

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 890  
Tuesday, June 22, 2004, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

**MEMBERS  
PRESENT**

White, Chair  
Dunham, Vice Chair  
Turnbo  
Perkins  
Stephens

**MEMBERS  
ABSENT**

**STAFF  
PRESENT**  
Beach  
Butler  
Alberty

**OTHERS  
PRESENT**  
Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Friday, June 18, 2004, at 2:48 p.m., as well as at the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

After declaring a quorum present, Chair, White called the meeting to order at 1:00 p.m.

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

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**REQUEST TO CONTINUE AND CASES TO WITHDRAW**

**Case No. 19844**

**Action Requested:**

Special exception to allow a home occupation (mobile battery service); variance to allow home occupation in an accessory building; variance to allow vehicle not customarily found in an R district; variance to allow 17" x 32" sign on truck. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS; SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located: 5815 S 31ST AVE W.

**Presentation:**

Mr. Beach stated the applicant requested, per her attorney, a continuance to the meeting on July 27, 2004.

**John Harris**, P.O. Box 52206, Tulsa, OK, 74152-0206, stated he is the attorney for the applicant. He reviewed the case and discussed the case with INCOG staff. He wants to modify the request for relief.

**Mr. Dunham arrived at 1:04 p.m.**

**Comments and Questions:**

Mr. White asked if he had contacted neighbors and interested parties. Mr. Harris replied that he has not, but would like to do that before the next hearing of this case. Mr. Harris assured the Board that business activity has ceased until Board action is taken.

**Interested Parties:**

**Benny Morgan**, 5816 S. 30<sup>th</sup> W. Ave., asked if he could obtain a petition for the next hearing of this case. Mr. White responded that they could create their own petition and present it the next time if the Board continued the case.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19844 to the meeting on July 27, 2004.

LT 4 & N 25' LT 5 BLK 3, SUMMIT PARKS, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19846**

**Action Requested:**

Special exception to allow a Use Unit 12a, Adult Entertainment Establishment, in an IM zoned district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 12a, located: 3306 W CHARLES PAGE BLVD.

**Presentation:**

**Brian Bertolino**, 3306 Charles Page Boulevard, requested a continuance to July 13, 2004 or preferably to July 27, 2004. They need the time to discuss issues with the neighboring property owners. He stated there is a misconception that the business is a strip-club, but it is an adult photography studio.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19846 to the meeting on July 27, 2004.

BEG 114.32NE INTSEC WL SW & MEANDER COR GOV LT 5 T H ALG ML NE479.68 NE52.80 NE106.10 TH N226.02 TO S R/W SSRR TH ALG R/W SW361.21 SWLY CV LF 266.96 SW 124.44 TO WL LT5 TH S130.72 NE114.9 S88.62 POB SEC 3 19 12 3.813ACS.

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**Case No. 19854**

**Action Requested:**

Special exception to permit automobile sales in a CS district, variance to permit auto sales within 300 feet of an R district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, USE CONDITIONS, located: 12835 E 11TH ST S.

**Presentation:**

Mr. Beach informed the Board that Mr. Moody stated the legal description was incorrect in the notice and needs to be re-advertised. Staff recommended continuance to July 27, 2004.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19854 to the meeting of July 27, 2004.

W130 SE SE SE SE & E6 SW SE SE SE LESS S50 FOR ST SEC 5 19 14 .874AC.

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**Case No. 19851**

**Action Requested:**

Requests a variance of the required setback from centerline of S. Delaware from 40' to 30' for new dwelling. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, located: 2804 E 2ND ST S.

**Presentation:**

Mr. Beach informed the Board that it was determined relief was not needed for this case. The staff recommended a full refund of \$438.00.

**Comments and Questions:**

Mr. Boulden advised the request for refund could be acted on by the Board at this hearing.

**Robert Baumgarten**, applicant, 3926 E. 51<sup>st</sup> Pl., stated his address for the record.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a full refund of \$438.00, finding the action requested would not be necessary.

