

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 840
Tuesday, April 23, 2002, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Vice Chair
Cooper
Turnbo
White, Chair

**MEMBERS
ABSENT**

Perkins

**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 Friday, April 19, 2002, at 2:02 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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Mr. Jim Beach read the rules and procedures for the Board of Adjustment Public Hearing.

Case No. 19309

Action Requested:

Variance to allow outside, open-air storage and display of merchandise for sale within 300' of an R zoned district. SECTION 1214.C.1.d. USE UNIT 14. SHOPPING GOODS AND SERVICES, Use Conditions; and a Special Exception for open air activities – other sales of merchandise. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 14 / 2, located 536 S. Sheridan.

Mr. Beach stated the case was continued to this meeting from a previous meeting. The applicant has withdrawn the application, regarding the following described property:

E 85' S 152.5' less E 15' for street, Block 29, Glenhaven, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19345

Action Requested:

Variance to exceed permitted height to the top of the top plate from 10' to 14'7½" and to exceed total height permitted from 18' to 23'10½" for a detached accessory building in an RS-1 district. SECTION 210.B.5.a. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located 3125 S. Columbia.

Mr. Beach informed the Board that the applicant has withdrawn this case, for the following described property:

Lot 4, Block 1, The Trees, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19347

Action Requested:

Variance of required side yard from 10' to 5' in an RS-2 district. SECTION 403.B. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RMH District – Use Unit 6, located S of SE/c E. 23rd St. & S. Columbia Ave.

Mr. Beach stated this application has been withdrawn for the following described property:

Lot 4, Block 2, Quinlan Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19338

Action Requested:

Special Exception for a bed and breakfast inn, one guest room over garage. SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS – Use Unit 2, located 1639 South Cheyenne.

Mr. Beach stated that Tracy Horner Shears submitted a request from the Riverview Neighborhood Association for a continuance of Case 19338 for thirty days (Exhibit E-1). She stated that the neighborhood association has not had a chance to meet with the applicant to negotiate agreeable terms of the business operation. She invites the applicant to attend one of two of their regularly scheduled executive board meetings.

Mr. White asked the applicant to respond.

Stephen Collinson, 1639 S. Cheyenne, stated he has not spoken with a board member of the neighborhood association because they have not had a scheduled meeting since he made the application. He stated that he thought if they had concerns they would have contacted him.

Mr. White discussed the request for continuance with the Board and announced they would hear it in the normal sequence on the agenda.

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MINUTES:

On **MOTION** of Cooper, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye", no "nays", no "abstentions", Perkins "absent") to **APPROVE** the Minutes of April 9, 2002 (No.839).

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UNFINISHED BUSINESS

Case No. 19314

Action Requested:

Special Exception to permit existing construction company uses in CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15; a Special Exception to permit Building Contract Construction Services, Use Unit 25, in a CH district, including but not limited to heavy construction equipment/storage parking. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 25; and a Variance to allow Use Unit 25 uses to be conducted outside (not in a building) on CH property within 300' of residential property. SECTION 1225.C.1. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY, located 401 S. Memorial.

Presentation:

Kevin Coutant, 320 S. Boston, stated he was representing the owners of the property Arthur and Cathy Couch. He stated they are trying to bring the zoning status of the property into conformity with the current use. A general utility contractor company has used the property since 1959. In 1995 the Board gave a limited term special exception to permit the existing use of a construction company in a CS district. Neighbors made complaints regarding the outside storage. The company needs outside storage. This case was continued to this hearing to give the applicant time to work through issues with the neighborhood. The company has cleaned up the property in the OL district; the equipment and materials were moved to the CH area; and a berm of six to eight feet was placed to separate and screen the area. The neighborhood indicated satisfaction in the changes. The company would like to extend the berm instead of a fence to complete the screening, which is favorable to the neighborhood also.

