

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 854
Tuesday, November 26, 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**

Jackere, Legal
Cox, Neighborhood
Inspections

The notice and agenda of said meeting was posted at the City Clerk's office, City Hall, on Friday, November 22, 2002, at 1:13 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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 1:01 p.m.

CONTINUANCES and CASES WITHDRAWN

Case No. 19453

Action Requested:

Special Exception to allow a sporting goods store with 1,000 square feet of customer food service area. SECTION 1212.D. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements; and a Variance from the required 118 parking spaces to 87 parking spaces. SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements, located 4535 S. Harvard Ave.

Presentation:

Mr. Beach informed the Board that the applicant has withdrawn the application.

Board Action:

No action was required.

MINUTES

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of November 12, 2002 (No. 853).

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Mr. Beach informed the Board that Mr. R.L. Reynolds asked if Case No. 19481 could be moved up on the agenda in order to pick someone up at the airport. The Chair agreed to move it to near 1:30, to allow any interested parties to arrive.

UNFINISHED BUSINESS

Case No. 19472

Action Requested:

Variance of required front yard of 35' to 18'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 3123 E. 67th St.

Presentation:

Greg Florence, 1021 E. 33rd Pl., stated he was instructed at the previous BOA meeting to provide proof of when the porte-cochere was built. He informed the Board that according to the owners of the property in 1975 it was built when the house was built. He added that a plot plan from 1976 at the County Assessor includes the porte-cochere. The house was built in the 1960's. A site plan, photographs, and other applicant information was provided to the Board (Exhibits A-1, A-2, and A-3).

Interested Parties:

John Trender, 3130 E. 67th St., contends that the porte-cochere extends 17' over the existing building line. He would not want to see it rebuilt any bigger, wider, or closer to the street.

Comments and Questions:

Mr. White pointed out that the relief is for the house and porte-cochere.

Applicant's Rebuttal:

Mr. Florence stated the goal is to match the porte-cochere with the others in the neighborhood with open beams. The plans are for an increase of eight inches in height, but no other change in dimensions.

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

Comments and Questions:

Mr. Dunham noted the applicant listed only two vacancies, and he did not see any others when he looked at the property. Mr. Miller replied there were always a number of vacancies.

Applicant's Rebuttal:

Mr. Reynolds stated he met with the representatives for AT&T, and they have no objection to the application. They understand that the parking will be primarily toward the east end of the center. He reiterated that there are only two vacant spaces in the center at this time, and has been a typical pattern for the last several years.

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** from Section 1212.D. off-street parking and loading requirements to reduce the number of required parking spaces from 208 to 178 in a 41,699 square foot mixed-use commercial shopping center presently containing Use Unit 11, 13, 14, and 19 in order to permit a 2,585 square foot eating establishment (Use Unit 12) in the mixed-use commercial shopping center in accordance with the attached plan, with condition that Suite I be designated for office use only, per plan, finding the placement of the building makes it unlikely there would be many retail tenants on the west half or three-fourths of the center, and that to apply the retail code to this center would be a hardship to the property, as described:

A tract of land that is all of the Sly 195.00' of the Nly 390.00' SE/4 SE/4 SE/4 of Section 6, T-18-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows, to-wit: Starting at the SE/c of said Section 6; thence due N along the Ely line of Section 6, for 271.32' to the POB of said tract of land, said point being 390.00' Sly NE/c SE/4 SE/4 SE/4 of said Section 6; thence S 89°52'03" W and parallel to the Nly line of the SE/4 SE/4 SE/4 for 660.01' to a point on the Wly line of the SE/4 SE/4 SE/4, said point being on the Ely line of Yorktown 71 Addition; thence N 0°00'28" E along said Wly line and along the Ely line of Yorktown 71 for 195.00'; thence N 89°52'03" E and parallel to the Nly line SE/4 SE/4 SE/4 for 659.99' to a point on the Ely line of Section 6; thence due S along said Ely line for 195.00' to the POB of said tract of land.

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Case No. 19474

Action Requested:

Appeal of Certificate of Appropriateness on apartments, located NW/c 17th Pl. & S. Quincy Ave.

Mr. Jackere, the City Attorney, questioned the notice as deficient. He pointed out that the ordinance regarding an appeal states that the notice should specify the grounds for the appeal.