W 1/2 LT 5 BLK 5, PLEASANT VIEW ADDN, City of Tulsa, Tulsa County, State of Oklahoma.

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**MINUTES**

On **MOTION of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of June 8, 2004 (No. 889).

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**UNFINISHED BUSINESS**

**Case No. 19804**

**Action Requested:**

Variance of parking requirement for fine arts center and new field house. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; OFF-STREET PARKING AND LOADING REQUIREMENTS; a Variance of building setback. SECTION 1201.C.2.c. USE UNIT 1. AREA-WIDE USES BY RIGHT; USE CONDITIONS; a Variance of height of building. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of access road setback. SECTION 1201.C.2.d. USE UNIT 1. AREA-WIDE USES BY RIGHT; USE CONDITIONS; and a Special Exception to allow new bleachers and a field house as accessory to existing stadium. SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS, located: 2520 S. Yorktown.

### **Presentation:**

**John Moody**, 1800 S. Baltimore, Ste. 900, stated he represented Cascia Hall Preparatory School and the owner, the Augustine Order. Cascia Hall was founded in 1926, and is one of the most excellent examples of French Normandy Architecture for this period. They have maintained the forty-acre campus' architectural tradition from inception with landscaping and open areas. Mr. Moody pointed out the limitations of the flood plain and sloped elevation on the northwest corner as hardships to their construction plans (see Exhibits A-1, A-2). He described the affect of the required parking on their proposals (Exhibit A-4) and offered a solution based on a study by Jon Eshelman with Traffic Engineering Consultants (Exhibit A-8). The plan would provide parking spaces required for the largest use (football stadium), which would cover the parking needs for all of the other uses as needed at different times.

### **Ms. Turnbo recused herself from Case No. 19804.**

They negotiated at length with the interested party, the owner of the adjacent property (PUD for Utica Place). His clients agreed to incorporate the maintenance building within the field house; to narrow the service road; to move the service road back 16' from the north property line to the point where it curves and would narrow to an 8' landscaped area. He provided the plans for two gates (Exhibit A-12), which would be closed when not being used for personnel or events. They also agreed to place the dumpsters south of the field house; no outdoor storage of materials or equipment at the maintenance building; and to point the maintenance garage doors to the northeast (see Development Guidelines, Exhibit A-9).

Mr. Moody explained to the Board that it is difficult to state the exact elevation at this time. They agree to a commitment that construction will not exceed an elevation of 757' above sea level or in any case no greater than 60' on the north elevation and the south elevation not to exceed 65' in height. He submitted elevation plans (Exhibits A-6 & A-7).

### **Comments and Questions:**

Mr. Boulden inquired about the roofing materials.

**Brian Freese**, 6144 S. Lewis, stated he is the architect. He replied the roof would be standing-seam metal. The existing structures have shingled roofs.

Mr. White questioned the issues to which the applicant and interested party had agreed. Mr. Moody reviewed the revised site plan (Exhibit A-5) and listed points, including: landscape lighting on the service road; the width of the service road; the height of new structures; and the location and shrouding of the new cooling tower.

### **Interested Parties:**

**James L. Kincaid**, 500 Kennedy Bldg., 321 S. Boston, stated he is council for Utica Place, LLC, owner of the property immediately to the north. He indicated the

substantial negotiations were due to this premature application. They reluctantly protest as they believe it will be a good addition to the City of Tulsa. He expressed concern that when they first started reviewing the project and to this date they have not seen a grading plan, final elevations, flood plain modifications, lighting plan, or building plan for the northwest corner. They asked for some restrictions as indicated by (Exhibit A-10) his client's copy of the proposed development guidelines and statements of agreement or contention with the development guidelines. Mr. Boulden asked if Mr. Moody has seen these documents, which Mr. Kincaid replied in the affirmative. Mr. Kincaid complained that the applicant presented a proposed Master Plan in 2003, which has since changed greatly (Exhibit A-11), when the initial proposal for Utica Place went before the TMAPC. His client is willing to provide trees for screening of the service road and asked that the road be moved south with a sixteen-foot landscaped area.