Comments and Questions:

Mr. White asked if there would be anything on the OL property. Mr. Coutant replied the OL would be clear open field, with no storage. Mr. Boulden asked if permits were obtained for the earth moving and if the changes have affected

flooding in the area. Mr. Coutant did not know about the permitting issue, but would accept such conditions. Mr. Boulden commented that if the Board required berms they would need to be approved by the Public Works Department. Mr. Boulden asked if there is a clear demarcation so that outside storage does not spill over into the OL district again. Mr. Coutant replied that there isn't currently, but there is a post that would identify one corner. Mr. Boulden suggested a fence and/or sign to define the separation.

Interested Parties:

Tom Hutchinson, 8345 E. 85th Pl., stated he and his wife were supportive of the application since meeting with the applicant and seeing the corrections they have made. He submitted a letter in favor (Exhibit A-2) of the application. He complimented the new berm, iron fence and landscaping.

Comments and Questions:

Mr. Boulden asked if Mr. Hutchinson has noticed if the berm has affected the drainage with the recent rain. Mr. Hutchinson responded that he checked on the water flow during the rain and found no interference with the drainage at all. Mr. Boulden asked if he would be able to see materials stored on the office property from the street. Mr. Hutchinson replied in the affirmative.

Mr. White announced that Mr. Cooper would abstain from Case No. 19314.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-1 (White, Dunham, Turnbo, "aye"; no "nays"; Cooper "abstained"; Perkins "absent") to **APPROVE** a ***Special Exception*** to permit existing construction company uses in CS district; a ***Special Exception*** to permit Building Contract Construction Services, Use Unit 25, in a CH district, including but not limited to heavy construction equipment/storage parking; and a ***Variance*** to allow Use Unit 25 uses to be conducted outside (not in a building) on CH property within 300' of residential property, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, subject to maintenance and continuation of the berm along the south OL property line that would run the distance of the CH property and turn back to the north and tie into the east line of the CH property, and some marking along the south property line of the CH property to depict the boundary that would be visible to the neighborhood, and no storage or activities relating to the construction company be conducted in the OL district, on the following described property:

A tract of land in the NW/4 of Section 1, T-19-N, R-13-E, of the IBM, being more particularly described as follows, to-wit: Starting at a point 627.40' E and 30' N of the SW/c NW/4 of said Section 1; thence N 0°19'19" W a distance of 180.00' to the POB; thence continuing N 0°19'19" W a distance of 276.00'; thence N 89°38'42" E a distance of 699.31'; thence S 0°19'19" E a distance of 276.00'; S 89°38'42" W a distance of 699.31' to the POB, AND a tract of land in the NW/4 of

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parking, per plan, finding the hardship to be the existing storm sewer, the parking will be close by, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, , on the following described property:

All of Lots 1, 2, and 3 and the Nly 220.00' of Lots 4 and 5, Block 6, Dunbar Addition, City of Tulsa, Tulsa County, State of Oklahoma; and part of Lot 1, Block 9, Roosevelt Addition, and more particularly described as Beg. at the NW/c of said Lot 1, thence S along the W line to the SW/c of said Lot 1, thence E along the S line for a distance of 10.00' thence NEly, on a straight line to a point on the N line of said Lot 1, located 14.48' E of the NW/c of Lot 1, thence W on the N line to the NW/c of said Lot 1 and the POB, and all of Lots 2, 3 and 4 and the Nly 110.00' of Lot 5, Block 9, Roosevelt Addition; and part of Lot 9, Block 8, Roosevelt Addition, and more particularly described as Beg. at the NW/c of said Lot 9, thence S on the W line to the SW/c, thence E on the S line for a distance of 15.52' thence NEly on a straight line to a point on the N line of said Lot 9, located 20.00' E of the NW/c thence W on the N line to the NW/c of said Lot 9 and the POB and all of Lots 6, 7 and 8, Block 8, Roosevelt Addition.

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Case No. 19335

Action Requested:

Variance of the requirement for 30' of frontage on a public street or dedicated right-of-way to 0' for two lots to be created by a lot-split. SECTION 206. STREET FRONTAGE REQUIRED, located 4021 East 104th Street South.

