

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 847
Tuesday, August 13, 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
Perkins

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Beach
Butler

**OTHERS
PRESENT**

Boulden, Legal
Cox, Neighborhood
Inspections

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Wednesday, August 7, 2002, at 8:55 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.

Mr. Cooper arrived at 1:02 p.m.

CONTINUATIONS and CASES WITHDRAWN

Case No. 19413

Action Requested:

Variance of required side yard from 5' to 2'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 1631 S. Delaware Pl.

Presentation:

Mr. Beach informed the Board this case was continued to this date, but since then it was discovered more relief was needed.

Board Action:

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

19413 to the meeting on August 27, 2002, for advertising of additional relief requested.

Lot 17, Block 6, Avondale Addition to City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19423

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 shall be no open air storage or display of merchandise offered for sale within 300' of an R district. SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions, located SW/c E. 30th St. & S. Sheridan Rd.

Presentation:

Mr. Beach informed the Board this application was withdrawn because the property owner did not authorize this use of the property and is negotiating a lease with a different party. He added that the notice was stopped after staff received this information.

Sandra Alexander, 1044 E. Pine, stated she represented the property owners. She stated the owners spoke with the applicant about a lease but had not come to any agreement. The owners do not support the application and do not need the requested relief.

The applicant was not present.

Board Action:

The case was considered withdrawn.

MINUTES

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Perkins, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of July 23, 2002 (No. 846) as amended.

UNFINISHED BUSINESS

Case No. 19409

Action Requested:

Special Exception to extend the one year time limit for a manufactured home. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 9, located 5153 W. 12th St.

Presentation:

Reva Akee, 5153 W. 12th St., returned to the Board for relief of the one year time limit.

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 extend the one-year time limit for a manufactured home to thirty (30) 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:

S 43.00' Lot 7 and S 43.00' Lot 8 and all Lots 9 and 10, less E 2.50' S 140.00' Lot 9 and less S 140.00' Lot 10, Block 2, Vern Subdivision #2, City of Tulsa, Tulsa County, State of Oklahoma.

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NEW APPLICATIONS

Case No. 19414

Action Requested:

Variance to allow a detached accessory building in the front yard. SECTION 402.B.1.b. ACCESSORY USE CONDITIONS – Use Unit 6, located 2508 W. Easton St.

Presentation:

Vernon McCarty, 2508 W. Easton St., stated his request for a variance for a carport.

Comments and Questions:

Ms. Perkins questioned Mr. McCarty about the accuracy of his side yard measurement. He responded that it was correct according to the fence line that was constructed after a survey. He added that the eaves had to be cut back. Mr. White asked Mr. Beach what precipitated the application. Mr. Beach noted there was a zoning notice issued. Mr. McCarty responded that the neighbor complained about water run-off on his place. Mr. McCarty attempted to get a contractor for guttering and applied for a building permit.

Interested Parties:

Leo Butel, 2520 W. Easton St., complained of water run-off from the subject property. He stated that the fence is two inches inside the property line.

Applicant's Rebuttal:

Mr. McCarty responded that if the Board approved the application, he would correct the drainage problem in ten days. He submitted photographs of his carport and others in the neighborhood (Exhibit A-1). The Board allowed Mr. Butel to submit photographs also (Exhibit A-2).

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 **Variance** to allow a detached accessory building in the front yard, with conditions to be open-sided, five feet from property line to eave of carport, and guttering on the front, back and west side so the water does not flow to the neighboring yard on the west in any way, finding there are other carports in the neighborhood, 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:

Tract Beg. 75' W NE/c NE SE NW, thence W 66' S 170' E 66' N 170' to POB, Section 3, T-19-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19415

Action Requested:

Approval of amendment to a previously approved site plan. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT, located E of SE/c E. 111th St. & S. Yale Ave.

