

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 911
Tuesday, May 24, 2005, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**
Dunham, Chair
Henke
Paddock
Stead
Stephens

**MEMBERS
ABSENT**

**STAFF
PRESENT**
Butler
Cuthbertson

**OTHERS
PRESENT**
Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, May 19, 2005, at 3:14 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

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

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

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20029 – Michael Harrison

Action Requested:

Special Exception for manufactured home sales. 202 S. 193rd E. Av.

Case was withdrawn.

Case No. 20057 – Steve Benge

Action Requested:

Appeal determination of an administrative official to permit duplexes on subject properties. 8313 & 8315 E. 24th St. S./ 8323 & 8325 E. 24th St. S.

Case was withdrawn.

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UNFINISHED BUSINESS

Case No. 20038

Action Requested:

Special Exception to permit a private school (Use Unit 5) in an RM-1 district (Section 401) and a Variance of the required minimum lot area of one acre for a school (Section 1205.B.2.c), located: 2935 E. Pine St.

Presentation:

Jamie Broom, 1436 North Denver, went over her previous presentation first. She then informed the Board that as they directed, she contacted the neighbors door to door. Ms. Broom noted that it appeared people were home with front doors open and or cars in the driveway but only two came to the door and talked with her. She contacted Ms. Davenport-Lindsay to set up a meeting with the interested neighbors. Ms. Broom stated that no one showed up for the meeting. A letter and conceptual plans were provided (Exhibits A-1 and A-2).

Comments and Questions:

Ms. Stead questioned Ms. Broom on which plan she requested approval. Ms. Broom replied that she provided a second one with the driveway further to the north. Ms. Stead commented that staff's recommendation for screening of the parking lot was not really needed because of the hours of operation of the school. Mr. Paddock asked about enrollment, staff, and grade levels. Ms. Broom responded the next school year they plan for 32 students and three to four staff. The maximum enrollment is forty-eight. The grade levels would be 3-K through 5th Grade.

Interested Parties:

Sue Davenport-Lindsay, 1520 North College Avenue, stated the lot is too small and there would be excessive traffic that would be a hardship on the neighborhood. She told the Board that she informed the neighbors of the meeting time and place. She stated some of them are elderly but she did what she could to provide for a meeting.

Lisa Huggins, 1462 West Evanston, expressed concern for the traffic congestion. She felt that it was too dangerous for young children. A small child was killed at the end of her driveway several years ago. She stated she was never contacted about this case except by the notice.

Eugene Edwards, 2420 West Pine Place, City Planner for Claremore, expressed his support of the application. He stated that he watched the last hearing on television. He thought this was an opportunity to do something positive for young children. He stated that the traffic would come from Pine and would not cause

traffic problems. Mr. Edwards pointed out that the school located on Pine near Lewis has been in existence for years and generates far more traffic than this school. The other school has not been a problem for traffic. He found nothing negative about this application.

Dorothy L. Flynn, 506 East Latimer Place, stated she is the owner of the property. She wanted to emphasize she is trying to do something for the community. The children would not be walking to school or having to cross a busy street. They are delivered and picked up by car.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a private school (Use Unit 5) in an RM-1 district (Section 401); and a **Variance** of the required minimum lot area of one acre for a school (Section 1205.B.2.c), finding that the literal interpretation of the one-acre land requirement is a hardship due to the size of the school, with conditions: construct a sidewalk along Evanston Place the length of this property and maintain the sidewalk along Pine in good condition; the drive-through be located as shown on the conceptual plan, which indicates it will exit to the north of their property on Evanston Place, per plan, noting it is conceptual, on the following described property:

LT 4 BLK 1, EVANS HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20013

Action Requested:

Reconsider previous Board of Adjustment action regarding a Variance of the required 70 ft. setback from the centerline of S. Peoria Avenue to 40 ft. (Section 403); and a Special Exception of the allowable height for a fence in the required front yard from 4 ft. to 8 ft. for a stucco screening wall (Section 210.B.3), 1308 East 27th Place South.