Paul N. Atkins, IV, asked to address this statement. He informed the Board that he asked the staff at the time of filing the application if they needed any more information and they replied he did not. He asked if they needed any more detail and he was told they did not. Mr. Atkins stated he sent more detail to Mr. Beach as he requested. Mr. Beach responded that he asked Mr. Atkins for the grounds, but the information he received did not include the grounds for the appeal. Mr. White read the appeal. Mr. Jackere stated if he had seen the information provided with the appeal he would not have raised the objection.

Presentation:

Mr. Atkins stated he is the President of the Swan Lake Neighborhood Association. He met with their Board and discussed the appeal with David Simmons, staff of the Tulsa Historical Preservation Commission. He complimented the owner and architects for their efforts to not only meet their need but also accommodate the neighborhood guidelines. Mr. Atkins stated that the TPC did not give the owner and architect the direction they needed regarding building in the historic district. He remarked on one member of the Board of the TPC, indicating she was not a legitimate member, causing a conflict of interest.

Comments and Questions:

Mr. Dunham asked for the specific objections to the project. Mr. Atkins responded their objections are regarding specific ordinances and TPC guidelines. Mr. Dunham asked if the neighborhood association made their objections known at the TPC meeting. Mr. Atkins replied they did not attend the meeting because they had previously agreed with the guidelines and expected the TPC to follow them. Mr. Atkins stated the TPC did not follow the guidelines, Comprehensive Plan, or Zoning Code. A site plan was provided (Exhibit B-1).

Interested Parties:

Jennifer Gimmel, 1332 E. 17th Pl., stated that the parking is inadequate for the project. She stated that homes on the street are one-story bungalows and the project would dwarf the existing homes. She objects to more rental property in the neighborhood. Mr. Dunham asked why she didn't go to the TPC meeting. She replied that she and other neighbors attended several TPC meetings and made their objections, but were cut short. She was out of town when the TPC met and approved the COA.

David Breed, P.O. Box 570976, stated he is the Vice-President of the TPC. **David Simmons**, 111 S. Greenwood, stated he is staff for the TPC. Mr. Breed told the Board he did not have a clear idea of how to respond to this appeal. He submitted a packet of information (Exhibit B-2). Mr. Breed pointed out this is the only historic preservation zoned area in the city that has a significant number of

contributing apartment buildings. The other areas are almost entirely single-family or duplex type construction. He covered information the TPC reviewed to decide on the COA.

Comments and Questions:

Mr. Dunham asked if any of the Swan Lake Neighborhood Association were present at that meeting. Mr. Simmons replied that he did not remember and representatives for Swan Lake being present that night.

Mr. Breed explained the process to the Board regarding the complaint of the person who was not a legitimate member of the TPC.

Applicant's Rebuttal:

Mr. Atkins repeated the complaint that TPC did not follow the zoning ordinances and the Comprehensive Plan on review of this project in approving a COA.

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** the Appeal of Certificate of Appropriateness on apartments, and **APPROVE** the Certificate of Appropriateness from the TPC.

Lot 8, Block 23, Orcutt Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19475

Action Requested:

Variance to allow two dwelling units on one lot of record (zoned RS-2). SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6; and a Variance of the allowable 500 square feet for an accessory building to 2,399 square feet. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions, located 2660 S. Boston.

Presentation:

Ron Barnes, 2660 S. Boston, stated he is the owner of the property and Mr. Seward is the builder. He referred to the site plan (Exhibit C-1) that was provided in the application. He stated the property is about two acres. They propose to build a garage with an apartment upstairs for elderly parents. The plans include full bathroom and kitchen facilities. The garage/apartment would be detached from the house because of a storm sewer on the south. The garage would be narrow on the front because of the limitation of the property line and storm sewer right-of-way and deeper for access to the apartment. He added that he would be back for more relief for added height of the structure.

