

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 931
Tuesday, April 11, 2006, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**
Dunham, Chair
Henke, Secretary
Stead
Tidwell

**MEMBERS
ABSENT**
Stephens

**STAFF
PRESENT**
Alberty
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, April 6, 2006, at 3:55 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.

MINUTES

On **MOTION** of **Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** the Minutes of March 28, 2006 (No. 930).

Case No. 20253

Action Requested:

Minor Special Exception to reduce the front setback, located: 2663 East 26th Street South.

Presentation:

Steven Soule, 2663 East 26th Street, stated the proposal to build a garage per the site plan (Exhibit K-1). It would be added to the front of the house with a 35' setback, which is four feet, eight inches over the required setback. It would

conform to the house. He pointed out there are other similar constructions on this street.

Board Action:

On **MOTION** of **Henke**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Minor Special Exception to reduce the front setback to permit a four foot, eight inch encroachment into the required front yard, 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, per plan, on the following described property:

LT 12 BLK 1 & PRT E115 N457.50 LT 2 J P HARTERS SUB BEG 246.65E
SECR LT 6 BLK 1 PERAGEN ADDN TH E81.94 WLY82.30 N1.73 POB,
PERAGEN ADDN RESUB L3-4 B1 WOODY CREST & PRT J P HARTER'S, City
of Tulsa, Tulsa County, State of Oklahoma

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UNFINISHED BUSINESS

Case No. 20217

Action Requested:

Special Exceptions: to permit off-street parking in an RM-2 district; to remove the screening requirements along E. 5th Pl, E. 6th St., and S. Norfolk; and to permit required parking on a lot not containing the principal use; Variance of the parking lot setback from the centerline of abutting streets in an R district, located: South side of East 5th Place between South Norfolk and South Peoria Avenue.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, represented the Indian Healthcare Resource Center. The facility treated about 15,000 patients with over 100,000 services in 2005. It includes an on-site pharmacy that fills approximately 700 prescriptions per day. They propose to construct parking on the northwest corner of the western block with revised site plan and landscaping (Exhibit A-1). This includes the vacation of the alley-way. He provided photographs of the property to the Board (Exhibits A-2 and A-3). He described the details that are provided in his Exhibit A (see attached Exhibit A-4).

Comments and Questions:

He responded to questions of the Board that the hours of operation would be 8:00 a.m. to 5:00 p.m., the lighting would be designed to be directed down and away from the houses on the north side of 5th Place and two houses on the west side of Norfolk. He stated they would amend the existing tie agreement between the Indian Healthcare Resource Center and the previously approved off-site parking to include the additional property.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Henke**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit off-street parking in an RM-2 district; to remove the screening requirements along E. 5th Pl, E. 6th St., and S. Norfolk; and to permit required parking on a lot not containing the principal use, 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 Variance of the parking lot setback from the centerline of abutting streets in an R district, per plan, subject to Exhibit A provided by the applicant; the lighting will be directed down and away from the north and west boundaries; to amend the existing tie agreement to include the additional property, finding that by reason of extraordinary exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district, 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:

LT 1 – 6 BLK 10, LT 10 – 12 BLK 10, CENTRAL PARK PLACE; LT 1 BLK 1, INDIAN HEALTH CARE RESOURCE CENTER; and the N/2 of alley, Blk 10, Central Park Place; and the S/2 of the alley adjoining Lts 10 – 12, Blk 10, Central Park Place, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20229

Action Requested:

Variance of required 200 foot setback from an R zoned district for a new sign. (Section 1221.C.2), located: 3126 South Harvard Avenue.

Presentation:

Mike Moydell, 1221 Charles Page Boulevard, represented Drug Warehouse. They proposed a pylon sign with an LED message board on it. He submitted photographs to illustrate the need for the relief (Exhibit B-1). He indicated only one house would be able to see the sign from the south and trees would screen it to the west. He stated they need the variance for the LED sign.

Interested Parties:

Lynn Brady, 3136 South Florence Place, with the Ranch Acres Homeowner's Association, stated they were pleased with the renovation but opposed to the sign proposal. She referred to the letters of opposition and the Mr. Dunham

acknowledged receipt of them (Exhibit B-2). One of the neighbors to the south, John Howard, stated in a letter that the sign would be visible from his property and three or four other properties.

Steve Novik, 3843 South Florence Place, President of the Ranch Acres Homeowner's Association, submitted photographs of the subject property, from one of the neighboring homes, over a six-foot privacy fence (Exhibit B-1). He specifically opposed the LED portion of the sign. He stated Mays Drug has not communicated with the neighborhood except what the neighborhood initiated with Mr. Moydell.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **DENY** a Variance of required 200 foot setback from an R-zoned district for a new sign, finding lack of hardship, on the following described property:

BLK 1 LESS N 263, RANCH ACRES, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 20230

Action Requested:

An appeal of an Administrative Official on permit #21444, issuing a permit for an accessory building , located: 1601 East 36th Court South.