Presentation:

Jim Healy, 324 E. 3rd St., stated he is an architect representing the St. James United Methodist Church. They propose to add a dining room and classrooms, two stories in height. A site plan was provided (Exhibit B-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** an amendment to a previously approved site plan, per plan submitted today, on the property described as follows:

Lot 1, Block 1, St. James United Methodist Church and part of N/2 NW/4 NW/4,
Section 34, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19416

Action Requested:

Variance of allowable number of signs per street frontage in an OM zoned district, to allow a second sign. SECTION 602.B.4.b. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions – Use Unit 21; and a Variance to increase allowable signage from 150 square feet to 300.5 square feet. SECTION 602.B.4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions, located 2702 E. 81st St.

Presentation:

Tom Dillingham, 7700 S. Lewis, stated he is the youth pastor at Victory Christian Center. They propose a new sign on the youth building that would catch the attention of young people. The trees and the angle of the building on the property make it difficult to identify it as the youth building. A site plan was provided (Exhibit C-1).

Comments and Questions:

Mr. Dunham noted the steep topography change and the trees that screen the building from west bound traffic.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Perkins**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of allowable number of signs per street frontage in an OM zoned district, to allow a second sign; and a **Variance** to increase allowable signage from 150 square feet to 300.5 square feet, per plan, finding the hardship to be the topography and the heavy foliage coverage, on the following described property:

Lot 1, Oral Roberts Heights II, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19417

Action Requested:

Special Exception to permit an existing dwelling in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6, located 8818 E. Admiral Blvd.

Presentation:

Kassandre S. Young, 8818 E. Admiral Blvd., stated her property is zoned commercial and the potential buyer is having difficulty obtaining a loan for the house. The use is basically residential.

Comments and Questions:

Mr. White recognized the problem from a similar case, as the entire sub-division is zoned CS. He noted the porch of this house encroaches on the neighbor to the west.

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 an existing dwelling 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 4, Block 2, Hirrlinger Re-Subdivision of Day Suburban Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19418

Action Requested:

Variance of structure setback from planned right-of-way from 60' to 52'. SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 21, located 3220 S. Memorial.

Presentation:

James Adair, 7508 E. 77th St., stated the request for a variance. The sign would be smaller and shorter, using the existing steel. A site plan was provided (Exhibit D-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 structure setback from planned right-of-way from 60' to 52', per plan,

finding the hardship to be the sign has been located at this site for years, and is in line with other signs in the area, on the following described property:

S 408.75' of E 430' of Lot 3, Interchange Center Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19419

Action Requested:

Special Exception to allow required parking (five spaces) on lot other than lot with principal use. SECTION 1301.D. GENERAL REQUIREMENTS – Use Unit 5, located 1508 S. Gary Pl.

Presentation:

Norma Woodberry, 23214 Slick Rd., Bristow, Oklahoma, stated she has approval from the landlord for special parking. She added that she needs the parking space to open a business. **Sandor Horvath**, 3222 E. 15th St. and 1508 S. Gary Pl., stated he owns these two adjoining properties.

Comments and Questions:

Mr. Dunham asked staff to explain where the applicant wants parking and questions if it is advertised properly. Mr. Beach and Mr. Boulden determined the advertising was adequate.

Interested Parties:

Phyllis Hutchinson, 1511 S. Gary Pl., stated she owns a home daycare. She informed the Board that she counted nine full parking spaces for the pawnshop and a sports card store. She added that the owner Mr. Horvath also owns a portion of the parking lot adjacent to Merritt's Bakery and leases it to the bakery so they can meet their parking requirements. The wheelchair ramp is being built in the front yard and the parking is in the backyard with no wheelchair ramp. She questioned how they would be ADA accessible to the clients.

Comments and Questions:

Mr. Beach commented that the requirements for handicap access come under the building code functions, and are not a zoning code matter. Ms. Hutchinson commented that the traffic and parking is very congested around Merritt's in the mornings.