Presentation:

Robert M. Miles, 4016 E. 104th St. S., submitted a plat of survey (Exhibit C-1). He proposes to split off the west two parcels. The neighbor has an existing driveway crossing one of the parcels. Mr. Miles stated he has designated a road/utility easement. The right-of-way exists but the roadway stops about midway through Tract 1. He proposes to use the existing driveway for Tract 2, also.

Comments and Questions:

Mr. White questioned the need for the additional right-of-way. Mr. Beach responded there is no actual physical public street and because of the surrounding development, there is no place to extend the street. Mr. Beach suggested the easement be written to give access to all three pieces of property filed of record.

Interested Parties:

There were no interested parties 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

the requirement for 30' of frontage on a public street or dedicated right-of-way to 0' for two lots to be created by a lot-split, subject to a mutual access and utility easement filed of record along the existing driveway for the benefits of Tracts 1, 2 and 3, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the property described as follows:

A part of the N/2 SE NW, Beg. at the NE/c of N/2 SE NW; thence W 391.93' S 306.5'; E 391.89' to E line of N/2 SE NW; N 306.40' to POB, Section 28, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19336

Action Requested:

Special Exception to allow five portable units (manufactured buildings) for two years for classrooms SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 5; and a Approval of an amended site plan to include locker rooms at the football stadium. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 5, located NE/c E. Latimer and N. 129th East Ave.

Presentation:

Mike Lowery, 1619 S. Boston, stated he is an architect in partnership with Wallace O. Wozencraft. The church proposes to place portable units for classrooms for two years and the addition of locker rooms in an amended site plan (Exhibit D-1).

Interested Parties:

There were no interested parties 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 **Special Exception** to allow five portable units (manufactured buildings) for two years for classrooms; and a Approval of an amended site plan to include locker rooms at the football stadium, per amended site plan, on the following described property:

Lot 2, Block 1, Trinity Park Resubdivision, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19337

Action Requested:

Special Exception to allow a manufactured home in an RM-2 district; a Special Exception to extend the time limit; and a Variance to allow two dwellings on one lot, located 5123 West 11th Street.

Presentation:

Cynthia Nail, 5521 E. Newton Pl., proposes to place a 16' x 80' manufactured home on the back of the subject property. The property belongs to her mother-in-law. She informed the Board that 10th Street does not actually go through.

Comments and Questions:

Mr. White questioned Ms. Nail regarding splitting the lots. Ms. Nail responded that they thought it would be easier and cheaper to do it according to the plan they submitted. Mr. Dunham noted that 10th Street on the site plan is labeled the south property line, but for the record it is the north property line. Mr. Dunham asked if the home was new or used. She replied that she bought it new in 1998.

Interested Parties:

Weldon Brewer, 5144 W. 10th, stated his opposition to the application. He felt that a mobile home is not appropriate in the neighborhood among 60 to 70 year old stick-built homes. He was concerned that it would set a precedent.

Shirley Nail, stated she owns the property. She informed the Board there are already mobile homes in the area, and recently one was approved and placed on 12th Street.

Applicant's Rebuttal:

Ms. Nail stated she is also opposed to run-down mobile homes. She stated her interest in bettering her family by owning their own property in a better neighborhood.

Comments and Questions:

Mr. Boulden asked for a hardship. Mr. Dunham noted that this lot is deeper than the other lots nearby that were the same size and have been split into two lots.

Board Action:

On **MOTION** of **Cooper**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **DENY** a ***Special Exception*** to allow a manufactured home in an RM-2 district; a ***Special Exception*** to extend the time limit; and a ***Variance*** to allow two dwellings on one lot, finding a lack of hardship, and finding it would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lot 3, Block 8, Vern Subdivision Amended, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19338

Action Requested:

Special Exception for a bed and breakfast inn, one guest room over garage. SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS – Use Unit 2, located 1639 South Cheyenne.

Presentation:

Stephen Collinson, 1639 S. Cheyenne, stated that he has spoken with Ms. Pound with the Oakwood Condominium Association; and he would be willing to have his case continued per Ms. Shears request to deal with the issues.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **CONTINUE** Case No. 19338 to the meeting on May 28, 2002.