Presentation:

Greg Jennings, 2260 South Troost Avenue, submitted photographs (Exhibit B-1). He pointed out a number of things, such as the level topography of the property, and the two large magnolia trees and line of pear trees that were recently cut down. He could not identify a hardship for the variance. He noted that the lot meets lot area, land area, and livability space requirements, so it is technically not a non-conforming lot. He stated that building an eight-foot wall would be a security risk. He pointed out that a wall can cause security problems, as well as provide security. He added if you don't want to hear the noise of the street then don't buy property next to it.

Interested Parties:

Hal Salsbury, 1332 East 27th Place, stated he was not able to attend the last hearing, but he has no objection to the height of the wall. He was concerned about the fence along Peoria. The existing fence along Peoria is a nuisance as it interferes with a view of the street when you need to pull out at that corner.

Richard Winn, 1530 South Harvard, the architect for this project, stated that 37% of the fence is lower than eight feet, and the two gates can be seen through. He stated that they did the City of Tulsa a favor, as the pear trees they removed were in the right-of-way. He added that the magnolia trees were in the way of the house plans.

Comments and Questions:

Ms. Stead asked the height of the fence proposed from the building line north to the front property line. Mr. Winn replied that the height varies up to eight feet.

Applicant's Rebuttal:

Mr. Jennings restated the eight-foot fence was not the problem but the inability to see through it. He considered this to be compounding property, which does not create neighbors and added that walls divide people.

The Board discussed the fact that the plans submitted are conceptual but would be considered a guideline for a final site plan.

Board Action:

On **Motion of Paddock**, the Board voted 4-1-0 (Dunham, Paddock, Stephens, Henke "aye"; Stead "nay"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required 70 ft. setback from the centerline of South Peoria Avenue to 40 ft. (Section 403), finding this is a non-conforming lot by the narrowness of the RE-zoned lot; that the literal enforcement of the code would work a hardship on this lot; and finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan;

On **Motion of Paddock**, the Board voted 3-2-0 (Paddock, Stephens, Henke "aye"; Dunham, Stead "nay"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** of the allowable height for a fence in the required front yard from 4 ft. to 8 ft. for a stucco screening wall (Section 210.B.3), per plan submitted at this meeting (as understood to be conceptual), with the condition that the fence not encroach into the sight triangle, 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:

BEG AT A PT 1771N & 18.5E OF SWC OF SEC 18 TH N194 E121.5 S194 W121.5 POB SEC 18 19 13, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 20039

Action Requested:

Variance of the minimum required frontage on a public street from 30' to 0'. (Section 206), located: 8511 S. Maybelle Ave.

Presentation:

Craig Rosencutter, 502 North Emerson, represented Kathy Owen. He stated the subject property is owned by his grandmother. She granted easement that gives access to Maybelle.

Interested Parties:

John Westbrook, 510 Indian Drive, Waxahachie, Texas, stated he and his siblings own the forty acre tract immediately south of the entire subject property. They inherited it from their grandmother, who received it as part of her original Indian allotment in 1904. They met with INCOG and were informed that Maybelle was the only right-of-way to their land. It is useless right now because the residents built a fence across the right-of-way on the north and south ends.

Mr. Cuthbertson stated it appeared as if there may be a strip of right-of-way on the west side of the property. If it is a right-of-way, the property owner cannot build on it, whether it is improved or not. They would be trespassing to even build a fence.

John Clark, 7902 South Waco, stated his family owns the property to the west. They thought the city might have plans to open Maybelle.

Comments and Questions:

Mr. Dunham thought there was plenty of land to acquire right-of-way if the land owners wanted to get a road put in.

Applicant's Rebuttal:

Mr. Rosencutter stated if there is a right-of-way, they are not asking that it be dismissed, but any easement or existing right-of-way be transferred to the new owner of the property.

Comments and Questions:

Mr. Ackermann suggested they may need to continue this case until staff can determine if there is a right-of-way.

Board Action:

On **Motion of Henke**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20039 requesting a Variance of the minimum required frontage on a

public street from 30' to 0'. (Section 206), to the meeting on June 14, 2005, to allow time for staff to identify existing right-of-way, on the following described property:

BEG SW/c NE/4 SEC 14, T18N, R12E TH N 591.06 TO PT; TH E 250 TO PT TH S 591.15 TH W 250 TO POB SEC 14 18 12 3.39 ACS AND S/2 NE BEG 250E & 41N SWC NE TH N544.15 SE140NE286 N25 W42.12 ELY CRV LF 77.01 NE15.46 CRV RT 202.04 SE28.97 CRV LF98.71 SE194.39 SW773.59 W673.98 POB SEC 14 18 12 12.394ACS, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20041

Action Requested:

Special Exception to allow Use Unit 19 - Hotel-Motel use in an IL zoned district. Sect. 901, located: 3415 South Sheridan Road.