Presentation:

Byrgen Finkleman, 1621 East 36th Court South, stated she came to appeal the location of an accessory building in her front yard. She showed photographs (Exhibit C-2). She indicated it is in the side yard of the subject property and should not have been allowed there in the first place, and that the building is not in compliance with the permit issued. She objected to it blocking her view. She stated they built a second two-car garage on the side lot line. She informed the Board the neighbor removed the original storage building and replaced it with a larger one that is closer to the fence. She noted that it is 34' from the centerline of the street rather than the required 45'.

Interested Parties:

Scott Bard, 3726 East 43rd Street, represented the subject property owner. He stated that Ms. Finkleman did not show the permit was in error. He added that whether it is in compliance with the permit is a separate issue.

Brandon Johnson, 543 South Victor, stated he is the contractor that constructed the building. He suggested that Dustin Wright with Zoning Plan Review may be able to state if the permit issued was valid.

Dustin Wright, 111 South Greenwood, with Zoning Plan Review, stated there was a 10' x 10' storage building located on the lot. It was located twelve inches from the east lot line. It was replaced with a 10' x 20' building and was to be located in the same position twelve inches from the lot line and 45' from the centerline of the street.

Comments and Questions:

Mr. Dunham asked if he had checked to see if it is located in the same location, and he had not. Kurt noted the building is less than 200 square feet and under the building code it does not require a permit. It only requires a zoning clearance permit, therefore a building inspector does not go out to inspect it. Once the plan is reviewed and then it is up to the property owner or contractor to place it where it is approved to be located. If it is not placed in the proper place, then they are in violation of the permit. Mr. Dunham concluded it is more a Neighborhood Inspection issue.

Mr. Johnson offered to clear up some details. He checked to see if they needed a building permit and found out they did not. They removed the old building and began construction of the new building. The neighbor then complained to Neighborhood Inspections. He was informed they needed to apply for a zoning clearance permit, which he did (Exhibit C-3). The construction was finished before the new zoning clearance permit was issued. The building inspector came out and did some measuring, and said it was ok. They obtained a petition signed by the neighbors and they were in support (Exhibit C-1).

Applicant's Rebuttal:

Ms. Finkleman stated that Neighborhood Inspections sent someone out and they measured the setback is now 34'. They informed her she would have to appeal to the Board of Adjustment to get the building moved to comply with the code.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **DENY** the appeal of an Administrative Official on permit #21444, issuing a permit for an accessory building, and to **APPROVE** a full refund for the appellant's cost.

Upon request for a point of order to clarify the motion, Ms. Stead restated her motion.

As a matter of process it was brought to the Board's attention that a refund could not be granted at this meeting. It will be brought before the Board at the next meeting.

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **DENY** the appeal of an Administrative Official on permit #21444, issuing a permit for an accessory building, regarding the following described property:

LOT 1 & 6 BLK 7, WOODLAND HGTS, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20231

Action Requested:

Variance of the screening requirements for an accessory parking lot abutting an RS district (Section 1303.E), located: 1835 South 129th East Avenue.

Presentation:

John Maridirosian, 11873 East 61st Place, Business Administrator at Eastland Baptist Church, stated years ago the church put up a fence in the same general area and it was torn down. When they made plans for the parking lot, it included plans for a fence also. The applicant was concerned that the fence would send the wrong message to the neighborhood as a very visible barrier between the church and the community. Pedestrians walk through the church property to and from the store.

Comments and Questions:

Mr. Dunham asked if they had considered planting trees instead of constructing a fence. Mr. Maridirosian replied they have considered trees before.

Mr. Tidwell out at 2:10 p.m.

Mr. Maridirosian added that the church only has services two nights per week. In the summer it would still be light when traffic leaves the church at 8:00 p.m.

Mr. Tidwell returned at 2:13 p.m.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Variance of the screening requirements for an accessory parking lot abutting an RS district (Section 1303.E), subject to submission of a landscape plan showing six-foot evergreen trees or shrubs between the drive aisles and abutting houses on the north, finding that by reason of extraordinary exceptional conditions or

circumstances, which are peculiar to the land, structure or building involved, the finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district, 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:

LT 1 BLK 1 EASTLAND BAPTIST CHURCH, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20233

Action Requested:

Special exception to allow off-street parking in an RM-2 district; a Variance of the required screening; and a Variance of the setback from S. Quaker from 50 ft to 25 ft., located: 1010 South Quaker Avenue East.

Presentation:

Louis Levy, 5314 South Yale, represented Planned Parenthood. They purchased two lots, the houses were razed and were used as parking lots. They have agreed to put up a fence to the south. There are two entrances, one to the alley and one to Quaker Avenue. There would be fifteen parking spaces on the RM-2 parking lot making a total of fifty parking spaces. They see approximately 1200 to 1400 clients monthly and have thirty-five employees.