Applicant's Rebuttal:

Mr. Horvath suggested that the carport and parking spaces at 1508 S. Gary Pl. could be used during bad weather.

Comments and Questions:

Ms. Turnbo noted there is no turn around space at 1508 S. Gary Pl. and people would have to back out of the drive.

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 **DENY** a **Special Exception** to allow required parking (five spaces) on lot other than lot with principal use, on the following described property:

Lot 2, Block 2 Exposition Heights, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19420

Action Requested:

Appeal of the decision of the code enforcement officer that subject fence is in the front yard; Or in the alternative that a Special Exception be granted for the height of the fence from 4' to 6'. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located 7516 S. Toledo Ave.

Presentation:

Lisa Deller, 7516 S. Toledo Ave., introduced her husband to present the appeal of the code enforcement officer's decision.

Collin J. Deller, 7516 S. Toledo Ave., stated his name and address.

Mr. White announced he would abstain from this case.

Mr. Deller explained that the reason they were appealing this decision is because their property is unique in that it is on a cul-de-sac. Mr. Dunham interjected that there is not a question according to the code that the house fronts on Toledo. Mr. Deller maintained that the front yard is the portion on the curve of the cul-de-sac. He submitted photographs (Exhibit E-1) to the Board.

Interested Parties:

Kevin Cox, 111 S. Greenwood, stated he is with Neighborhood Inspections and filled in for Candy Parnell. Ms. Parnell made an inspection in June and determined the fence is in front of the building setback line and at six feet high is not in compliance. She spoke with the applicants about applying to the Board of Adjustment. The notice and photographs from Neighborhood Inspections was provided (Exhibit E-3).

Ed Bates, 4502 E. 75th St., stated he and his wife own their home across the street from the subject property. He asked other neighbors in the room to stand in agreement with him that the fence is in the front yard. They are concerned this

case would set a precedent if it were approved. He submitted a photograph from (Exhibit E-4) to show the view of the fence from his yard. He objected to the fence.

Gene Kaefer, 4214 E. 74th St., indicated that the applicants did not check with the City of Tulsa before building the fence. He added that they were not willing to communicate with the neighbors. He expressed concern that this case would set a precedent if approved.

Bill Holloway, 7277 S. Pittsburg, read the definition of frontage on a curved non-arterial street or cul-de-sac, to emphasize his belief that the fence is in the front yard. He stated his opposition to a fence in the front yard.

Applicant's Rebuttal:

Mr. Deller stated when they bought the house he was not aware of the covenants. He acknowledged that Mr. Bates informed him about the covenants, and he removed several fence posts. He contacted Mike Howell of the neighborhood association so that he could do the right thing. Mr. Howell discussed their plans with a committee of the neighborhood association and gave Mr. Deller an ok to proceed with the fence at the side of the house. Mr. Howell also drove by while the fence was being constructed and commented approvingly. Mr. Deller explained that he took great care to build a fence that would meet their needs and look good in the neighborhood. He showed another photograph of the fence from Mr. Bates front yard (Exhibit E-1).

Comments and Questions:

The Board deliberated over the division of the back yard, front yard and side yard. Mr. Boulden considered the neighborhood inspector's decision to be correct at that time. He added that on the appeal they could view the lot under Section 403.A.5, which allows the owner to elect which will be the front yard. He pointed out that this is a five-sided lot, with one curved side.

Board Action:

On **MOTION** of **Cooper**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; White "abstained"; no "absences") to **DENY** the **Appeal** of the decision of the code enforcement officer that subject fence is in the front yard.

The Board continued to hear the presentation on the special exception of Case No. 19420.