Lot 10, Block 9, Stonebraker Heights, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19339

Action Requested:

Special Exception for an addition to an existing public park to include a sensory and children's gardens, deck for demonstration purpose, water feature and concrete walk, located East 25th Street and South Rockford.

Presentation:

Greg Warren, stated he is the Data Resource Manager for the Tulsa Park and Recreation Department. He stated the request for a special exception in Woodward Park in the garden center. A site plan (Exhibit F-1) was provided

Comments and Questions:

Mr. Dunham asked about screening plans on the east boundary. Mr. Warren replied that they screened the parking lot to the south of the visitors' center and back to the south to screen the residence, as agreed in the previous Board action. Mr. Dunham asked if there was screening fence along the east boundary line. Mr. Warren replied there is no screening on the east. Mr. Cooper asked about the proposed hours of use for the facility. Mr. Warren stated 8:00 a.m. to 10:00 p.m., Monday through Sunday.

Interested Parties:

Jill Tarbell, 3111 S. Madison, stated she was in favor of the application for the small children's garden, handicap accessibility, and water feature.

Joe Van Hook, 16125 E. 460 Rd, Claremore, Oklahoma, stated he is a volunteer in the children's program. He feels that giving children experience in horticulture

provides early learning in life's lessons. He felt this facility is an asset to the City of Tulsa. He submitted a packet of information (Exhibit F-3) to the Board.

Mr. White out at 2:25 p.m

He added that the barn meets the practical needs of the facility. Mr. Van Hook stated that if the operating hours have to stop at 4:00 p.m. that would eliminate the most productive hours for the use of the barn, for classes.

Comments and Questions:

Ms. Turnbo asked for more information regarding the monthly Saturday children's program. Mr. Van Hook responded the program is from 9:00 a.m. to 12:00 noon, and last year they had about sixteen children attend from ages 7 to 10 years old.

Mr. White returned at 2:27 p.m.

Interested Parties:

Marty Hearn, 5508 W. Orlando Circle, Broken Arrow, Oklahoma, stated that the sensory garden is for the experience of using all of the senses. Ms. Turnbo asked if the children get in the water. Ms. Hearn responded that it is small and not for the children to get into the water.

Mr. Dunham out at 2:30 p.m.

Mary Athens, 1537 E. 27th St., stated the original plans for the barn were to be an office for use in the daytime and a meeting place in the evening.

Steve McCurley, 1214 S. Urbana Ave., stated he is currently the treasurer of the Tulsa Garden Center. He stated that the Garden Center is a non-profit organization. They have had an agreement since 1954 with the City of Tulsa, renewed in 1984, 1999, and amended in 2000, including the barn. They have worked well with the City and neighbors regarding improvements to the grounds and facilities.

Comments and Questions:

Ms. Turnbo asked the plans for the use of the barn in the evenings.

Mary Warner, 3168 S. Rockford Dr., replied that the barn is to be used for meetings in the evening. It is only one large room, with no other facilities. There have been only two committee meetings, and no other requests to reserve the barn. She stated that she would like to speak for herself, and many volunteers and citizens in favor of the facility.

Bonnie Hammond, 2858 E. 32nd Pl., stated she is the Executive Director of the Tulsa Garden Center. She informed the Board that they are amenable to construct a fence on the eastern perimeter. She stated that the general operating hours are

7:00 a.m. to 4:00 p.m. to be the same as the garden center building when staff would be in the office.

Mr. Dunham returned at 2:34 p.m.

The activities for evenings are classes of 8 to 24 people, usually on Tuesday and Thursday evenings. The classes have to do with horticulture, environmental and gardening. She added that any future classes would be limited primarily to weekday evenings, Saturday mornings, with an occasional class on Sunday afternoons.

Lloyd Bruce, 1507 E. 24th Pl., submitted photographs (Exhibit F-5). He stated that they promised to install an 8' privacy fence but they built a 6' fence and he can see the top of the maintenance building and the large equipment. He expressed concern that if this application is approved they would also have to see unkempt gardens as well. He asked the Board to deny the request so the park can re-plan the gardens to have a positive affect on the neighborhood rather than a negative one.

Comments and Questions:

Mr. White asked if an eight-foot fence extended across the 24th Place right-of-way would take care of the screening problem. Mr. Bruce replied that an eight-foot fence would take care of the screening problem.

Interested Parties:

Dave Collins, 1506 E. 24th Pl., stated he is the President of the Neighbors of Woodward Park Neighborhood Association. He stated the association opposes the application. He informed the Board that the neighbors worked with the Parks Department over two years ago regarding the conversion of the maintenance barn to a volunteer center. After several months of planning and negotiation it was unanimously decided that the volunteer center would serve garden club affiliates only, the hours of operation would be 7:00 a.m. to 4:00 p.m., Monday through Saturday, and no plant sales would occur out of this structure or on the grounds around it. He called the Board's attention to (Exhibit F-2). He stated they were given detailed plans showing the removal of a section of 24th Place, which would eliminate additional traffic through the neighborhood. The plan also specified sod or lawn only to exist on the east and north side of the volunteer center. Mr. Collins also noted they were verbally told that the double doors on the east side would be permanently sealed. He commented that no children's gardens or sensory gardens were mentioned. He stated that the Parks Department heads of staff told them that the existing metal crew building would be completely screened from public view by a six foot privacy fence, prior to the barn renovation, and an eight foot fence would be installed along the top of the retaining wall south of the volunteer center to screen maintenance equipment. He added they were also told that all activities of any kind would occur within the center or on the west and south sides only. He stated these agreements were to be added to the application. The

Board approved Case No. 18552, but none of these items of agreement were entered as exhibits. He complained that the Parks Department could now do what they want with the land. This aside, the neighborhood has agreed that the Parks Department and garden center should take full advantage of their new facility, but ask that they reconsider the practicalities of the proposed gardens with respect to the homeowners. He offered an alternate plan (Exhibit F-4) for the proposed gardens.

Pam Fegaly, 2263 S. Rockford, stated that the six-foot fence that used to screen the metal barn was removed and never replaced. She complained that the Parks Department was supposed to thin out some trees to discourage a drug problem in the park, but they clear cut, leaving the buildings exposed. She stated that the hours of the park are 5:00 a.m. to 11:00 p.m. but they are not enforced. This application is for things the park already had and removed, then replaced with sod.

Mona Green, 1397 E. 25th St., stated her main objection to the application is that the present facility around the arboretum is not maintained. It is often dirty and unsightly. Trees are being removed and replaced with bushes and one-foot new trees.

Debra Taggart, 1390 E. 25th St., expressed concern regarding the arboretum being misused and abused, making it an unsafe place. She also mentioned traffic problems, and destruction of private property in the neighborhood.

Comments and Questions:

Mr. Dunham noted a lack of communication between the Parks Department and the neighborhood. He suggested that a continuance might be needed for the applicant and neighborhood to meet.

Applicant's Rebuttal:

Mr. Warren noted that the neighborhood's proposed plan is essentially the same as the garden center's plan. He pointed out that the interested parties' proposed fence would be too expensive and would not give the screening they want. He stated that the arboretum is not a part of this application. He added that they have only taken out one tree that died.

Comments and Questions:

Mr. White encouraged Mr. Warren to meet with the neighborhood to work out the issues.

Ms. Hammond asked to speak again regarding a continuance. She explained to the Board that a two to three week continuance would mean a one-year continuance for the children's gardens. She indicated that the issues she heard today involve the Parks Department and the City of Tulsa. She informed the Board that two years ago she met with Hugh McKnight and Jeannie McDaniels and the neighbors at the garden center, regarding the terrible violations in the old test

garden area, including drug use. The neighborhood was concerned there was no light and plenty of privacy with tree foliage down to the ground. The Parks Department raised the canopy and installed lights to open up the area. She asked that the Board not postpone this application because they only have a small window of opportunity to install the gardens for this year or it will be too late and into the summer.

The Board discussed screening, uses of the barn, hours/days of operation, and the parking needs.