Comments and Questions:

Mr. Dunham asked for the hours of operation. Mr. Levy replied they are from 8:00 a.m. to 8:00 p.m. during the week and 9:00 a.m. to 2:00 p.m. on Saturday. He answered questions, including: the parking will have an all-weather surface; there would be two light poles, with lights directed down and away from the two houses on the east. The Eastland Neighborhood Association opposes a fence on the east, as they want to see what is happening on the parking lot. Mr. Levy stated they withdrew the request for a variance of the required screening to the south. Mr. Ackermann clarified that the variance of the setback South Quaker from 50' to 25' means 25' from the centerline of the street.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Henke**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special exception to allow off-street parking in an RM-2 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, a Variance of the required screening

on the east; and a Variance of the setback from S. Quaker from 50 ft to 25 ft. from the centerline, by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved; finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; 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, contingent upon the two lights discussed be directed downward and away from the neighborhood; and with condition to replace the sidewalks, on the following described property:

LT 3 BLK 10, EAST LYNN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20234

Action Requested:

Modification of the conditions for a previous approval of office/warehouse uses to establish a new site plan; and approval of a required landscape and lighting plan from BOA-20146, located: Northwest of the Northwest corner of E 21st Street and 129th East Avenue.

Presentation:

Steve Coder, 11728 East 133rd Street South, explained to the Board that he has redesigned his proposed building and the site plan, with a landscape and lighting plan (Exhibit D-1). He planned to place a rectangular building at the center of the property with the same number of storage spaces.

Comments and Questions:

The Board questioned him about the number and placement of the storage units. Mr. Coder replied that it would be the same number of units he wanted originally and it would put more distance between them and the residential properties.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Henke Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Modification of the conditions for a previous approval of office/warehouse uses to establish a new site plan; and approval of a required landscape and lighting plan satisfactory to the City of Tulsa requirements, according to the site plan submitted today (PFPI #2697) with conditions: no outside storage, sales or repairs of materials outside; no vehicles parked overnight; restricted to contract construction services (not disruptive to the neighborhood) only; height of building not to exceed 14 ft.; no

storage of toxic or combustible materials; no small engine repair of any kind, 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 BLK 10, EAST LYNN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20235

Action Requested:

Special Exception to allow Use Unit 15 for dry-wall contractor service in a CS zoned district, located: 8 South 111th Avenue East.

Presentation:

Wallace Wozencraft, 1619 South Boston, represented M.L. Jones Drywall Company. They propose to build an addition to the existing structure per the site plan (Exhibit E-1). They plan to add to the all-weather surface parking. The driveway would remain the same. The reason is to bring everything inside. There would not be any outside storage.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Henke**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to allow Use Unit 15 for dry-wall contractor service in a CS zoned district, with condition for no outside storage, 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:

N75 LT 15 BLK 2, LT 16 LESS N75 THEREOF BLK 2, WAGON WHEEL TRADE CENTER, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20236

Action Requested:

Variance of the required setback from an abutting R district; of the setback of a parking lot from the centerline of an abutting street; of the landscape requirements for the additional parking lot; and of the screening requirement from an abutting R district, located: 6767 East Virgin Street.

Presentation:

Dana Hutson, 1909 North Yellowwood Avenue, represented the owner, as their contractor. He previously obtained approval with a similar request, per plan.

Mr. Henke out at 2:45 p.m.

He pointed out it is a unique property, narrow and long. The R district encompasses the north and south property lines. The residential district runs from the centerline of the street over to the applicants' property line and does not run on the south side of Virgin Street. The 75' setback would preclude any development, causing a severe hardship.

Mr. Henke returned at 2:47 p.m.

Mr. Hutson noted the IM district across the street and the RS-3 to the north that is owned by the airport. He added they are tearing down the old houses and will not be building them there.

Comments and Questions:

Ms. Stead noted the property is surrounded by a six-foot fence with barbed wire. Mr. Alberty responded that does not meet the screening requirement. Mr. Henke asked for a hardship for the variance of the landscaping. Mr. Hutson replied it was because of the additional parking. Mr. Henke stated that the landscaping contributes to the aesthetic qualities of the City of Tulsa. Mr. Dunham noted there would not be anyone to see the landscaping.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Variance of the required setback from an abutting R district; of the setback of a parking lot from the centerline of an abutting street; of the landscape requirements for the additional parking lot; and of the screening requirement from an abutting R district, finding that due to the shape and size of the subject property the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; 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:

LT 1 BLK 1, NEWMAN BROTHERS SUB, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20237

Action Requested:

Special Exception to allow a cell tower in an RS zoned district; and a Special Exception of the required 110 percent distance from an R and AG district, located: 3656 South 103rd Avenue.

Presentation:

Peter Kavanagh, 1620 Handly Drive, Dallas, Texas, represented Verizon Wireless for a cell tower. It is a monopole antenna behind the Roy Clark School, Union School District. He submitted an applicant packet that included an RF map and an aerial (Exhibit F-1). It would have room for collocation. The cellular antennas are low powered and so there are very few RF emissions. The tower would be surrounded by a fence with barbed wire above. The utility building is an exposed aggregate building with two heavy metal doors. They have located at a lot of schools but they have not found a problem with children climbing on the site.

Comments and Questions:

Mr. