

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 842
Tuesday, May 28, 2002, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Vice Chair
Turnbo
White, Chair

**MEMBERS
ABSENT**

Cooper
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 Thursday, May 23, 2002, at 10:10 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.

CONTINUANCES and CASES WITHDRAWN

Case No. 19368

Action Requested:

Variance of setback from 79th East Avenue from 50' to 47.5' to permit new construction. The property is located 3414 South 79th East Avenue.

Presentation:

Mr. Beach announced that the applicant, Danny Mitchell, asked for a continuance to the meeting on June 11, 2002.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **CONTINUE** Case No. 19368 to the meeting on June 11, 2002, regarding the property described as follows:

All that part of Lot 3, Interchange Center, City of Tulsa, Tulsa County, State of Oklahoma, lying in the NE/4 of Section 23, T-19-N, R-13-E of the IBM, more

particularly described as follows, to-wit: Commencing at the NE/c of said Section 23; thence due W a distance of 1,206.93'; thence due S a distance of 692.34' to a point in the SEly right-of-way of I-44 and the NWly boundary of said Lot 3 and the POB; thence N 48°55'30" E along the SEly right-of-way of I-44 a distance of 150.00'; thence S 41°04'30" E a distance of 278.99'; thence S 00°00'00" E a distance of 92.10' to a point in the Nly right-of-way of S. 79th E. Ave.; thence on a curve to the left having a radius of 390.00' along said Nly right-of-line of S. 79th E. Ave. a distance of 124.00'; thence N 20°23'03" W a distance of 50.00'; thence N 41°04'30" W a distance of 240.28' to the POB.

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MINUTES

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** the Minutes of May 14, 2002 (No. 841).

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UNFINISHED BUSINESS

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, proposed to make the garage apartment at his residence into a Bed and Breakfast. It is an oversized two-car garage with an interior stairway to the second floor. He plans on one or two guests at a time for overnight stays. He plans on giving vouchers for breakfast at nearby restaurants. He does not plan to have special events or long term stays. There will be no kitchen. Guests will be able to come and go without the applicant having to move his personal car.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a ***Special Exception*** for a bed and breakfast inn, one guest room over garage, with conditions as stated in (Exhibit A-1), a letter from Tracy Horner Shears: guest parking is fully accommodated off-street by either of two driveways on the property;

signage shall be low-profile and architectural in style, wooden in material, not to exceed two square feet in display surface area, painted gray and white or other colors compatible with the main residence, and located a the north side of the main residence along the house, not to be visible from beyond the property line; Mr. Collinson resides on the property and would be available at all times in the event of a neighborhood concern; the property would be maintained in a desirable and conscientious manner; no broader uses than this specific use; and additional conditions: that no food be served; no kitchen in the rental area; no special events; and no more than two guests at a time, on the property described as follows:

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

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Case No. 19349

Action Requested:

Special Exception to permit auto sales in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; and a Variance of requirement that there be no open air storage or display of merchandise within 300' of adjoining R district. SECTION 1217.C. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions, located NW/c 106th E. Pl. & E. Admiral Pl.

Presentation:

Randall G. Gehring, 4032 S. Urbana, stated this case was continued from the last BOA meeting. He met with the officers but not with all of the neighborhood associations that were interested in this application.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **CONTINUE** Case No. 19349 to the meeting on June 11, 2002, regarding the following described property:

That part of Lot 5, in Spring Grove Subdivision of Lot 2, Section 6, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beg. at the SE/c of the highway property line of Lot 5; thence W along the highway property line 165' to a point; thence N 125' parallel to the E line of Lot 5 to a point; thence E 165' parallel to the S line of the highway property line to a point on the E line of Lot 5; thence S 125' along the E line of Lot 5 to the POB.

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NEW APPLICATIONS

Case No. 19358

Action Requested:

Variance of required side yard from 20' down to 5' to permit a new detached garage. SECTION 402.B.1.c. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions and SECTION 210.B.5.b. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located 1203 S. Delaware.