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*** for an addition to an existing public park to include a sensory and children's gardens, deck for demonstration purpose, water feature and concrete walk, per plan, with conditions to limit the use of the barn to horticultural activities, noting that no relief has been requested from the parking requirements, therefore any activities in the barn must meet the parking requirements of the zoning code; and a **CONTINUANCE** of the case regarding screening and fencing plans for the east and north boundaries with emphasis on screening the maintenance facility, to the meeting on May 14, 2002, on the following described property:

Beg. at the NW/c Lot 2, thence S 246.00' E 330.00' N 23.00' E 121.00' SE on curve 43.98' E 145.80' S 109.50' E 63.60' S 109.50' E 526.35' N 470.00' W 1218.36' to POB, Section 18, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19340

Action Requested:

Special Exception for an addition to an existing public park of 200'± of 1" water line, drinking fountain, sports court, bench and 2 backstops. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5, located 6502 North Cincinnati Avenue.

Presentation:

Greg Warren, with the City of Tulsa Parks Department, stated the requests in the application. A site plan was provided (Exhibit G-1). He stated they plan to remove two dilapidated backstops. He stated that a driveway has already been cut. He identified an area to be set aside for future parking on a gravel lot.

Interested Parties:

Aida Harris, 2222 E. 66th Pl., stated she was representing her children who own the thirty acres across the street from the subject property. They object to the elements of a park that would disturb the peace in the area. She suggested that they put the facilities in the park at 56th Street North or at the Dream Center at 46th

Street North. She questioned if this park is really needed. She added that every time she passes by it is empty. She asked for a continuance of the case so that her children could present their objections personally.

Comments and Questions:

Mr. White explained that the public park already exists and they propose to put in a new waterline.

Applicant's Rebuttal:

Mr. Warren reminded the Board there is an elementary school that abuts the property to the south. They anticipate the use of the sports court by the school children. They have not had any opposition from the residents on the west side of the property.

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** for an addition to an existing public park of 200'± of 1" water line, drinking fountain, sports court, bench and 2 backstops, 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 following described property:

The N 330.00' of the SE/4 NE/4 NE/4 and S 66.00' NE/4 NE/4 NE/4 of Section 2, T-20-N, R-12-E of the IBM, more particularly described as the SE 10.00 acres less the S 330.00' thereof, and the E/2 S 66.00' N 20.60 acres of Lot 5 in said Section 2, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19341

Action Requested:

Special Exception to permit existing residential single-family use in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6, location 5017 South 33rd West Avenue.

Presentation:

Lois Gunnels, 4020 S. 94th E. Ave., stated she is the administrator for the subject property. She proposes to sell the property as residential, as it has never been used as commercial.

Interested Parties:

There were no interested parties 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 **Special**

Exception to permit existing residential single-family use 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:

Lot 5, Block 4, Town of Carbondale now City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19342

Action Requested:

Variance of the required rear yard in an RS-1 district to permit a residential structure with an attached garage to encroach within the required rear yard by 672 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 2120 East 30th Place.

Presentation:

Charles E. Norman, 2900 Mid-Continent Tower, stated he was representing the owners of the property. A site plan and photographs (Exhibits H-1 and H-2) were provided. They propose to remove the existing detached garage and carport; and to construct an attached garage on an oversized lot. He submitted letters from eight neighbors in support of the application (Exhibit H-3). The existing structure extends into the required rear yard and the new construction would increase the encroachment by 110 square feet. It would establish a side yard in compliance with the code. The construction would still result in a rear yard in total area significantly greater than in a standard RS-1 lot. He mentioned that the structure was constructed in 1937 prior to the establishment of the existing rear yard requirements.

Interested Parties:

There were no interested parties 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 the required rear yard in an RS-1 district to permit a residential structure with an attached garage to encroach within the required rear yard by 672 square feet, per plan, finding it would be an improvement to an existing condition and would establish a side yard, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lot 7, and the W 71.00' of Lot 6, Block 19, Forest Hills, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19343

Action Requested:

Variance to reduce the required 15' wide side yard in an RE zoning district to 10' for a distance of 12' to permit the construction of an addition to an existing residence. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 4131 S. Oak Rd.