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** to allow two dwelling units on one lot of record (zoned RS-2); and a **Variance** of the allowable 500 square feet for an accessory building to 2,399 square feet, per plan, on condition that no rental separate from the house, finding the lot is substantially larger than other lots in the area, storm sewer line making attaching the dwelling units impossible; finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and to **CONTINUE** this case for additional relief, regarding the following described property:

Portions of Block 17, Third Amended Plat of Riverside Drive Addition, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to wit: Beg. at point on the Wly boundary of said Block 17, 143.38' from the NW/c thereof; thence N 89°50'42" E a distance of 156.53'; thence S 64°16'51" W a distance of 159'58" to a point on the Wly boundary of said Block 17, 87.57' from the SW/c thereof; thence N 10°30'20" W along the Wly boundary of said Block 17 a distance of 70.00' to the POB and Beg. at the NE/c of said Block 17; thence due S along the Ely boundary of said Block 17 a distance of 159.69' to a point 134.54' from the SE/c thereof; thence N 89°31'25" W a distance of 120.00'; thence due N a distance of 19.14'; thence S 89°50'42" W a distance of 336.53' to a point on the Wly boundary of said Block 17, 157.57' from the SW/c thereof; thence N 10°30'20" W along the W boundary of said Block 17, a distance of 143.38' to the NW/c thereof; thence S 89°56'19" E along the Nly boundary of said Block 17, a distance of 482.67' to the POB.

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Case No. 19476

Action Requested:

Special Exception to allow a manufactured home in an RS-1 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS– Use Unit 6, 9; a Special Exception to extend one year time limit indefinitely. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; and a Variance to allow three dwelling units on one lot of record. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD and SECTION 404.E.2. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 17420 E. 11th St.

Presentation:

Nury Rivera, 17420 E. 11th St., stated to the Board that she purchased a new mobile home to replace an old one on the property. She admitted that she did not

know all of the laws concerning this process and her gas was cut off and her insurance. She informed the Board that when she purchased the property there were two mobiles and one stick built house. Ms. Rivera stated the house was built in 1945, and both original mobiles were moved in before 1965.

Comments and Questions:

Mr. Dunham inquired of Mr. Jackere if all three dwellings were there before 1965 would it be a legal non-conforming use. Mr. Jackere thought the property was probably not in the city limits of Tulsa until 1966.

Interested Parties:

Charlotte Ker, stated she was speaking for her mother, **Clea Myers**, 17401 E. 11th St. She informed the Board her mother had lived in the area since 1960 and in the current home since 1968. She submitted photographs, a map and petition (Exhibits D-2, D-3, D-4). She pointed out the nine surrounding properties have one single-family dwelling, complying with one dwelling unit on 2 ½ acre lots. She informed the Board there is no public sewage system for the subject property. She indicated that the property would not pass a soil percolation test for three dwellings. Ms. Ker informed the Board that the applicant has had utilities to her home for the last three years. She added that the mobiles were moved onto the property in 1973 and 1975. The woman who leases the smaller trailer has paid rent and lived without gas and heat for three years. The septic sewage from this property runs into the nearby creek where children play.

Monica Barzak, 200 Civic Center, Ste. 200, stated she is the Administrative Aide for Councilor Art Justis objects to setting a precedent for multiple dwellings per lot of record. Councilor Sam Roop asked that she mention to the Board that he is also opposed to the application. They feel that an exception is being requested for what is in essence a zoning issue. There is no current permission for multiple dwelling units on that property. They are concerned about reports of inadequate sanitary and plumbing facilities on the property.

Bruce Denny, 905 S. Lynn Lane Road, stated he is the representative of the Lynn Lane Neighborhood Association. The property is not consistent with the rest of the neighborhood, and not in accordance with the Comprehensive Plan.

Comments and Questions:

Mr. Cooper questioned Mr. Denny about when the trailers were moved onto the property. He indicated that the information he received was the trailers were moved in around 1973 and 1975. He added that 1966 was when the city took the property into city limits. He has only lived there since 1992.

Cheryl Jones, 16909 E. 11th St., stated she contacted the previous owners to verify the placement of the old trailers in 1973 and 1975. The house was built in

the 1940's and functions very well. She suggested a continuance to bring proof of the time frame for placement of the trailers.

Interested Parties:

Nolan Miran, 17240 E. 11th St., he corroborated Ms. Rivera's presentation. The only thing is that Ms. Rivera needed to replace the old trailer with a new one. He referred to photographs Ms. Rivera submitted (Exhibit D-1). The testing for the septic system has already been done.

Comments and Questions:

Ms. Perkins asked when Ms. Rivera moved to this property. She replied it was five and one-half years ago.

Applicant's Rebuttal:

Ms. Rivera informed the Board that she has cleaned up the property so well that no one could make a complaint. The Health Department came to the property twice and did soil percolation test, and there is no problem with sewer.