Presentation:

John D. Simms, 1203 S. Delaware, stated they asked for the variance to avoid the sewer line. He stated there were 17 detached garages on 12th Street between Harvard and Delaware. They do not want access on Delaware because of the traffic. A site plan (Exhibit I-1) was provided to the Board.

Comments and Questions:

Mr. White mentioned the staff comments regarding the proximity from the face of the garage to the curb would only be 17'. He noted that two of the neighboring homes have the same problem, setting a precedent.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** of required side yard from 20' down to 5' to permit a new detached garage, per plan, finding the hardship is that a precedent has been set on the two lots to the east with the same conditions, on the property described as follows:

Lot 24, Block 4, Signal Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19359

Action Requested:

Special Exception to allow a manufactured home in an RS-3 and AG zoned 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.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS. – Use Unit 9, located 716 W. 71st St.

Presentation:

Mary K. Whittenburg, P.O. Box 61, Glenpool, Oklahoma, proposed to move a mobile home onto the subject property. She stated the owner of the property is present and available if the Board needs to speak with her.

Comments and Questions:

Mr. White asked about the lateral lines on the property. Ms. Whittenburg replied they are for the mobile home she wants to move in. The lines were placed for a previous mobile home. Mr. White informed her that the extended time must be limited but it could be thirty years. Ms. Whittenburg was agreeable to thirty years. Mr. Beach noted that 110' width is not enough for the AG portion of the property. Mr. Dunham informed the applicant that she might have to come back to the Board for more relief.

Interested Parties:

Charlotte Janson, 714 W. 71st, stated there has not been a lot split on the property.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Special Exception** to allow a manufactured home in an RS-3 and AG zoned district; and a **Special Exception** to extend the one year time limit, to a period not to exceed thirty years, 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:

A part of the NW/4 NE/4, Section 11, T-18-N, R-12-E of the IBM, particularly described as follows, to-wit: Beg. at a point 440.00' E of the NW/c NE/4, thence S 1,320.00'; thence E 110'; thence N 1,320.00'; thence W 110.00' to the POB, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19360

Action Requested:

Variance of setback from rear property line of 20' down to 10'. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS – Use Unit 6, located 5007 South Irvington Place.

Presentation:

John Rohweder, 5007 S. Irvington Pl., stated he wants to add on to the existing garage. He submitted a site plan and photographs (Exhibit B-1 and B-2).

Comments and Questions:

Mr. White commented on the staff comments regarding the proximity to the neighbor on the north. He did not think it is close enough to cause a problem.

Interested Parties:

There were four interested parties present in favor of the application, but no one who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** of setback from rear property line of 20' down to 10', per plan, finding it is an L-shaped house with odd shaped lot 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 19, Block 14, Park Plaza 4th, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19361

Action Requested:

Special Exception to allow Use Unit 5, (Children's Nursery) on the subject tract and in an OL district, located 1819 East 15th Street.

Presentation:

Philip Steedman, 2728 E. 44th Pl., proposed to open a before and after school childcare program for elementary school age children only. He currently serves three public schools in the area with one other program at a different location. He pointed out there is a playground. The Department of Human Services has already agreed it is a good facility and location. He has sent out about 75 letters to residents within 300' of the facility. He received five responses of support. He has attempted to contact the homeowners' association, but was not successful in reaching a contact person. He submitted photographs (Exhibit C-1). There is a six-foot privacy fence around the playground. There is access to 14th street, but he has already assured the neighbor on that side that the access would be closed off. He plans to replace the fence that is in disrepair.

Comments and Questions:

Mr. White suggested that the case could be continued to request more relief for the fence height if needed. Ms. Turnbo asked the hours of operation. Mr. Steedman replied he would be there from 7:00 a.m. to 6:00 p.m. He added that the children would be coming inside around 5:15 p.m. to be picked up by parents. Ms. Turnbo asked about transportation for the children. Mr. Steedman replied that he uses vans to transport the children to and from school.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Special Exception** to allow Use Unit 5, (Children's Nursery) on the subject tract and in an OL district, with the conditions that hours of operation be Monday through Friday, 7:00 a.m. to 6:00 p.m.; no building structure to front 14th Place; and no access on 14th Place; childcare limited to elementary ages only; and to **CONTINUE** Case 19361 to the meeting on June 25, 2002.