**Mr. Stevens out at 2:10 p.m. and returned at 2:13 p.m.**

He stated that a conceptual plan should not be approved that would allow for construction with a minimum setback, creation of maximum road width, and reduction of landscaped area. His client objected to the roof height so close to their property. Mr. Kincaid stated the applicant has not shown unnecessary hardship. He referred to exhibits (Exhibits A-3, & A-11) to point out issues regarding placement of rooms in the field house and elevations. He stated that if the Board agrees the requested restrictions on the road, landscaping, limitation on the height, and shrinkage of the building are appropriate as he presented them, then they would withdraw any protest they have.

**Comments and Questions:**

Mr. Boulden asked if the site plan he showed was from the time when they planned for just residences along the property line. Mr. Kincaid replied that it was, but now they plan for an office building. He added that the view to the southeast would be obstructed for the remaining homes. Mr. Boulden asked the distance of the homes to the property line. Mr. Kincaid stated it would be five feet. Mr. Boulden compared the five feet to the property line and questioned why they expect the applicant to build 32' from the property line. Mr. Kincaid added that his client's building would be 180' from the subject property line. Mr. Boulden asked for the height of the office building compared to the applicant's building. Mr. Kincaid did not have that information.

**Applicant's Rebuttal:**

Mr. Moody informed the Board that the site plan he submitted at the PUD hearing for Utica Place was a conceptual plan drawn several years before. The long-range planning had started well over five years ago. The significant hardship and the reason things changed from that plan came about when they began factoring in the impact of the flood plain area, the literal parking requirements, and the need for multiple uses of the facilities. The applicant was simply providing information regarding the possible affect of the school's plans to benefit the owner of Utica

Place, LLC in their decision to change multi-family housing into single-family housing. Mr. Moody indicated the applicant and interested party were in agreement on the significant issues. He reminded the Board that the hardship is the flood plain.

#### **Comments and Questions:**

Mr. Stevens asked if there has been a pre-development meeting with the City utility directors and Fire Marshall. Mr. Moody responded that the architect, Mr. Freese has talked with them but not to the extent they would after approval for more final plans. Mr. Dunham asked why there was such an issue with the width of the service road. Mr. Moody responded that they considered in the case of an emergency there might not be enough of a shoulder on the service road to get past any obstruction because of the sloping topography. He pointed out that the applicant is not required to obtain a variance to build the road next to the adjacent property. He went on to say that if they are required to comply with the code, then it would adversely affect the adjacent property owner, since the code does not require a setback or limit the size of the road. Mr. White questioned the height of the field house. Mr. Moody replied that they do not know the finished floor elevation yet. Mr. White determined that 757' is a definite. Mr. Moody agreed. Mr. Dunham noted that the applicant request does not specify the height of the building. Mr. Boulden asked what would be on the north side of the field house. Mr. Freese replied there would be high windows six feet from the floor of this one story building with high ceilings.

#### **Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-1 (White, Dunham, Perkins, Stephens "aye"; no "nays"; Turnbo "abstained"; no "absences") to **APPROVE** a **Variance** of parking requirement for fine arts center and new field house; a **Variance** of building setback; a **Variance** of height of building; a **Variance** of access road setback; and a **Special Exception** to allow new bleachers and a field house as accessory to existing stadium, with conditions: the field house elevation not to exceed 757' above sea level; finding the hardships to be the flood plain and the requirement to meet all of the parking uses at the same time; per development guidelines: 1. Site plan and Building Elevations: Development and use shall be in accordance with the applicant's submitted site plan and submitted elevations; providing, however, that the applicant reserves the right to utilize the areas designated as practice fields for any use permitted by right in accordance with the zoning of the property, and, provided further, that the designation of the practice areas on the site plan shall not be construed to prohibit the applicant from applying for a variance or special exception in the future. 2. Development Specifications: a. Setback from the north property line: The northwestern angular point of the building as shown on the site plan shall be no closer than 32' to the north property line. b. Maximum Building Height: The north end of the field house within a distance of 112 feet from the north property line of Cascia Hall's property will not exceed a height of 757 feet above sea level, not to exceed 60 feet in height. The height of the field house beyond 112 feet from the north property line and the fine

