; thence S

along the E line of said Lot 4, 147.5' to the POB; AND a part of Lot 11, Block 3, Third Amended Plat of Riverside Drive Addition, and being more particularly described as follows: Beg. at the SW/c of said Lot 11, Block 3; thence N along the W line 32.38'; thence NEly along a curve to the left having a radius of 246.58' a distance of 122.74' to a point on the N line of said Lot 11, 38.79' E of the NW/c thereof; thence E along said N line 31.21'; thence S parallel to the W line of said Lot 11, 147.50' to the S line thereof; thence W along said S line 70.00' to the POB.

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NEW APPLICATIONS

Case No. 19324

Action Requested:

Variance of required front yard of 30' to 25'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance of rear yard of 25' to 20'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 1720 E. 32nd Pl.

Presentation:

Bill Powers, 6910 S. Lewis, stated that he was representing his clients, Dr. Stanley and Christy Prough. He noted the staff comments on relevant previous actions that would apparently cover this application. He referred to the zoning map, and the map does not show it but 32nd Pl. goes through north of the property. The property is non-conforming. There would not be any encroachment beyond the existing plane of the home. They have done extensive planning to meet the needs of the homeowner and the zoning requirements as closely as possible. They notified the neighbor to the south that would be the only resident impacted by the five-foot variance, and they have no objection. A site plan was submitted (Exhibit D-1).

Comments and Questions:

Mr. Dunham noted the lot is only 93' deep. Mr. Beach pointed out the owner for purposes of zoning setbacks can choose the front yard. Mr. Powers responded that of all the plans they considered over the last six months, this was the least intrusive.

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 front yard of 30' to 25'; and a **Variance** of rear yard of 25' to

20', per plan, finding the lot faces 32nd Pl. and has less depth than other lots in the neighborhood, on the following described property:

Lot 15, Block 7, Bren-Rose Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19325

Action Requested:

Variance of the construction requirements (specifications) of a required screening fence to allow 8' chain link on the east boundary and concrete picket combination on south. SECTION 212.A. SCREENING WALL OR FENCE, Specifications – Use Unit 12, located 6605 S. Lewis.

Presentation:

Eddie D. Ramirez, 6555 S. Lewis, was concerned that the legal description used for advertisement and notices may have been incorrect. Mr. Beach reviewed the case map with Mr. Ramirez and determined the legal was correct. Mr. Ramirez stated that a dilapidated wood fence was removed and a chain link fence was put up to replace it. He informed the Board that they felt it would deter pedestrians from crossing the property to go to the bus stop. He submitted a site plan, floor plans, photographs, and a letter with PALS Permit Documents (Exhibits E-1, 2, 3, and 4).

Comments and Questions:

Ms. Perkins commented that in September of last year the applicants were informed and aware of the code requirement for a screening fence. They received two notices to construct a solid wood fence. Ms. Turnbo added that a chain link fence is easier to climb than a solid wood fence. Mr. Dunham stated that he did not see any hardship. He added that they ignored the ordinance, which is very clear on the requirements.

Interested Parties:

There were no interested parties who wished to speak.

Two letters in opposition were submitted (Exhibit E-5).

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 **DENY** a **Variance** of the construction requirements (specifications) of a required screening fence to allow 8' chain link on the east boundary and concrete picket combination on south, for lack of a hardship, on the following described property:

W 350' N 135' Lot A, Muzingo Hill Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19326

Action Requested:

Variance of lot area from 6,900 square feet to 6,795 square feet to permit a lot split #19365. SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts – Use Unit 6, located 3904 E. 32nd St.

Presentation:

Bill Wilkins, 1142 S. Rockford, stated he owns the subject property. He proposed to obtain two residential lots out of this oversized lot. He added that he is about 105 square feet short of the requirement.

Comments and Questions:

Mr. White asked for the hardship. Mr. Wilkins stated there would be 5' between the front porch of the existing house to the lot line. He replied that he lacks 105 square feet per lot to meet the code for two residential single-family homes.

Interested Parties:

Greg Criser, 3905 E. 32nd St., submitted a petition with 25 signatures (Exhibit F-1) from the neighbors in opposition to the application. The existing house is about 4,000 square feet and the applicant is planning to place the back fence five feet from the front door of this house.

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 **DENY** a **Variance** of lot area from 6,900 square feet to 6,795 square feet to permit a lot split #19365, finding a lack of hardship, on the following described property:

N/2 Lot 6, Block 1, Virginia Terrace Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19327

Action Requested:

Variance of required front yard from 20' to 6'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance of required side yard from 20' to 15' for a garage. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 657 N. Cheyenne.

Presentation:

David Giacomo, 111 S. Greenwood, stated he represented the Tulsa Development Authority. He stated that the Tulsa Development Authority, Preservation Commission and the Brady Heights Association all support the application. A site plan was provided (Exhibit G-1). Two letters of support were submitted (Exhibit G-2).

Comments and Questions:

Mr. Dunham asked if they plan to build per the site plan submitted. Mr. Giacomo replied in the affirmative.

Interested Parties:

There were no interested parties 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 front yard from 20' to 6'; and a **Variance** of required side yard from 20' to 15' for a garage, per plan, finding the lot is non-conforming, much smaller than the typical lot in the neighborhood, on the following described property:

N 40.5' of the W 111.05' of Lot 1, Block 4, North Tulsa Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19328

Action Requested:

Special Exception to allow an emergency/protective shelter and learning center for children and adults needing temporary assistance. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2, located 2605 E. 29th Pl. N.