Tract A: more particularly described as follows: A portion of Lots 17 and 18, Block 5, Terrace Drive Addition, being more particularly described as follows, to-wit: Beg. at the SW/c of the E 50.00' of said Lot 17; thence N 00°26'51" W along the W line of said Lot 17, a distance of 193.72'; thence N 89°59'51" E a distance of 100.02'; thence S 00°26'16" E a distance of 193.74' to a point on the S line of said Lot 18; thence due W a distance of 99.96' to the POB; and Tract B: A portion of Lot 18, Block 5, Terrace Drive Addition, being more particularly described as follows, to-wit: Beg. at the NE/c of said Lot 18, thence S 00°24'17" E along the E line of said Lot 18, a distance of 293.83' to the SE/c of said Lot 18, thence N 90°00'00" W along the S line of said Lot 18, a distance of 99.96'; thence N 00°25'41" W a distance of 293.80' to a point on the N line of said Lot 18; thence N 89°59'45" E a distance of 100.07' to the POB.

Case No. 19362

Action Requested:

Special Exception to allow a bed and breakfast facility in an RS-3 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2, located 1100 North 27th West Avenue.

Presentation:

Paul Vestal, 1515 E. 71st, Ste. 302, stated he was representing John Amos. He emphasized that the request is for a Bed and Breakfast only, and no special events. This is a five-acre tract of land with a five bedroom, five-bathroom mansion. It is near Gilcrease Hills, and in Osage County. There is adequate off-street parking, outdoor pool, separate garage with apartment above, and one other out-building.

Comments and Questions:

Mr. Dunham asked about expected length of stays for guests. Mr. Vestal replied it would be weekends only, or probably no more than one week. Mr. Vestal stated a lot of businessmen seek a Bed and Breakfast rather than motels or hotels. Mr.

Dunham asked again about the number of guest rooms. Mr. Vestal responded there would be five guest rooms. Mr. Vestal responded to questions regarding signage and special events, stating any sign they use will be made within the requirements of the code and no special events are allowed by the code so there will not be any.

Interested Parties:

Paula Brown, 1000 N. 27th W. Ave., and **Pete Sandschaper**, 1035 N. 27th W. Ave., came before the Board. They submitted a packet of information, including a petition, maps and photographs (Exhibit D-1). The homeowners residing in the Country Club Heights Addition signed the petition. Ms. Brown wanted to know what is to stop special events from taking place. She made a complaint that during a recent house fire in the neighborhood there was not enough water pressure to adequately fight the fire. She mentioned the Newton and 27th Streets dead end, so that traffic and parked cars cause too much congestion for neighbors and emergency vehicles.

Ginny McElwaine Rohr, 1228 S. Florence Avenue, stated that her parents have lived at 1115 N. 27th W. Ave., directly across the street, since 1964. She pointed out that information on the Case Report regarding the Relevant Previous Actions and on the application is not accurate. In the late 1960's and early 1970's the downtown urban renewal was sweeping through the downtown area. Her father applied to the Board to build an office on the backside of this property facing 25th Street. The Board denied the application because it would create too much traffic. She concluded that a precedent was set for this neighborhood.

Patty Mandrell, 1171 N. 27th W. Ave., directly east across the street from the subject property. She indicated that Mr. Vestal stated the applicant would not be living there, and this would be only a business venture. This goes against the covenants of the neighborhood.

Paula Johnson Stafford, 2720 W. Newton, informed the Board that she grew up in the neighborhood and raised her own family there; emphasizing it is a residential neighborhood. She stated that when a special designer home event was held people drove across her property.