arts/performing arts building shall not exceed 65 feet. c. Service Road: The service road paralleling the north boundary shall not exceed 20' in width; shall be located not closer than 16' from the north property line (except around the northwest corner area of the field house); shall be exit only, for school buses only, on event days only, except for emergency vehicles. Maintenance vehicles may not use the road as an exit/entrance onto Utica except under unusual circumstances. Maintenance crews may use the road for access to the practice fields for landscaping and maintenance, including two-way traffic, but will not use the South Utica entrance to the service road entrance for entrance and exit onto South Utica, except for unusual circumstances or emergencies. There will be two (2) gates on the service road as shown on the site plan that will always be locked except when used during events or emergencies; provided that the gate adjacent to the field house or easternmost gate may be unlocked when in use by the maintenance personnel. Except for temporary parking by maintenance crews or emergency vehicles, there shall be no parking permitted on the service road west of the east gate as shown on the site plan. d. Mechanical Equipment: The cooling tower for the field house will be located either east of the football field in the low area at the north end or south of the field house or in any other area where the cooling tower is shrouded from view and sound from the Utica Place property, and will be constructed to minimize sound and enhance appearance. There will be no other exterior mounted mechanical equipment servicing the field house which is visible from the Utica Place property. e. Landscaping: The north 16' of the west 408 feet of the Cascia property shall be landscaped and maintained as an open space area. The north 6 feet of the area north of the field house shall be landscaped and maintained as an open space area. A landscape plan shall be submitted to and approved by the Board of Adjustment prior to issuance of a building permit for the field house. f. Storage and Parking of Equipment or Vehicles: The paved area on the north side of the field house shall not be used for outdoor storage of equipment or materials and shall not be used for overnight parking of maintenance vehicles. There will be day time parking of maintenance vehicles when working in the maintenance shop. The maintenance shop doors will face northeast in line with the northeast corner of the field house as shown on the site plan. g. Bulk Trash Receptacles: No bulk trash receptacles will be located on the north side of field house and all bulk dumpsters for the field house shall be located south of the proposed field house. Normal trash receptacles not exceeding 55 gallons in size, with lids, shall be permitted on the school grounds. h. Grading Limitations and Requirements: The new grade at the northwest corner of the dimensioned football practice field shall be a minimum of seven feet (7') below the current grade at that same location. i. Lighting: There will be no lighting of the limited egress service road (except for lighting at the Utica side of the gate) or the practice football field; provided that low level landscaping lighting not exceeding three (3) feet in height and directed downward and to the south to provide safety and directional lighting for the service road shall be permitted along the service road. Exterior lighting for the field house (whether free standing or building mounted) shall be shielded fixtures designed to direct light downward and away from residential properties. The light-producing elements and the polished light

reflecting elements of lighting fixtures illuminating the site shall not be visible to abutting residences; providing, however, that architectural and landscaping lighting highlighting the building similar to the lighting presently used for the other school buildings may shine upward onto the field house, so long as the same does not shine into the residential area of Utica Place. Off-Street Parking: A minimum of 456 all-weather surfaced parking spaces shall be provided on the school property as shown on the site plan; and per plan as submitted this day, on the following described property:

SW/4 of the NE/4 of Section 18, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

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### **NEW APPLICATIONS**

#### **Case No. 19842**

##### **Action Requested:**

Variance of required hard surface parking in an IL District. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located: 13515 EAST ADMIRAL PLACE SOUTH