Presentation:

The applicant was represented by **Malek Elkhoury**. A site plan was provided (Exhibit C-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow Use Unit 19 - Hotel-Motel use in an IL zoned district. Sect. 901, 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:

BEG 1218N & 75E SWC NW TH E342.40 NE292.86 CRV RT432.22 TH SE142.24 CRV RT 502.94 W484.93 N82.54 W797.39 CRV LF 112.88 SW63.16 POB SEC 23 19 13 11.768ACS, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20042

Action Requested:

Variance of the required frontage in a CS zoned district from 150 ft. to 137.4 ft. to allow a lot-split. (Section 703 and 1607), located: Southeast corner East 101st Street South and South Delaware Avenue.

Presentation:

Jeffrey Levinson, 9308 South Toledo, stated he was mindful of the staff comments addressing uniformity. He informed the Board that access is not an

issue in this case. The configuration of the lot is part of the hardship as it is larger than an acre. There is not very much frontage.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required frontage in a CS-zoned district from 150 ft. to 137.4 ft. to allow a lot split. (Section 703 and 1607), finding the configuration of the land being 250 ft. deep, an odd-shaped parcel; and finding the literal interpretation of the code would create an unnecessary hardship; and it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

LT 1 BLK 1, LT 1 BLK 1, RETAIL CENTER I, STAR CENTER 4, STORAGE CENTER I, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20043

Action Requested:

Variance of side yard requirement on west side from 5 feet to 1 foot to permit an existing structure, Section 403, located: 3318 and 3320 East 58th Street South.

Presentation:

John Moody was present.

Comments and Questions:

Mr. Dunham asked if this application was to correct an existing condition for title purposes.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of side yard requirement on west side from 5 feet to 1 foot to permit an existing structure (Section 403), finding the literal enforcement of the code would cause an unnecessary hardship; and it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

LT 3 BLK 3, GLENOAK, SOUTH HARVARD COURT AMD, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20044

Action Requested:

Review and approval of an amended site plan previously approved by BOA-17283 for an outdoor advertising sign to replace sign with new lettering and reduce the height, located: 4720 East 51st Street South.

Presentation:

Larry Waid, represented Drs. Ross Clark and James Osborn, of Woodland Animal Hospital. They proposed to modify the existing sign and remove the Cat Clinic sign. The building would be remodeled. They would change the information on the sign and add an electronic changeable message sign below. The square footage would be reduced from 144 sq. ft. to 105 sq. ft. A site plan and applicant exhibit packet were provided (Exhibits D-1 and D-2).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** an amended site plan previously approved by BOA-17283 for an outdoor advertising sign to replace sign with new lettering and reduce the height, per plan, on the following described property:

S100 E338 W363 N/2 NE NE NE LESS E138 THEREOF SEC33 19 13 .46AC, LINCOLN ESTATES, 5110 SOUTH YALE, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20045

Action Requested:

Special Exception to allow automobile sales (Use Unit 17) in a CS zoned district (Section 701); and a Variance of the 300 ft. distance from an R zoned district to allow outdoor display of merchandise for sale. (Section 1217.C.2), located: 3618 West Skelly Drive.

Mr. Stephens out at 2:37 p.m.

Presentation:

Randy Glidewell, 1305 North Ironwood, Broken Arrow, Oklahoma, proposed to open a used car lot.

Comments and Questions:

Mr. Dunham asked about the surrounding zoning and the zoning of the subject property. Mr. Cuthbertson identified the lines of the zoning districts that the subject property is CS only and surrounded by CS and RS-3. Mr. Dunham reminded the applicant that not all of the lot is paved and no cars could be parked on the grass.

Mr. Stephens returned at 2:39 p.m.

Ms. Stead asked if Mr. Glidewell planned to move any of his plumbing business to the lot, to which he replied that he did not. He did not want to buy the property if he does not get approval for car sales.