Joseph Rohr, mentioned that the Holiday Inn Express is close by for short overnight stays.

Applicant's Rebuttal:

Mr. Vestal responded that the applicant would be living in the home as his residence. He noted that it would not increase traffic any more than a family with five or six children. He added that the Holiday Inn is not the same as a Bed and Breakfast. He stated that it does not violate any ordinances; will meet all requirements of the code; no gambling will be condoned. It is supposed to be a very quiet, restful place for guests on weekends.

Comments and Questions:

Mr. Boulden reminded Mr. Vestal that any signage would have to be approved by the Board. Mr. Vestal replied they would not put up any sign without approval, and do not plan signage at this time. Mr. Boulden confirmed there would only be five guest rooms.

In Board discussion Ms. Turnbo expressed concern that the added traffic would be an unnecessary intrusion on the neighborhood with the expected future special events at Gilcrease Museum. Mr. Dunham commented that the business would be an aversion from the single-family residential neighborhood. He added that the water pressure and septic issues would not cause any more stress on the systems than a family with five or six children. Mr. White mentioned that the times of maximum occupancy of a B & B, would probably be during the times of major events at Gilcrease Museum. He mentioned that the streets are not built according to city standards.

Mr. Vestal asked for a continuance to allow time to address the questions and incorrect assumptions of the interested parties. He intends a very conservative use of the property as his residence. It will take some time to develop a B & B. Mr. White asked if they have contacted any of the neighbors. Mr. Vestal replied that they have not had an occasion to speak with the neighbors.

Mr. White commented he would have expected the applicant to contact the neighbors regarding this obviously controversial project. The neighborhood seems to have a significantly organized association. The only other option at this point since the interested parties are so unclear about the details would be to have give a continuance.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **DENY** a **Special Exception** to allow a bed and breakfast facility in an RS-3 zoned district, 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:

N/2 SW NE NE, Section 33, T-20-N, R-12-E, City of Tulsa, Osage County, State of Oklahoma.

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Case No. 19363

Action Requested:

Special Exception to reduce the number of off-street parking spaces from 27 required to 15. SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS; Off-Street Parking and Loading Requirements. SECTION 1408.B.4. NONCONFORMING ADULT ENTERTAINMENT ESTABLISHMENTS;

and a Special Exception to allow a bar within 150.00' from an R zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 12a, located 4002 East 11th Street South.

Presentation:

Andre Bahlinger, 5818 E. 77th St., stated she is the agent for the landlord, AAA Vending. This has been a neighborhood bar since 1970. This is one of the last bars in town being brought into compliance for an all-weather surface parking lot with required number of parking spaces.

Interested Parties:

Catherine Nicholson, 933 S. Oswego Ave., stated her concern that overflow parking would be on Oswego because it is a through-street. She suggested that the vacated convenience store parking lot would be good for overflow parking. She responded to Mr. Dunham that the parking has been stacked in the past. She made a complaint about the live music stating she could hear it in her house even when it is closed up.

Michele Pagliaro, 3923 E. 11th Pl., stated he has lived there since the early 1960's. He informed the Board there were many neighbors that could not be there for health reasons or jobs, and some are out of town. When he purchased his home the bar was not there. He stated that he is familiar with bars as his family has owned bars. He listed problems with this bar including: poor response from police; loud music causes his house to vibrate; and his fence has been burned twice.

Tom Baker, 1923 E. 19th St., City Councilor for District 4, stated he represented some of the residents of this neighborhood. He has heard complaints of noise, crime, 17 TPD incidents in the last year, and non-compliance with the ordinances for parking, and distance from residential zoning.

A letter of opposition (Exhibit E-1) to the application was sent to the Board from Jeannie McDaniel.