Presentation:

Charles E. Norman, 2900 Mid-Continent Tower, pointed out the unusually shaped lot owned by Ruth Nelson. He submitted photographs (Exhibit I-2) to the Board. The house is almost not visible from the street. He noted the neighbor's fence built within two feet of the property. She proposes to build an addition to the house. The property was in an RS-1 district when it was constructed and was subsequently rezoned to the RE district, which establishes a 15' side yard on both sides. The addition would encroach into the newly required 15' side yard by 28 ½ square feet. He submitted a letter of support (Exhibit I-3) from the neighbors to the south. A site plan was provided (Exhibit I-1).

Interested Parties:

There were no interested parties 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** to reduce the required 15' wide side yard in an RE zoning district to 10' for a distance of 12' to permit the construction of an addition to an existing residence, per plan, finding the hardship to be the change of zoning since the residence was established and would be difficult if not impossible to adhere to the new setback with the existing house, on the following described property:

All that part of Lot 1, Block 3, of Bolewood Acres, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to wit: Commencing at the SE/c of said Lot 1; thence N 2°23'57" W a distance of 0.00'; thence along the E boundary of said Lot 1 to the left on a curve of radius 674.64' a distance of 137'; thence along the E boundary of said Lot 1, N 14°00'00" W a distance of 74.00'; thence S 68°01'19" W a distance of 98.44' to the POB; thence continuing S 68°01'19" W a distance of 34.85'; thence S 84°48'06" W a distance of 109.21'; thence N 48°56'38" W a distance of 75.00' to a point in the NWly boundary of said Lot 1; thence NEly along the NWly boundary of said Lot 1 along a curve to the left having a radius of 1,048', a distance of 6.09'; thence S 57°03'33" E a distance of 65.53'; thence S 86°59'11" E a distance of 85.69'; thence N 79°50'20" E a distance of 53.66' to the POB, except this tract is restricted from being transferred or conveyed as above described without including part of Lot 1, Beg. at the SE/c; thence Nly on the E line 211', SW 242.50', NW 75' to Wly line, SW 45', SE 274.95', E 151.41' to the POB in Block 3, less the W 30' for roadway

unless the Tulsa Metropolitan Area Planning Commission, or its successors, according to law, approves such conveyance or transfer.

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Case No. 19344

Action Requested:

Special Exception to permit a mini-storage in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16, located 3737 N. Lewis.

Presentation:

Kent Johnson, 5812 N. Elgin, stated his request for a special exception. A site plan (Exhibit J-1) was provided.

Interested Parties:

There were no interested parties 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 ***Special Exception*** to permit a mini-storage in a CS district, per plan, with condition that there be no outside storage, 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:

That part of the SW/4 SW/4 of Section 17, T-20-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beg. at a point 726.00' N SW/c of said Section 17; thence E a distance of 250.00'; thence N a distance of 100.00'; thence W a distance of 250.00'; thence S a distance of 100' to the POB, except that part deeded for highway purposes and except the N 0.29' thereof.

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Case No. 19346

Action Requested:

Special Exception to permit a manufactured home in an RS-2 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Special Exception to extend the one year time limit. SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 13230 E. 4th Pl.

Presentation:

Bill Ward, 12502 E. 26th St., stated they propose to build a new multi-section house on three lots. He submitted plans and support information (Exhibits K-1 and K-3) to the Board. The house is 2,300 square feet with foundation and a garage

that may be attached or detached. He planned to purchase the properties after Board approval of this application.

Interested Parties:

Lydia Wiles, 13518 E. 4th Pl., stated she had a petition of 22 names (Exhibit K-2) from neighbors in opposition to the application. She stated they do not think this would be appropriate in the neighborhood.

Comments and Questions:

Mr. Dunham informed Ms. Wiles that it would be manufactured home on a permanent foundation. He explained that it is stick built, and not exactly the same as a trailer. Ms. Wiles replied that it looks like a trailer. She suggested that if they are spending that much, they ought to just buy the land and build a house.