##### **Presentation:**

**Tom Afeld**, 601 S. Boulder, Ste. 600, stated he represented Mrs. Miles, the owner of the subject property. The property is just over two acres. North of the property is I-44 and I-244, to the east is Aim Rentals, and to the south and west is vacant land. They purchased the property in 1993 and it has since then been used to store semi-trailers. In 1996 they graveled the property and leased it to their son. He stated that the property appears to be higher in elevation than the surrounding properties. He indicated paving might cause more drainage onto the other properties. The business to the east stores cranes, fork lifts, and other construction vehicles parked on a gravel surface. He mentioned another business to the east that stores trailers on a gravel surface also. He submitted photographs and copies of proposals for paving the parking area (Exhibit B-1 & B-3). Mr. Afeld informed the Board that movement of the trailers on or off the property is probably 3-4 times maximum per month. They have never received a complaint from a neighbor or the City of Tulsa since they have owned the property. He submitted a letter (Exhibit B-2) from the owner of Aim Rentals in support of the application. She stated there has never been a problem with rodents, or dust from the subject property. She was concerned that paving could cause drainage and erosion problems on her property. He also submitted a notice of violation (Exhibit B-4).

**Virginia Miles**, 10735 S. 70<sup>th</sup> E. Ave., stated that when trailers are parked there is no way to move them without leasing a tractor from Grand National. When they move the trailers then they mow. She added that they spray under the trailers

even when they can't mow under them. She stated that even in the heat of the summer it does not get dusty because of the gravel.

**Interested Parties:**

**Cindy Robson**, P.O. Box 14332, Tulsa, stated she owns SRI Development, and 185 acres to the south of the subject property. She contacted Neighborhood Inspections because of the high grass and gravel where the trailers are parked. She pointed out this is the first and last impression of Tulsa that out of state travelers have along the expressway. She added that she has tried to find out the owner of this property and to purchase the property or help with improvements.

**James Mautino**, 14628 E. 12<sup>th</sup> St., stated the property is unsightly with high grass, grass in the fence. This is the east gateway to Tulsa. He asked the Board to consider what the hardship would be and to deny this application.

**Applicant's Rebuttal:**

Mr. Afeld responded that they have never had a dust problem.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of required hard surface parking in an IL District, finding lack of a hardship, on the following described property:

BEG 65N SECR LT 3 TH N55 TO SL HWY R/W TH WLY 400. 66 NW293.95 SWLY CRV LF 96.31 SE144 E728 POB & BEG SWC GOV LT 2 TH N120 TO S R/W LN HWYS 44 & 244 TH, E55 S120 W55 POB LESS S40 FOR RD, SEC 4 19 14 2.038 ACS.

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**Case No. 19843**

**Action Requested:**

Appeal from the zoning notice by the Neighborhood Inspectors of a violation that three trailers are being used for storage, located: 1711 E Skelly Dr.

**Presentation:**

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

N 230 LT 10, PERRY'S 27207 SUB, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19845**

**Action Requested:**

Approval of an amended site plan previously approved for a 125' cell tower and a special exception to modify the required setback of 110% of tower height from an adjoining residential lot line to 0 feet. SECTION 1204.C.3.g.1. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, located: 4631 W BRADY ST N.

**Presentation:**

**Chris Villines**, 415 N. McKinley, Ste. 1235, Little Rock, AR 72205, stated this is an existing cell tower. It is in bad condition aesthetically. Cingular Wireless proposed to build an extension of 25' to a height of 150'. They would clean up the tower, remove unused antennas and coaxial cable.

**Interested Parties:**

**Gerald Griggs**, 4630 S. Cameron St., stated he has lived there off and on since 1948. He expressed concern that the tower was close enough to fall on his house. He submitted photographs and a drawing with dimensions (Exhibit D-1 & D-2). He stated it has been in bad condition and vacant for two and one-half to three years. He complained that the grass and weeds within that fence line were up to 5' to 6' tall. He added that rats and snakes come from there all of the time. He indicated the tower was approximately 100' from his house and his lot is only 125' in width.

**Emery Oaks**, 4424 W. Brady, lives southeast of the tower. He supported the tower originally. He did not believe it would fall on any existing house around it.

**Applicant's Rebuttal:**

Mr. Villines responded that the site has been neglected. Cingular assures the Board that if they lease the tower, it would be cleaned up and maintained. The extra 25' would be required for them to use it.