Applicant's Rebuttal:

Ms. Bahlinger stated that the parking area has not changed, just surfaced and striped. She asked if the interested parties have complained to the landlord. She stated that is the best way to get results for changes.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **DENY** a **Special Exception** to reduce the number of off-street parking spaces from 27 required to 15; Off-Street Parking and Loading Requirements; and a **Special Exception** to allow a bar within 150.00' from an R zoned district, 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 6 and 7, Block 1, Mayo Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19364

Action Requested:

Special Exception to allow a detached accessory building on a residential lot, other than the lot where the principal use is located. SECTION 1608.A.11. BOARD OF ADJUSTMENT POWERS, SPECIAL EXCEPTIONS; a Variance for a structure to exceed 10' in height to the top of the top plate. SECTION 210.B.5.a. YARDS; Permitted Obstructions in Required Yards; and a Variance of maximum allowable square footage for detached accessory buildings (1,040 square feet [40% of square footage of residence]) to 2,500 square feet. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, located 11416 East Newton Place.

Presentation:

Mike Bevens, 11416 E. Newton Pl., stated he owns Lots 9 and 10. He proposes to tear down the old house and the carport, old outbuildings on Lot 9 and build a new structure to replace with the same square footage. He explained he asked for the height to put in a 12' x 12' door to park work trucks, trailers and equipment. He contacted the neighbors to the west, across the street and they were in support of the application.

Comments and Questions:

Mr. Dunham concluded that the existing home, 900 square foot existing garage, and a new 1600 square foot garage would be what is left on the property. Mr. Bevens replied that was correct. Mr. White asked if his goal was to place all of the construction trucks and equipment in the garage. Mr. Bevens responded he would put everything but the backhoe and loader. Mr. Bevens added they only park the equipment there after hours, and take them to the work sites in the mornings. Mr. Bevens stated he does not run his business from there, and a variance was approved in 1986 to store the equipment there. He bought the house from his grandfather, took over the business and nothing has changed. Mr. Beach responded that in 1985 the Board denied a use variance. Mr. Bevens responded that someone at INCOG told him the variance was approved. Ms. Turnbo asked how many employees pick up equipment from his house. Mr. Bevens replied there are three that park in his driveway and take the work trucks to the work sites.

Interested Parties:

Sara Carpenter, 14940 E. 15th Pl., stated she owns a rental house at the end of Newton Pl. She lived there herself for twenty-five years. She added that she knows the neighbors, and there are a number of elderly ladies. She is interested in

keeping the street looking as nice as possible, to rent her house to people who will have the same interest. She thinks it is starting to look too commercial on the subject property with all the equipment.

Cheryl Ray, 11365 E. Newton Pl., stated she lives directly across from the subject property. She has no objection to the new garage. She thinks it would be an asset to the neighborhood.

Applicant's Rebuttal:

Mr. Bevens informed the Board that he helps the elderly ladies on the street with lawn care, and other things. They have given their support to his application.

Comments and Questions:

Mr. Dunham asked how high he plans to build. Mr. Bevens stated he wants to build to 14' to the top plate for a 12' x 12' door, and the roof would be a 1:12 pitch. It will be a metal building the color of his house. Ms. Turnbo asked that since it is illegal for him to store his business equipment there, would he consider making it smaller. Mr. Dunham explained to the applicant that if the application were approved it would require a tie agreement. Mr. White informed Mr. Bevens there must be a hardship for the variances. Mr. Bevens responded that he wanted to replace the square footage that he has in the structures he will be tearing down.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Special Exception** to allow a detached accessory building on a residential lot, other than the lot where the principal use is located, with the condition for a tie agreement, 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; and to **DENY** a **Variance** for a structure to exceed 10' in height to the top of the top plate; and a **Variance** of maximum allowable square footage for detached accessory buildings (1,040 square feet [40% of square footage of residence]) to 2,500 square feet, finding a lack of hardships, on the following described property:

Lots 9, 10, and 11, Block 2, Modern Acres, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19365

Action Requested:

Variance of the allowable display surface area of signs to permit replacement of existing sign with new sign having 202.89 square feet of display surface area. SECTION 1221.E.3.a. CG, CH, CBD, IL, IM, and IH Use Conditions for Business Signs, located 6555 East Skelly Drive.