Presentation:

Mrs. Deller next presented the request for a special exception for a six-foot fence. She submitted a letter of support from her neighbors on the cul-de-sac (Exhibit E-5) to be included with several others (Exhibit E-2) in the case file. She submitted photographs of other privacy fences in the neighborhood (Exhibit E-1). She informed the Board that Ms. Parnell cited them on a technicality but encourage them to seek a special exception, as the home was uniquely situated on the

property, with the aesthetic front yard facing the cul-de-sac. Ms. Parnell described the front yard as: where the front door, house numbers, mailbox, and the direction the house is facing. Ms. Deller explained that the retaining wall would have interfered with the fence if it was moved back and would have given a jagged appearance to the fence. The topography of the property is a hill, with the bedrooms downstairs, facing the street. The fence was built for safety and to screen the playground equipment they intend to build for their children.

Interested Parties:

Kim Williamson, 7525 S. Sandusky, stated their driveway meets the back yard of the subject property. She considers the fence unsightly and their main concern is the potential decrease in property value due to the fence. She believes it is in conflict with the covenants and the zoning code.

Catherine Mears, 4351 E. 72nd Pl., stated she is a realtor, and is familiar with this house from a realty listing. She stated that the property is only worth what someone is willing to pay.

Pat Seal, 4522 E. 75th St., stated she could see the fence when the leaves fall off the trees and it obstructs the view of the terrain.

Ed Bates, 4502 E. 75th St., submitted a photograph of his view of the fence (Exhibit E-4). He stated that it obstructs the view of the park-like properties. He asked to hear or read the contents of the letters in support of the application. He pointed out that the letter written on behalf of Mr. and Mrs. Ball at 7525 S. Toledo, stated their support as long as the fence is in compliance with all other deed restrictions and covenants of South Ridge Estates, then they would have no objection to a fence height of six feet.

Applicant's Rebuttal:

Mrs. Deller stated that the odd configuration of the yard, securing their dogs, and privacy for the bedrooms are some of the important reasons for the fence. Mr. Deller pointed out that the closest the fence gets to the setback line is twelve feet.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 3-1-1 (Dunham, Turnbo, Perkins, "aye"; Cooper "nay"; White "abstained"; no "absences") to **APPROVE** a ***Special Exception*** be granted for the height of the fence from 4' to 6', finding that the configuration and elevation of the lot influence how this property is dealt with under the code, and finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 13, Block 5, Amended Plat of Southridge Estates 5th Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19421

Action Requested:

Variance to allow a two-story structure in an OL district. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 11, located S of Pine, W side of Norfolk.

Presentation:

Mike Parks, 1304 W. Los Angeles St., Broken Arrow, Oklahoma, stated the request for a variance to allow a two-story building. Several businesses have shown an interest in locating here.

Interested Parties:

Sandra Alexander, stated she was representing her father, **John M. Alexander** who resides at 3624 N. Harvard. He owns the property and the existing building, adjacent to the north of the subject property. There has been a considerable problem with the public using their parking lot. They are not opposed to the application, however they are concerned about any adverse impact on their property to meet parking needs.

Applicant's Rebuttal:

Mr. Parks assured the Board they would meet all of the parking requirements.

Comments and Questions:

Mr. Dunham notes that the high intensity zoning allows for two-story structures and this is the hardship.

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** to allow a two-story structure in an OL district, with condition to meet the parking requirements, finding the existing zoning pattern would permit two-story buildings on most of the adjacent properties, on the following described property:

S 30.00' Lot 3, and all Lot 4 and E 5.00' of vacated alley, Block 1, Liberty Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19422

Action Requested:

Special Exception to permit operation of bar/tavern in location of former restaurant/bar. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and SECTION 1608. SPECIAL EXCEPTION -- Use Unit 12a; a Variance from required number of parking spaces by less than 10%, from 43 to 39, according to existing parking lot configuration, with former drive-through lane serving as employees' parking area. SECTION 1212a.C. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions and

SECTION 1301. GENERAL REQUIREMENTS; and a Variance from requirement that each parking space can be entered without passing through another parking space. SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements, located 6350 S. Lewis Ave.

Presentation:

Donald Lepp, 100 W. 5th St., stated that the previous use was a restaurant that sold alcoholic beverages. The proposed use would be permitted by right except that it is located within 150' of an R zoned district. It is surrounded by commercial property with the exception of the Southern Hills Country Club, which is R zoned property. They expect to need fewer parking spaces because the outdoor seating they provide will not be used very much due to the climate in Oklahoma. The hardship is the small size of the lot. He informed the Board that they have parking space in the rear of the building and would like to use it for employee parking, but it would mean driving through one of the parking spaces on the side of the building to enter into the drive-through. A site plan was provided (Exhibit F-1).

Comments and Questions:

Ms. Turnbo questioned the use of a parking space to drive through. Mr. Lepp did not think there would be a problem. Ms. Perkins question if there would be any sexually oriented business. Mr. Lepp assured her there would not be any sexually oriented activity. Ms. Turnbo noted that there is no nearby neighborhood that would suffer from overflow parking.

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 operation of bar/tavern in location of former restaurant/bar, with condition for no sexually oriented businesses on the property; a ***Variance*** from required number of parking spaces by less than 10%, from 43 to 39, according to existing parking lot configuration, with former drive-through lane serving as employees' parking area; and a ***Variance*** from requirement that each parking space can be entered without passing through another parking space, per plan, finding the patio area requires a higher number of parking spaces and it is not considered a year round use, and there are no neighborhoods to be affected by the use and 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:

E 150.00' of the S 175.00' of Lot 18, Pecan Acres, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19424

Action Requested:

Variance to allow a 2400 square foot accessory building in an RS-3 district. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6, located 4107 E. Apache.

Presentation:

Deborah Hampton, 4107 E. Apache, stated she needs the accessory building for equipment, vehicles, and tools. Her parents are moving in with her and she needs a place to store their personal things and her own. She lives on ten acres. She bales hay on the property. She maintains her property and needs a place to store the equipment required for that maintenance. Ms. Hampton informed the Board that her riding lawn mower and aluminum extension ladder were stolen from her property. Her neighbors have tractors, hay bailers and large storage buildings and it is not unusual for the neighborhood. The big equipment requires storage and maintenance space. A packet of information was submitted (Exhibit H-1).

Comments and Questions:

Mr. Dunham asked if there were any commercial endeavors planned. Ms. Hampton replied that they have no plans for commercial use. She added that her father restores old John Deer tractors, which he keeps and does not sell them. He has eight of them. Ms. Turnbo asked if people bring tractors to him to be fixed. Ms. Hampton replied he does not do that. Mr. White asked about the two boarded up houses in the front. Ms. Hampton replied that she doesn't know what she will do with the houses, but she does not plan to rent them out.

Interested Parties:

Councilman David Patrick stated that the property is on the north side of Apache where there are large tracts of land. This is a transitional area and will probably eventually be zoned commercial. He believes this to be an appropriate use. He considers the size of the lot and the RS zoning to be the hardship.

Comments and Questions:

Mr. Beach pointed out to the Board that this is an RS-3 zoned district. Storage of farm implements, and agricultural uses are not allowed in RS-3 zoning. He stated that he has explained all of this to the applicant. Councilor Patrick responded that the equipment is needed for that much property and it needs to be secured to discourage theft. Mr. Beach also mentioned that she probably needs more relief because the other two dwellings are included in the total square footage of detached accessory buildings. Mr. Beach suggested that the simplest way to make it legal is to rezone the property to AG.