Mr. Beach offered a 1966 aerial photo to the Board to compare with the most current aerial. The Board agreed that the structures shown on the older aerial were not the same as the existing structures. Mr. Dunham suggested Ms. Rivera might be able to prove the trailers were there before 1970 then she would not need any relief. Mr. Jackere had already suggested they would need the variance to replace the trailer. Mr. Beach stated he would be willing to see documentation but that staff has spent a long time helping Ms. Rivera put the application together and she has not produced any proof so far.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to allow a manufactured home in an RS-1 district; a **Special Exception** to extend one year time limit indefinitely; and a **Variance** to allow three dwelling units on one lot of record, finding 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 the Comprehensive Plan, on the following described property:

All of Lot 4, Block 2, and part of Lot 1, Block 3, and the vacated roadway adjacent thereto in Lynn Lane Estates, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at the SE/c of said Lot 4, Block 2, thence N along the E line of said Lot 4 extended, a distance of 600.00' to a point, said point being 671.10' W and 35.00' S of NE/c of Section 11, T-19-N, R-14-E, thence W and parallel with the N line of said Section 11, a distance of 159.00' to a point; thence S along the W line extended of said Lot 4, Block 2, a distance of 600.00' to a point, said point being the SW/c of said Lot 4, Block 2, thence E along the S line of said Lot 4, Block 2, a distance of 159.00' to the POB.

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Case No. 19477

Action Requested:

Variance of setback from required 25' to 1.6' to permit an existing in ground cellar in the front yard. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance to permit an accessory structure as a principal use. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions, located 4208 S. Madison Pl.

Presentation:

The applicant was not present and the case was tabled until later on the agenda.

Turnbo and Cooper out at 3:38 p.m.

W 87.00' of Lot 1, Block 8, Alta-Dena Place, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19478

Action Requested:

Variance to allow a pool in required front yard. SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6; a Variance to allow fence to exceed 4' in the required front yard, to 6'. SECTION 210.B. YARDS, Permitted Obstructions in Required Yards; a Variance to allow fence to be located less than 50' from centerline of E. 21st St. down to 32' in required right-of-way. SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS; and a Variance to allow fence to be located less than 25' from centerline of Jamestown in right-of-way. SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS, located 2104 S. Jamestown.

Presentation:

Norma Van Landingham, P.O. Box 50365, stated she represented John and Ruth Williams, the owners.

Turnbo returned at 3:39 p.m.

Ms. Van Landingham withdrew the variance to allow fence to exceed 4' in height. The variance for the pool in the front yard is actually the side yard and the most feasible place for the pool to be.

Cooper returned at 3:40 p.m. and Dunham out at 3:40 p.m.

She stated there is only 10' in the back yard the way the house is located. There is an electrical easement overhead on the west side of the property. Vehicles frequently miss the driveway for a plasma facility and turn into his driveway. He

wants to prevent people driving through his yard where his grandchildren play. He proposes to put the fence in with a gate located at both entrances to the driveway. He could move the fence back to the building line but it would not keep people from people driving through the yard.

Mr. White remarked that the fence could be built at the property line. Ms. Van Landingham replied that the driveway actually goes to the property line on the north side of the house, but he could on the east side. She pointed out that here again he was trying to avoid the utility easements.

Dunham returned at 3:44 p.m.

The City of Tulsa confronted the owners about improvements they plan to make along 21st Street. It would be like on 15th Street, with sidewalks, and brick. The applicants propose to place the fence where it would abut the sidewalk in conjunction with the City of Tulsa's plans. They have been discussing it with Chris Cox with the engineering department. It would not interfere with their plans, or the utilities. It would be a brick fence that would compliment the City's plans. The theory is that if you do this construction on one side of the trees instead of both sides, you are less likely to kill the trees.

Comments and Questions:

The Board members noted objections: including the lot is too small, self-imposed hardships, and the wall would create a blind spot on 21st St.

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 **DENY** a **Variance** to allow a pool in required front yard; a **Variance** to allow fence to exceed 4' in the required front yard, to 6'; a **Variance** to allow fence to be located less than 50' from centerline of E. 21st St. down to 32' in required right-of-way; and a **Variance** to allow fence to be located less than 25' from centerline of Jamestown in right-of-way, for lack of a hardship, on the following described property:

Lot 1, Block 3, Jefferson Hills, City of Tulsa, Tulsa County, State of Oklahoma.