Presentation:

Lester Shaw, 2238 N. Yorktown, stated they propose to demolish the existing building on the subject property. He added that he explained to the neighbors this project is not an emergency shelter but a learning center this was just the most appropriate zoning code for the case. He informed the Board that 99% of the residents he spoke with regarding this application were in favor. Mr. Shaw indicated that the center would be for children in the neighborhood that could walk to the center. The center would be a safe, healthy environment for the residents.

Comments and Questions:

Mr. White asked if the center would be structured under some non-profit organization, a church or other. Mr. Shaw replied that it would be under a non-profit organization called, A Pocket Full of Hope, which is a 501C3 organization, and the Knit Foundation. The funding will come from the office of Juvenile Affairs and private donations. It will be a non-fee facility. Mr. White asked who owns the property. Mr. Shaw stated that his mother owns the property. Mr. White commented that the Board received a letter from Mr. Willie Brown (Exhibit H-1) stating he owns the property but he did not provide proof. Mr. Shaw replied that his family has owned the property since 1952.

Ms. Turnbo asked how the students would be transported if they come from the area schools. Mr. Shaw replied that most of them live in the neighborhood and could walk there. She asked for the expected number of children and adults attending. He replied he expected ten to fifteen students at a time, and fifty students maximum per week. Ms. Perkins asked what he meant by at risk students. Mr. Shaw explained that they could be having problems with school because of such things as sleep deprivation, learning disabilities, or family problems. Ms. Perkins asked if they plan to have people who are drug offenders or sex offenders. Mr. Shaw replied they would not be set up for that type of problems. Mr. Shaw responded to other questions, informing the Board that hours of operation would be 9:00 a.m. to 6:00 p.m., Monday through Friday. He added that the facility would be for the community and there may be some evening activity, like tenants association meetings, as needed.

Interested Parties:

Gerald Sanders, 3144 E. Queen St., stated his concern for property values, traffic, and parking. He stated there are very few children in the neighborhood and questioned where they live. He questioned the polling done by the applicant. He also expressed a desire to see building plans and hear other plans before the Board takes action.

Della Shaw, 2609 E. 29th Pl. N., stated she owns the subject property. She stated she would not want to do anything to hurt the neighborhood. Ms. Shaw added she is in favor of the application and donating the property.

Comments and Questions:

Mr. Boulden asked the location of the driveway. Ms. Shaw replied the driveway is in front of the building on 29th Pl. Mr. Boulden asked how many cars could be parked on the drive. She indicated six or seven and there is parking space on the west side of the building. He asked about the residential driveway. She replied that the residential drive was at 2609 E. 29th Pl. N. The Board members brought up questions regarding parking; the need to see a site plan; appropriateness of the use; tie-agreement, and other items for consideration. Mr. White advised the applicant that the Board would need finished plans, with a strong emphasis on

parking, in order to consider the application. He also encouraged the applicant to discuss the plans with the neighborhood before he comes back to the Board.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19328 to the meeting on May 14, 2002.

Lots 13 and 14, Block 3; Square Deal, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19330

Action Requested:

Variance of the required 85' setback from centerline of Lewis to 70'; and a Variance of the required 10' setback from an R zoned district to 9'. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 14, located 1617 – 1619 N. Lewis.

Presentation:

John Moody, 1924 S. Utica, Ste. 700, stated he represented the applicant, Four Star Investment, who has a contract to purchase the subject property, conditioned upon permission to remove one of the buildings and build an addition to another building. The lots were platted on January 2, 1908. They are 100' in depth with five feet designated for additional right-of-way on Lewis. Lewis is designated as an urban arterial with only 35' in width on each side of the centerline. He submitted a map and photographs (Exhibits I-1 and I-2) used in the presentation. He pointed out that the existing church structure extends closer into the setback than the proposed building would.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required 85' setback from center line of Lewis to 70'; and a **Variance** of the required 10' setback from an R zoned district to 9', finding the hardship is the size of the lot and the right-of-way for Lewis that was originally dedicated will most likely never be used, and this does fit in with other existing buildings in the neighborhood, on the following described property:

Lots 638, 639, 640, 641, 642, and 643, Block 49, Tulsa Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19331

Action Requested:

Special Exception to permit a Use Unit 15 (electrical contractor) in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15, located 10705 E. 11th St.

Presentation:

Michael Polston, 12145 E. 11th St., stated the request. He added there would be no outside storage. They plan to improve the façade and interior of the building. A site plan was provided (Exhibit J-1).

Comments and Questions:

Mr. White asked Mr. Beach about the staff comments questioning why the application was filed. Mr. Beach noted that per previous Board cases, there was approval for a use unit 15 on the property, and specifically for an electrical contractor.

Interested Parties:

There were no interested parties 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 a Use Unit 15 (electrical contractor) in a CS district, finding 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:

S 175' Lot 11, Block 2, East Eleventh Park, less S 30' for ROW and less W 25' of N 145' thereof, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 19332

Action Requested:

Variance of the required side yard from a non-arterial public street from 15' to 5'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 1004 E. Pine Pl.

Presentation:

Oscar Howard, Jr., 6942 E. Marshall Pl., purchased the lot with the intentions of building a house. A site plan was provided (Exhibit K-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required side yard from a non-arterial public street from 15' to 5', finding the depth of the lot to be less than normal, on the following described property:

Lot 13, Block 2, Booker Washington, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19334

Action Requested:

Minor Special Exception to permit the required front yard in an RS-3 district from 25' to 23.9'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 6835 E. 57th St. S.

Presentation:

The applicant was not present. A site plan was provided (Exhibit L-1).

Interested Parties:

There were no interested parties 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 **Minor Special Exception** to permit the required front yard in an RS-3 district from 25' to 23.9', per plan, finding 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 property described as follows:

Lot 14, Block 1, Woodland View First, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 3:57 p.m.

Date approved: April 23, 2002



Chair