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** to allow a 2400 square foot accessory building in an RS-3 district, limited

to RS-3 uses, finding this is a ten acre tract and it would not be out of character for the surrounding area, on the following described property:

W/2 W/2 SW SE, Section 21, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19425

Action Requested:

Special Exception to permit in an RM-2 district, a university related student center as a university use under Use Unit 5. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Special Exception to permit the required off-street parking spaces for the Muslim Student Center to be located on parking lots within the campus of the University of Tulsa. SECTION 1301. GENERAL REQUIREMENTS, located SW/c E. 4th Pl. & S. Florence Ave.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, represented the University of Tulsa, which proposes to allow the construction of a Muslim Student Center on the subject site. He listed other student centers existing on the campus. He submitted a site plan and a packet of information to the Board (Existing I-1 and I-2). The Muslim students are currently using an older building on campus. The university required the use of native stone that is consistently used on campus. He commented there are over 200 Muslim students from approximately 20 foreign countries. The Board of Trustees at T. U. has approved the project. They propose to provide the required parking on lots other than on the subject site. There is only one organized service per week on Friday afternoon, and other attendance is by individual choice. Mr. Norman added that parking permits are required for the parking area, so it would not be drawing a lot public traffic.

Comments and Questions:

Ms. Turnbo asked about other uses for the building, such as studying, gathering, eating. Mr. Norman replied it would be open for those activities. Ms. Turnbo asked, for the record, if there would be any use of alcohol in the facility. Mr. Norman responded that the university has very strict rules about the use of alcohol in the facilities and no there would be no alcohol.

Interested Parties:

Steve Nelson, 440 S. Florence, stated he is the campus minister at the St. Philip Mary Newman Center, to the south of the subject property. He added they welcome this new facility in the neighborhood. He stated they have a concern regarding the parking exemption. The university lots adjacent to the site are often fully utilized, especially when classes are in session. He commented they often have problems at his facility parking being used or parking on the grassy spaces in the alley to the west of these two properties. They are concerned about off-

campus visitors, staff and vendors vehicles. They would like to alleviate anything that would adversely impact the parking situation.

Applicant's Rebuttal:

Mr. Norman suggested there might be room for three or four more parking spaces on the lot for the center but the architects prefer to keep it for landscaped area. He stated they do not expect any parking problems.

Comments and Questions:

Ms. Turnbo pointed out that most students on campus would more likely walk to the facility than drive to it.

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 in an RM-2 district, a university related student center as a university use under Use Unit 5; and a **Special Exception** to permit the required off-street parking spaces for the Muslim Student Center to be located on parking lots within the campus of the University of Tulsa, 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:

Lot 1, Block 4, College Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19426

Action Requested:

Special Exception to permit in a CS zoned district an automobile wash facility only. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located W side of Garnett Rd. @ 600' S of E. 21st St.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, stated the request to permit a carwash in a commercially zoned area. The location is amid a number of Hispanic related businesses. It would not reduce the required parking spaces for the shopping center uses. A site plan and applicant's information packet were provided (Exhibits J-1 and J-2).

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 in a CS zoned district an automobile wash facility only, per

Case No. 19428

Action Requested:

Variance reducing the rear yard set-back from 25' to 20'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 3500 Block of S. Atlanta Ave.

Presentation:

Lou Reynolds, 2727 E. 21st St., stated he represented Dale and Francie Gillman. He pointed out the lot is approximately ½ acre, with an unusual shape and sloping topography. It has a panhandle about 300' long and 30' wide, the equivalent of 9,000 square feet, the size of many lots in the City of Tulsa. He stated this part couldn't effectively be used. A site plan, artist sketch and photographs were provided (Exhibits K-1, K-2, K-3). The neighbors on the adjacent properties have no objections to the application. He explained that the planned site was designed to fit the shape and topography of the property, and to line up with the neighboring homes. The positioning of the house, driveway and garage are pleasing to the neighbors.

Interested Parties:

Bob Boswell, 3404 S. Atlanta Pl., stated he was speaking for himself, Frank and Bonnie Henke. He stated they are opposed to variances in the neighborhood. He noted that the staff did not find a hardship peculiar to this property.

Applicant's Rebuttal:

Mr. Reynolds noted that Mr. Boswell's lot is over 300' from the subject property and the Henke's is a distance from it on the other side of Atlanta Pl. The architect met with Ms. Henke and discussed it with her and at the time she responded that it did not matter to her whether it was granted or denied. He reminded them of the very unusual shape of the lot and the slope. They have tried to fit the house in with the existing houses around it.