Interested Parties:

Bryan Meyers, 5144 South 36th West Avenue, expressed concern that the auto lot would be 50 ft. from his house. He added that the pole barn would be 10 ft. from his children's swing set. He submitted photographs to show the proximity (Exhibit E-1). He stated the plumbing business was reserved and passive in nature, with little traffic and business equipment out of sight.

Applicant's Rebuttal:

He stated there would not be a steady flow of traffic to a used car lot, and it would not cause traffic congestion.

Comments and Questions:

Ms. Stead asked him to explain if there is so little traffic why this would be a good location for a car lot. Mr. Glidewell stated that it could be seen from Interstate Highway-44 and he would advertise. She asked for a hardship and he was uncertain. He pointed out photographs (Exhibit E-1) of another new car lot nearby that did not meet the code requirements, including paving.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to allow an automobile sales (Use Unit 17) in a CS zoned district (Section 701); and a **Variance** of the 300 ft. distance from an R zoned district to allow outdoor display of merchandise for sale. (Section 1217.C.2), finding that both would be detrimental to the neighborhood, on the following described property:

N 42.33 OF W 166 LESS W 10 HWY LT 7 BLK 4, S 42.34 N 84.67 OF W 166 LESS N 7.67 OF W 10 HWY LT 7 BLK 4, RICHMOND ACRES, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20046

Action Requested:

Special Exception to allow a church and church related uses in an AG-zoned district (Section 301), located: 3520 East Apache.

Presentation:

Gordon Faulk, 96226 East 26th Place, stated they proposed to build a sanctuary for a growing congregation.

Comments and Questions:

Mr. Dunham noted there is not a request for relief of parking requirements.

Interested Parties:

Haskell Aimes, 1804 North Jamestown, expressed concern for the size of the property that as they grow they will require more parking.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a church and church related uses in an AG-zoned district (Section 301), 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:

BEG 826.8E & 305S NWC NW NW TH S271 E50 S330.5 E443 N866.5 W343 S265 W150 POB SEC 28 20 13 8.515ACS, BEG 826.8E & 40S NWC NW TH S265 E150 N265 W150 POB SEC 28 20 13 0.913AC, , City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20047

Action Requested:

Variance of maximum square footage for an accessory building in an RS-3 district from 500 sq. ft. to 1650 sq. ft. (Section 402.B.1.d) and a Special Exception to permit a residential accessory structure on an abutting residentially zoned lot under common ownership (Section 1608.A.11), located: 1202 South 145th Avenue East.

Presentation:

Steven Gates, 1202 South 145th East Avenue, proposed to build a 1200 sq. ft. garage. He stated that to the south of the house is a 600 sq. ft. garage, which he plans to remove. He planned to match the siding and roofing of the house.

Mr. Dunham out at 3:03 p.m.

He submitted an elevation plan (Exhibit F-1).

Comments and Questions:

Ms. Stead asked why he needed a 1200 sq. ft. garage. He replied that he would like to work on his automobiles. He stated he has two lots, one of which is empty. Mr. Stephens asked if this was for residential use or to lease. Mr. Gates responded that it was not for residential use.

Mr. Dunham returned at 3:05 p.m.

Mr. Gates stated he was going to add nice windows to the garage and it would be attractive.

Interested Parties:

Jim Mautino, City Councilor, stated he talked with some of the neighbors and with Mr. Gates. He explained that when you look at the property, only the end of the building will be visible. He considered it to be a nice addition to the neighborhood. He described the existing garage as too short and not very accessible.

Ms. Stead assumed they would tear down the little red barn. Mr. Mautino indicated it was a landmark. She noted the excessive square footage for accessory buildings. Mr. Dunham explained the code requirement for a maximum of 1,650 sq. ft. Mr. Gates was willing to remove the garage and small metal building.

Board Action:

On **Motion of Stead**, the Board voted 2-3-0 (Paddock, Stead "aye"; Dunham, Stephens, Henke "nay"; no "abstentions"; no "absences") to **DENY** a **Variance** of maximum square footage for an accessory building in an RS-3 district from 500 sq. ft. to 1650 sq. ft. (Section 402.B.1.d); and a **Special Exception** to permit a residential accessory structure on an abutting residentially zoned lot under common ownership. (Section 1608.A.11), finding insufficient hardship for the variance; and 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. The motion failed for lack of a quorum vote of three.