**Comments and Questions:**

Mr. White determined after discussion that the cell tower is a non-conforming use now. Ms. Turnbo stated that today they would have to meet the 110% distance from the property line.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **DENY Approval of an amended site plan previously approved** for a 125' cell tower; and a ***Special Exception*** to modify the required setback of 110% of tower height from an adjoining residential lot line to 0 feet, 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:

E102 LTS 39 & 40 & ALL LTS 43 THRU 45 BLK D, LT 41 BLK D, LT 42 BLK D,  
VERN HGTS SUB, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19847**

**Action Requested:**

Special Exception to permit a home occupation, Therapeutic Massage, in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, located: 11824 E 36TH ST S.

**Presentation:**

**Christina Cichon**, 11824 E. 36<sup>th</sup> St. S., proposed to do therapeutic massage in her home. She is licensed in Tulsa, Oklahoma. She would have parking available in her driveway. There would be only one client at a time. There would be plenty of time between customers. She would not have any employees.

**Comments and Questions:**

Mr. White asked about the boat in the driveway. Ms. Cichon replied they are in the process of moving it.

**Interested Parties:**

**Paul Harmon**, 406 S. Boulder, stated he was speaking for himself and Harold Harmon. The neighborhood is strictly single-family residential, largely owner-occupied. They object to the application because they do not want additional traffic, or a change in the character of the neighborhood. He added that is not used for through street to avoid traffic on arterial streets. Mr. White asked if they would approve of a one-chair beauty shop or is the objection more because of the type of business. Mr. Harmon replied the main objection would be the traffic and they recognize there is some stigma attached to the massage business.

**Cliff and Sue Beamer**, 11838 E. 36<sup>th</sup> St., stated they own their home. She stated the street is full of traffic and is used for cut-through from Garnett to 119<sup>th</sup> St. and 129<sup>th</sup>. Mr. Beamer added there is heavy parking on this particular street, making it a one lane street.

**Applicant's Rebuttal:**

Ms. Cichon stated she has been in her home for eleven years. She agreed that it has heavy traffic. She petitioned the City for a stop sign. She has room on her driveway for parking. She has children also and she understands traffic concerns. She reminded the Board there would only be one client at a time.

**Comments and Questions:**

Mr. Dunham asked what hours she proposed. She replied the hours would be 8:00 a.m. to 8:00 p.m., Monday through Friday, mostly morning to late afternoon. She planned for three customers per day with appointments three hours apart.

She added that she would not be advertising. Mr. Boulden asked what prompted this application. Ms. Cichon replied that she checked into the legalities to start her business within the law. He asked if she had already been working in her home and someone complained. She responded that she has not been doing massages in her home. Mr. Dunham asked if she was familiar with the zoning guidelines for a home occupation. Ms. Cichon replied that she knew the guidelines.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a home occupation, Therapeutic Massage, in an RS-3 district, with conditions: meet all home occupation guidelines; hours of operation would be 8:00 a.m. to 8:00 p.m., Monday through Friday; no more than three customers per day, and no more than one customer on the premises at any one time; 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:

LT 18 BLK 6, GARNETT PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19848**

**Action Requested:**

Special exception to allow Use Unit 5, Church and accessory church uses in an IL zoned district SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 5, located: 4932 S 83RD AVE E.

**Presentation:**

**Robert Buss**, P. O. Box 240, Owasso, Oklahoma, stated he represented Heritage Baptist Church. They have a contract to purchase the subject property for room to grow. They would have services and activities mainly Sundays and Wednesdays. There is more than sufficient parking for the property. Any changes they would make would be on the interior and subject to a permit.

**Comments and Questions:**

Mr. Boulden asked if there would be any day care facilities. Mr. Buss replied there would not be a day care.