Comments and Questions:

Ms. Perkins asked if they redesign the house is it not a self-imposed hardship. Mr. Reynolds responded that he did not consider it a self-imposed hardship. She believed they were trying to build a house too big for the lot. He explained that previous owners created this problem with the lot split, but the deeds are legal having filed over five years on the record. His clients are now attempting to build a

house that will be in harmony with the neighborhood and pleasing to the neighbors most impacted.

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** reducing the rear yard set-back from 25' to 20', per plan, finding the hardship to be the configuration of the lot and the existing topography, it fits in with the houses most affected by it, and 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 tract of land that is part of Lot 5, Block 4, Oakview Estates, City of Tulsa, Tulsa County, State of Oklahoma, said part of Lot 5 being more particularly described as follow, to-wit: Beg. at a point on the Wly line of said Lot 5, said point being 62.00' Sly of the NW/c thereof; thence Ely and parallel to the Nly line of Lot 5 for 10.00'; thence Nly and parallel to the Nly line of Lot 5 for 52.00'; thence Ely and parallel to the Nly line of Lot 5 for 90.00'; thence Sly and parallel to the Wly line of Lot 5 to a point that is 30.00' Nly of, as measured perpendicular to the Sly line of Lot 5; thence Ely and parallel to said Sly line to a point on the Ely line of Lot 5, and also being on the Wly right-of-way line of S. Atlanta Pl.; thence Sly along said Ely line and along said right-of-way line to the SE/c of Lot 5; thence Wly along the Sly line of Lot 5 for 390.1' to the SW/c thereof; thence Nly along the Wly line of Lot 5 for 83.00' to the POB of said tract of land.

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Case No. 19429

Action Requested:

Variance to reduce the number of required parking spaces from 22 to 18 for a 1,600 square foot building. SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements and SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 12a, located 2630 E. 15th St. S.

Presentation:

Lou Reynolds, 2727 E. 21st St., stated that the Yellow Brick Road Bar is located on the subject property, where there has been an existing bar since 1949. He stated there are fourteen parking spaces striped on the lot. They are 13' and 14' wide. He submitted photographs (Exhibit L-1) to the Board. He informed the Board there would be no adult entertainment. The neighboring business owners adjacent to the east and the people across the street do not have any objections to the application. There is not a neighborhood nearby to be bothered with overflow parking.

Comments and Questions:

The Board and staff questioned the dimensions for the existing parking spaces, and if there is any need for more than the existing parking spaces.

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 **CONTINUE** Case No. 19429 to the meeting on September 10, 2002 to allow time for advertising for more relief.

Lot 5, Block 1, Jean Heights Subdivision of Lots 21 and 24 of Glen Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19431

Action Requested:

Variance of the number, height and display surface area of signage for the Medical Park at Saint Francis within Planned Unit Development 435 and within an OM and OL district. SECTION 602.B.4. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions and SECTION 1103.B.2. USES PERMITTED IN A PLANNED UNIT DEVELOPMENT, Accessory Uses – Use Unit 11, located S of SE/c E. 61st St. S. & S. Yale Ave.

Presentation:

Roy Johnson, 201 W. 5th St., Ste. 500, stated he represented the Warren Interest, previously known as the Warren Medical Center. He submitted information to the Board, including graphics, message schedule, and amendments (Exhibits M-1, M-2, and M-3). He informed the Board that the TMAPC considered an amendment to the PUD to approve a comprehensive patient-way signing plan for the complex. They submitted to the planning commission a plan for the signage, titled Medical Park at St. Francis Environmental Graphics Program, dated June 4, 2002. They also submitted another document, Medical Park at St. Francis Message Schedule, dated June 14, 2002. The approach at the PUD hearing was to submit these as the comprehensive signing plan, and the planning commission endorsed it with one modification. In the OM and OL the signage is very restrictive and limited to the lineal feet of frontage on an arterial street. He pointed out that it does not work very well for multiple building complexes. He added that especially for a medical facility where it involves people who are sick, elderly, or distressed. He considered it even more complicated when you add parking garages to the complex. This complex is under expansion currently with two new parking garages proposed, and a new office building is under construction. He explained that most of the signage is interior and not on public streets.