Interested Parties:

Pricilla Lucias, 13266 E. 4th Pl., **Matt Steele**, 622 S. 132nd E. Ave., expressed the same complaints.

Ben Carson, 608 S. 132nd E. Ave., informed the Board that Mr. Brewster the owner of two of the lots is his father-in-law. Mr. Carson's wife asked her father not to sell the lots for a mobile home. Mr. Carson understood him to say that he would not sell the property to the applicant.

Applicant's Rebuttal:

Mr. Ward stated he has not heard from Mr. Brewster in opposition to the application. He pointed out that this is not a mobile home, and will be built on a permanent foundation. He believes there are one or two other manufactured homes on the street.

Comments and Questions:

Mr. Boulden commented that the application states that the record owner consents to the filing of this application. He added that since they have heard something in conflict with that, he asked if Mr. Ward had any statement to make regarding this. Mr. Ward responded that he has not heard from Mr. Brewster if he has changed his mind. Mr. Dunham asked if he has a contract to buy the property. Mr. Ward stated he did not have a contract.

Board Action:

On **MOTION** of **Turnbo**, 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 manufactured home in an RS-2 district; and a Special Exception to extend the one-year time limit, 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, on the following described property:

Lots 7, 8, and 9, Block 9, Meadowbrook Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Mr. White stated he would abstain from Case No. 19348.

Case No. 19348

Action Requested:

Variance of the setback from the side property line for an accessory building from 3' to 2.8' to carport support post. SECTION 210.B. YARDS, Permitted Obstructions in Required Yards; and a Variance of the 2' allowable (eave overhang) obstructions in a required yard to 2.6'. SECTION 210.B. YARDS, Permitted Obstructions in Required Yards, located 4655 S. Columbia.

Mr. White out at 3:53 p.m.

Presentation:

William Eagleton, 100 W. 5th St., stated he was representing the owner, Dick Clark. Mr. Clark added a carport and driveway extension after purchasing the property thirteen years ago and it encroached over the property line. He is trying to sell the house and has found he has a title problem. The neighbor to the north is willing to gift just enough property to clear the title.

Mr. White returned at 3:55 p.m.

Comments and Questions:

Mr. Beach suggested that it would be better if the two property owners could make a straighter property line to make a cleaner division of property. Mr. Holladay explained that the neighbor was not willing to consider anything more than he has offered. It is consistent with the fence line.

Interested Parties:

Dick Clark, 4439 S. Birmingham Ave., stated he bought the property and hired a builder to construct the carport. The eave of the carport hangs over the property line, but if it were any narrower, a car would not fit under it.

Board Action:

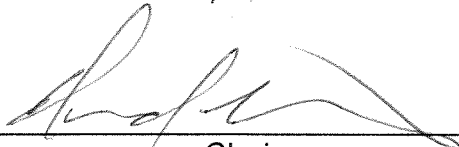
On **MOTION** of **Cooper**, the Board voted 3-0-1 (Dunham, Turnbo, Cooper "aye"; no "nays"; White "abstained"; Perkins "absent") to **APPROVE** a **Variance** of the setback from the side property line for an accessory building from 3' to 2.8' to carport support post; and a **Variance** of the 2' allowable (eave overhang) obstructions in a required yard to 2.6', on condition that the small sliver of land that is added be tied to Lot 6, finding the hardship is to clear up a pre-existing condition, on the following described property:

Lot 6, Block 1, Horace Heights Addition, and a part of Lot 5, Block 1, Horace Heights Addition, being more particularly described as follows, Beg. at the SE/c of said Lot 5; thence due W along the S line thereof a distance of 185.76'; thence N 84°10'00" E a distance of 27.60'; thence S 86°44'49" E a distance of 26.62'; thence N 21°38'55" E a distance of 1.28'; thence N 89°14'26" E a distance of 131.26' to a point on the E line of said Lot 5; thence S 0°03'00" E along the E line of said Lot 5 a distance of 4.22' to the POB, City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 4:07 p.m.

Date approved: May 17, 2002



Chair