Case No.19479

Action Requested:

Variance to reduce required 15' side yard (and 20' garage setback) to less than 1' along long-abandoned 100' street right-of-way, to permit replacement of dilapidated garage with attached garage. SECTION 403. BULK AND AREA

REQUIREMENTS IN THE RESIDENTIAL DISTRICTS and SECTION 1607.
VARIANCES – Use Unit 6, located 2304 S. Cincinnati Ave.

Presentation:

Stephen Schuller, 500 OneOak Plaza, 100 W. 5th St., presented for the application.

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** to reduce required 15' side yard (and 20' garage setback) to less than 1' along long-abandoned 100' street right-of-way, to permit replacement of dilapidated garage with attached garage, finding the hardship to be the abandoned right-of-way on Woodward Blvd., and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

The Nly/2 of Lot 1, Block 2, Sunset Park, City of Tulsa, Tulsa County, State of Oklahoma, lying Nly from a straight line drawn from the center of the Ely line of said Lot to the center of the Wly line of said lot, more particularly described as follows, to-wit: Beg. at the NE/c of said lot, running thence in a SEly direction along the E line of said Lot a distance of 60.33'; thence in a SWly direction a distance of 135' to the W line of said Lot; thence in a NWly direction along the W line of said Lot a distance of 76' to the NW/c of said Lot; thence in an Ely direction along the N line of said Lot a distance of 138.6' to the POB.

Case No. 19480

Action Requested:

Special Exception to allow Use Unit 17 (tire store) in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; and a Variance of required setback from centerline of Harvard from 100' to 62' for an existing building. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, located 1441 N. Harvard.

Presentation:

Justin R. Khoury, 1144 S. Florence Pl., submitted a letter (Exhibit E-1) from the property owners around his property.

Comments and Questions:

Mr. Dunham referred to photographs and the Zoning Notice (Exhibits E-2, E-3) that were provided to the Board by Neighborhood Inspections. He noted the tires and items stored outside, which is in violation of the code. He instructed Mr. Khoury that if his application were approved there would not be any outside storage

allowed. Mr. Khoury stated that he made application and wants to find out what he can do to keep his tire store.

Interested Parties:

Kevin Cox, 111 S. Greenwood, Neighborhood Inspections, stated upon initial inspection he found outside storage of tiers, debris, inoperable vehicle, and auto parts. He gave a notice and Mr. Khoury made a lot of progress in removing the violations. Mr. Cox spoke with the property owner and the property has been used for a tire shop since 1976. He understood Mr. Khoury would remove the trailer used for storage of old tires and on a daily basis remove the old tires.

There were no interested parties in objection to the application.

Applicant's Rebuttal:

Mr. Khoury responded that he talked with all of the neighbors and no one had an objection to the application. They like the screening fence, and want the property to be kept neat and organized. He painted the sign and starting the new tin on the roof. He wants to purchase the property in January but does not want to invest too much more in the property if he can't operate his business there. He would like to store his stock in a trailer if he is not allowed to store them on racks. He would be willing to build a building to store his tires.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow Use Unit 17 (tire store) in a CS zoned district; and a **Variance** of required setback from centerline of Harvard from 100' to 62' for an existing building, with condition for no outside storage of merchandise or tires, and that merchandise and tires will be enclosed within 90 days from today, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

The S 115.30' N 471.20' W 190.00' W/2 NW/4 of Section 33, T-20-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19482

Action Requested:

Special Exception to permit parking in an RS-3 district for public library. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located E of Hartford on S side of E. Queen St.

Presentation:

Jan Keene, 400 Civic Center, they need more parking space and they can lease the nearby parking lot from TDA for 25 years.

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 parking in an RS-3 district for public library, with condition of a tie-agreement for so long as the property is used for library purposes, 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:

Lots 1-5, Block 8, Roosevelt Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19477

Action Requested:

Variance of setback from required 25' to 1.6' to permit an existing in ground storm cellar in the front yard. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance to permit an accessory structure as a principal use. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions, located 4208 S. Madison Pl.

Presentation:

The applicant did not arrive.

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. 19477 to the meeting on December 10, 2002.

W 87.00' of Lot 1, Block 8, Alta-Dena Place, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 4:21 p.m.

Date approved: December 10, 2002



Chair