On **Motion of Stephens**, the Board voted 3-2-0 (Dunham, Stephens, Henke "aye"; Paddock, Stead "nay"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of maximum square footage for an accessory building in an RS-3 district from 500 sq. ft. to 1650 sq. ft. (Section 402.B.1.d); and a **Special Exception** to permit a residential accessory structure on an abutting residentially zoned lot under common ownership. (Section 1608.A.11), with condition for a tie agreement, finding the literal enforcement of the code is the hardship because of the size of the property, by reason of extraordinary exceptional conditions or circumstances, which are peculiar to the land, and would result in an unnecessary hardship.

Mr. Ackermann asked for separate motions for the variance and special exception.

On **Amended Motion** of **Stephens**, the Board voted 3-2-0 (Dunham, Stephens, Henke "aye"; Paddock, Stead "nay"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of maximum square footage for an accessory building in an RS-3 district from 500 sq. ft. to 1650 sq. ft. (Section 402.B.1.d), finding the literal enforcement of the code is the hardship because of the size of the property.

On **Amended Motion** of **Stephens** the Board voted 3-2-0 (Dunham, Stephens, Henke "aye"; Paddock, Stead "nay"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a residential accessory structure on an abutting residentially zoned lot under common ownership. (Section 1608.A.11), with condition for a tie agreement, finding the literal enforcement of the code is the hardship because of the size of the property, by reason of extraordinary exceptional conditions or circumstances, which are peculiar to the land, and would result in an unnecessary hardship, on the following described property:

LT 1 & 2 BLK 6, COUNTRY LANE ADDN RESUB L3-8 B6 ELEVENTH ST ACRES, ELEVENTH STREET ACRES, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20048

Action Requested:

Variance of required screening from an abutting R district along the west property line abutting South Vandalia Avenue and along the south right-of-way line of East 21st Place. (Section 1214.C.2)

Presentation:

John Nidiffer, stated he is the owner of the shopping center at southwest corner of 21st and Yale. He reminded the Board that the City Council approved an ordinance to vacate 21st Place. A Quit Claim deed has been filed giving the shopping center the entire 21st Place street and it will be part of the development. He stated that the neighborhood, including himself, do not want a screening fence constructed. They want access and security.

Interested Parties:

Michael Bates, 4727 East 23rd Street, spoke in support of the application. He indicated the importance of keeping the neighborhood connected to the subject property by both Winston Avenue and Vandalia Avenue.

Comments and Questions:

Mr. Dunham verified that the neighbors present were in support of the application and no one was protesting.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required screening from an abutting R district along the west property line abutting South Vandalia Avenue and along the south right-of-way line of East 21st Place, finding the literal enforcement of the code would result in an unnecessary hardship; and finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan; and finding the neighborhood has spoken in favor of this application and found that requiring the screening fence would be a detriment to the neighborhood, on the following described property:

ALL BLK 1 LESS BEG NEC TH S219 W72 NW267.7 N64.3 W TO PT SW21.48 W15 N25 E355 POB BLK 1, MAYO MEADOW EXTENDED L3-5 B2, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20049

Action Requested:

Variance of required screening from an abutting R district along the south property line abutting South Winston Avenue. (Section 1213.C.2), located: 4720 East 21st Place South.

Mr. Dunham allowed the one Interested Party to speak first.

Interested Parties:

Judy Jackson, 2218 South Winston, expressed her one concern was for the traffic using a drive-through pharmacy window. She indicated that when there is heavy traffic for events at the fair grounds and Big Splash it would cause more traffic in the neighborhood.

Comments and Questions:

Mr. Dunham and Ms. Stead both questioned Ms. Jackson about the inconvenience to her and other neighbors if the road was blocked. Ms. Jackson understood those inconveniences but would prefer the screening.

Presentation:

Terry Haines, represented the Wal-Mart Stores, offered to answer any questions the Board might have.

Board Action:

On **Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required screening from an abutting R district along the south property line abutting South Winston Avenue. (Section 1213.C.2), literal enforcement of the

code would result in an unnecessary hardship; and will finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

ALL BLK 1 LESS BEG NEC TH S219 W72 NW267.7 N64.3 W TO PT SW21.48 W15 N25 E355 POB BLK 1, MAYO MEADOW EXTENDED L3-5 B2, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20050

Action Requested:

Special Exception to permit Use Unit 24 - Mining in an AG (Agricultural) district. (Section 301), located: 660 ft. west of NW crnr E.131st St. and S. Sheridan Rd.