**Interested Parties:**

**Janette Hughes**, 6660 S. Sheridan, stated she represented GBR properties. They have a shopping center at 4960 S. 83<sup>rd</sup>. They are preparing to do some extensive remodeling on the center. They were concerned for the impact on any future tenants, because of restrictions of distance from a church. They have a liquor store and a restaurant that is obtaining a liquor license. Mr. Boulden stated that a

Use Unit 14, liquor store would not be bound by a 300' distance. Ms. Hughes stated that they don't have plans for a bar or adult entertainment there.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow Use Unit 5, Church and accessory church uses in an IL zoned 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-11-BLK-4, SECOND RESEARCH & DEVELOPMENT CTR RESUB, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19849**

**Action Requested:**

Special exception to permit church use in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located: 6532 E 58TH ST.

**Presentation:**

**Steven McCormick**, 5314 S. Yale, stated he is an attorney for the Parkview Baptist Church and a member of the church. There is a house for sale adjacent to the property. They need additional classrooms and group activities. They proposed to remove the chain link fence and put in a sidewalk from the back of the house to the church building. The back of the house faces the church. It has a privacy fence all around the house except for the west side, and they would put one on the west also.

**Comments and Questions:**

Mr. Dunham asked if they would change the exterior appearance. Mr. McCormick replied they want to keep the residential appearance as this is a temporary measure. They would like to be able to sell it as a house or use as a parsonage later. Mr. Dunham asked if they would want to cut a drive from 58<sup>th</sup> Street. Mr. McCormick assured him they would not. Mr. Dunham asked if they planned to have any activities that would be noisy or a point of contention to the adjoining property owners. Mr. McCormick replied that he would not expect anything more than found in a normal residential property. Mr. White asked Mr. Beach if a screening fence would be required. Mr. Beach replied that there are more requirements with a special exception use that have not been addressed.

**Interested Parties:**

**David Fitzhugh**, 5760 S. 69<sup>th</sup> East Ave., expressed concern for any need they might have for on-street parking.

Mr. Beach informed the Board that the applicant was not advertised for enough relief.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No.19849 to the meeting on July 27, 2004.

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**Case No. 19850**

**Action Requested:**

Special Exception to permit church use in an RS-1 district. SECTION 401 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located: 8707 East 19th Street South.

**Presentation:**

**Randall Pickard**, 10051 S. Yale, Ste. 203, presented a slightly modified site plan (Exhibit E-1). They have met with home owners and their association representatives.

**Mr. Dunham out at 4:07 p.m. and returned approximately 4:10 p.m.**

As a result of these meetings they would be willing to modify per this site plan to have outdoor recreation with no permanent structure on the southeast with the exceptions of the basketball court and tennis court. There would be a 100' wide buffer area. They have an agreement with the land owner on that side to not have any recreational use within the buffer area without the permission of the land owner. The southwest portion would also be for recreation with no permanent structures. The drainage issues will be improved. They purchased this property from the public school district. They have explained the future use of the buildings in the site plan to the neighbors.

**Interested Parties:**

**Richard Ford**, 8819 E. 19<sup>th</sup> St., expressed concern that no permanent structure be placed on the southwest corner of the property, as there has been damage to residential property by kickball, soccer ball and golf balls. Otherwise he stated his support of the application.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit church use in an RS-1 district, per amended plan, with conditions: lighting on the property be directed downward and away from the neighborhood, 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:

E 660 OF W 965 BLK 7, O'CONNOR PARK, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19852**

**Action Requested:**

Requests a special exception to reconstruct a non-conforming structure for residence, reducing setback out of utility easement to 4', located: 303 E 29TH ST S.

**Presentation:**

**Steve Olsen**, 324 E. 3<sup>rd</sup> St., stated he represented clients, Dixie and Gary Collins. They had an addition to their home a number of years ago, which is in bad condition now and encroaches on the easement. They propose to remove the structure and design a new addition with about the same square footage and be out of the easement.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to reconstruct a non-conforming structure for residence, reducing setback out of utility easement to 4', 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:

ALL LT 22 W 20 LT 23 BLK 21, SUNSET TERRACE, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19853**

**Action Requested:**

Special Exception to permit automobile sales in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS. Use Unit 17, located: 3111 S 129TH AV E.

**Presentation:**

**John Moody**, 1800 S. Baltimore, Ste. 900, stated he represented the owner of Certified Auto Centers. The property is on the corner and is vacant. There are

generally just commercial uses in the area. They discussed the application with an interested party, Teresa Buchert, and agreed to some conditions: all trash areas would be screened; no flashing lights; hours of operation: Monday – Friday 9:00 a.m. to 9:00 p.m., and Saturday 9:00 a.m. to 8:00 p.m.; underground storage tanks be removed prior to occupancy; all grassy areas be maintained; no auto repairs, ranch rail fence on the south and east side of the property; two gates, one on the north and one on the west side of the property; and no inoperative vehicles on the property (Exhibit F-1). Mr. Nordell has an existing facility, which Ms. Buchert was pleased with, Case and Associates that manages Nelson Shopping Center had no opposition.

**Comments and Questions:**

Mr. Dunham asked about a fence on 31<sup>st</sup> or 129<sup>th</sup>, should they decide to build one. Mr. Moody agreed that a tubular fence no greater than three feet high would also be a condition.

**Interested Parties:**

**Jonathon Nordell**, 11218 S. 66<sup>th</sup> E. Ave., Bixby, Oklahoma, 74008, stated he made an agreement with the current owners to have the tanks removed within six months of closing on the property and everything signed off by the OCC.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a ***Special Exception*** to permit automobile sales in a CS district, with the conditions the applicant's attorney submitted today: all trash areas would be screened; existing lighting to be used and no flashing lights; hours of operation: Monday – Friday 9:00 a.m. to 9:00 p.m., and Saturday 9:00 a.m. to 8:00 p.m.; underground storage tanks be removed prior to occupancy, no later than six months after closing; all grassy areas be maintained; no auto repairs, ranch rail fence on the south and east side of the property; two gates, one on the north and one on the west side of the property; no inoperative vehicles stored or parked on the property; and nothing more than a tubular fence no greater than three feet high on 31<sup>st</sup> and 129<sup>th</sup> Streets, on the following described property:

LT 1 LESS BEG NWC TH S200 E8 N172 NE39.54 W36 POB BLK 1, SUNRAY HGTS ADDN.

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**Case No. 19855**

**Action Requested:**

Variance of Section 1103.B.2.b.3 to permit a ground sign from the required 100 feet to 48 feet from another ground sign in a CO and PUD district. SECTION 1103.B.2.b.3. USES PERMITTED IN A PLANNED UNIT DEVELOPMENT; ACCESSORY USES, SIGNS, located: 7608 E 91ST ST S.

**Presentation:**

**John Moody**, 1800 S. Baltimore, Ste. 900, stated the interested party is his client. He informed the Board that his client purchased the building, previously used for general office use, with parking per code. The principal tenant is classified as a medical office use. His client had to provide parking for a medical office use. There is an existing building and the lot is narrow. They proposed to move the sign to the island rather than request a waiver of the parking to keep the sign where it is located. A site plan and photographs were provided (Exhibit G-1 and G-2).

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Section 1103.B.2.b.3 to permit a ground sign from the required 100 feet to 48 feet from another ground sign in a CO and PUD district, per plan, finding the existing parking was inadequate to meet the code and the relocation of the sign was necessary, on the following described property:

LT 6 BLK 1, LT 7 BLK 1, SOUTH SPRINGS OFFICE PARK, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19843**

**Action Requested:**

Appeal from the zoning notice by the Neighborhood Inspectors of a violation that three trailers are being used for storage, located: 1711 E SKELLY DR.

**Presentation:**

**Richard L. Harris**, 1800 S. Baltimore, Ste. 900, stated he represented the applicant, Brandon Bohannon.

**Comments and Questions:**

Mr. Dunham noted they are only asking to leave the trailers on the property until the end of August.

**Interested Parties:**

L.C. Bradfield, 111 S. Greenwood, inspector for Neighborhood Inspections stated he has no objection to this application.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **Uphold** the