Comments and Questions:

Ms. Turnbo noted to the Board that this project is similar to the one presented by St. John Medical Center. She expressed her opinion that this was very necessary. Mr. Johnsen stated he had a modification to make. The June 14th submittal showed a sign on the parapet of the Warren Building on the north of 192 square feet, and on the William Building on the south it shows 192 square feet but this is incorrect. The William Building sign should show 440 square feet.

Board Action:


On **MOTION** of **Perkins**, the Board voted 4-0-1 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; Cooper "abstained"; no "absences") to **APPROVE** a **Variance** of the number, height and display surface area of signage for the Medical Park at Saint Francis within Planned Unit Development 435 and within an OM and OL district, finding the hardship to be a much needed change for a medical facility per the amended exhibit, on the following described property:

All of Lot 1 and part of Lot 2, Block 1, William K. Warren Medical Research Center and part of Lot 1, Block 1, Warren Medical Professional Center, Tulsa, Tulsa County, Oklahoma; more particularly described as follows, to-wit: Beg. at the NW/c of said Lot 1, Block 1, Warren Medical Professional Center; thence S 89°57'12" E along the N boundary, a distance of 1,021.16'; thence S 0°07'32" E, a distance of 60.00'; thence N 89°57'12" W, a distance OF 86.40'; thence S 0°07'32" E, a distance of 279.03'; thence S 89°58'34" E, a distance of 205.75'; thence S 0°07'32" E, a distance of 75.00'; thence N 89°58'34" W, a distance of 273.00'; thence S 0°07'32" E, a distance of 69.68' to a point on the S boundary of said Lot 1, Block 1 of Warren Medical Professional Center (N boundary of said Lot 2, Block 1, William K. Warren Medical Research Center) 402.65' from the SE/c thereof; thence S 0°07'32" E, a distance of 157.32'; thence S 89°58'34" E, a distance of 173.06' to a point in the E boundary of said Lot 2, 157.32' from the NE/c thereof; thence along the E boundary of said Lot 2 as follows: S 0°07'32" E, a distance of 157.87'; thence S 42°45'20" W, a distance of 102.87'; thence S 0°07'32" E, a distance of 371.83' to the SE/c thereof; thence along the Sly boundaries of said Lots 1 and 2, Block 1, William K. Warren Medical Research Center as follows: N 79°09'39" W, a distance of 0.00'; thence on a curve to the right having a radius of 688.24', a distance of 244.22'; thence N 58°49'46" W, a distance of 137.87'; thence on a curve to the left having a radius of 519.04', a distance of 17.82' to the common corner of said Lots 1 and 2; thence on a curve to the left having a radius of 519.04', a distance of 385.17'; thence S 76°41'06" W, a distance of 77.96'; thence on a curve to the right having a radius of 396.79', a distance of 92.55'; thence N 89°57'03" W, a distance of 60.10' to the SW/c of said Lot 1; thence N 0°08'39" W along the W boundary of said Lot 1, Block 1, William K. Warren Medical Research Center, a distance of 572.12' to the NW/c thereof; thence N 89°58'34" W along the S boundary of said Lot 1, Block 1, Warren Medical Professional Center, a distance of 10.00' to the SW/c thereof;

thence N 0°08'39" W along the W boundary of said Lot 1, Block 1, Warren Medical Professional Center a distance of 484.08' to the POB.

There being no further business, the meeting was adjourned at 5:06 p.m.

Date approved: SEPTEMBER 10, 2002



Chair