Presentation:

John Moody, 1800 South Baltimore, Suite 900, stated in August 2003 the Board approved an application to mine the soil on the subject property. They proposed to expand the mining into 650' of additional acreage. It would be elevated five feet for future development. They have purchase other property in the area, which will provide for compensatory storage for the storm water. Mr. Moody stated the applicant would abide by the conditions approved by the Board on the previous application. Those conditions are: 1) Operations Monday through Friday sunrise to sunset and ½ day on Saturdays; 2) No landfill in the excavation area; 3) Compliance with all requirements by Department of Mines and all other governmental regulations, including obtaining all licenses and permits; 4) No explosives to be used; and 5) Per plan. He informed the Board they would not do any sanitary landfill, so they would not be approving anything like that.

Comments and Questions:

Mr. Dunham asked about the use of the soil. Mr. Moody responded that some of the dirt will be used to elevate the area indicated in the plans. The rest of the soil would be sold.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stephens**, to **APPROVE** a **Special Exception** to permit Use Unit 24 - Mining in an AG (Agricultural) district, with conditions: Operations Monday through Friday sunrise to sunset and ½ day on Saturdays; and no landfill in the excavation area.

On **Amended Motion** of **Stephens**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit Use Unit 24 - Mining in an AG (Agricultural) district, with conditions: Operations Monday through Friday sunrise to

sunset and ½ day on Saturdays; no landfill in the excavation area; compliance with all requirements by Department of Mines and all other governmental regulations, including obtaining all licenses and permits; no explosives to be used; and per plan, on the following described property:

S/2 SE SEC 3 17 13, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20051

Action Requested:

Special Exception to permit a Use Unit 25 (Decorative and Ornamental Metal Working) in a CG zoned district -- Section 701 --, located: 8724 East 11th Street South.

Presentation:

R. L. Reynolds, 2727 East 21st Street, proposed to open a decorative and ornamental metal working shop. He indicated the CG zoning implies some kind of industrial use to compliment commercial type uses. These are decorative finishes for houses. There would be no outside work or outside storage of materials.

Comments and Questions:

Ms. Stead asked for the hours of operation. Mr. Reynolds replied they were willing to limit the hours to 7:00 a.m. to 7:00 p.m., Monday through Saturday, and noon to 5:00 p.m. on Sunday. Mr. Dunham asked if Saturday and Sunday would just be retail. Mr. Reynolds thought it would just be retail on Saturday and Sunday. He added there is not much manufacturing in this business. They have one electric shear and it makes less noise than a lawn mower. He stated they are about 300' from anyone who might have a complaint. They also have a press, which is not hydraulic. Ms. Stead if there was any chromium or other slag or discharge of anything. Mr. Reynolds replied there is nothing like that.

Board Discussion:

Mr. Dunham noted plenty of distance between this site and neighbors.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a Use Unit 25 (Decorative and Ornamental Metal Working) in a CG zoned district -- Section 701 -, with conditions for no outside storage of materials, no work outside the building, hours of operation 7:00 a.m. to 7:00 p.m., Monday through Saturday; noon to 5:00 p.m. on Sunday only retail outlet inside the building; 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 3 LESS N15 THEREOF FOR ST BLK 1, FOREST ACRES, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20052

Action Requested:

Special Exception to allow a manufactured home in an AG zoned district; and a Special Exception of the one year time limit to ten (10) years, located: 3401 North Fulton Avenue.

Presentation:

Mr. Cuthbertson reminded the Board there is no time limit for a mobile home in an AG district. The Special Exception of the one year time limit to ten (10) years was stricken. The staff recommends a refund of \$50.00 for the unnecessary special exception.

Clinton Hendrix, the applicant, stated that he plans to build a stick home in the future

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a manufactured home in an AG zoned district, with permanent foundation and skirting, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and to **APPROVE** a partial refund of \$50.00 for the special exception that was not required.

There being no further business, the meeting was adjourned at 4:00 p.m.

Date approved: _____

Chair