Presentation:

Roy Johnsen, 201 W. 5th St., Ste. 501, stated he represented C.F. Solutions, Inc. He informed the Board that they provide a specialty pharmacy for Cystic Fibrosis patients. It is a non-profit organization. He stated that the pharmacy, offices and rehabilitation therapy would be located on this site. They have six employees, two of which are part-time. They expect a maximum of only three patients on the premises at a time, so ten is a good estimation of the maximum number of parking spaces needed. He provided a site plan and proposed conditions (Exhibits G-1 and G-2). This is a non-typical use and that is probably why the code does not fully address all of the uses.

Comments and Questions:

Mr. Dunham asked staff if they have a problem with the 14-space layout. Mr. Beach briefly reviewed the plan they just received. Mr. White noted two loading docks at the back of the building. He questioned if they were going to use the docks. Mr. Johnsen responded that they might have a semi-truck once per month as opposed to the operation that was using the building. He added that deliveries would be smaller packaging and access to the loading docks is not critical to the operation. Mr. Beach stated that the minimum aisle width is 12' and would be adequate.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** of off-street parking requirements, per plan, with conditions to limit the use of existing building for principle purposes of preparation and distribution of Cystic Fibrosis Pharmaceuticals, rehabilitation of Cystic Fibrosis patients, and at least 14 parking spaces available, finding this is not a typical use, and applying the standards for parking would work a hardship on this property, as per the following description:

Lots 11, and 12, Block 1, Industrial Equipment Center 3rd Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19367

Action Requested:

Appeal from the decision of an administrative official's issuance of a building permit for Lot 66, Block 2, Tamarac; that site plan does not meet previously approved site plan. SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL, located 12922 and 12926 East 28th Place.

Presentation:

The applicant was not present. Mr. Beach stated that the official who issued the permit was present and the man that obtained the permit. A neighbor next door was contesting the issuance of the permit. Mr. Beach explained to his understanding that the neighbor indicated the new site plan is contrary to a plan that was approved by the Board a long time ago. During that time some code requirements changed. Photographs (Exhibit H-1) were provided to the Board.

Comments and Questions:

Mr. White noted staff comments regarding the ten-foot separation of the units. Mr. White asked if the information was determined from the minutes, and no conditions were included with the motion. Mr. Beach replied in the affirmative.

Interested Parties:

Rick Oberlander, 1105 N. Peoria, stated he is President of Highlander Homes, Inc. He stated he would prefer not to continue this application. The neighbor has held him up for a month and a half building his house and cost him a lot of money, and then doesn't show up for this meeting. Mr. Oberlander stated three or four instances that the appellant objected to what he was doing on his own property to prepare for building. The appellant stole survey pins off of his property twice. Mr. Oberlander sent a certified letter instructing the neighbor not to trespass on his property, and if he does and commits theft again, he would have him arrested. The presentation in the minutes of the 1996 Case No. 17591 state that all the home would be single-family detached garden homes and where ever possible the ten-foot separation minimum will remain. Ms. Turnbo asked if it was in the motion. He replied that it was not in the motion. She responded that the ten-foot separation was not required. Mr. Oberlander stated that the precedent has already been set that ten feet has not been kept between other homes.

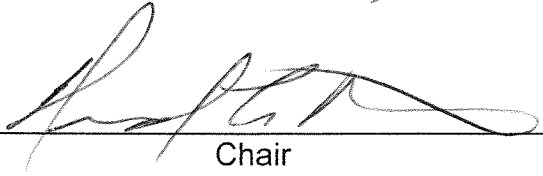
Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **DENY** the **Appeal** from the decision of an administrative official's issuance of a building permit for Lot 66, Block 2, Tamarac; that site plan does not meet previously approved site plan, based on the record of the previous meetings, and the statements of current owner of the property, and there was no condition for a ten-foot separation in the motion, on the following described property:

Lots 66 and 67, Block 2, Tamarac Addition, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 3:20 p.m.

Date approved: JUNE 11, 2002



Chair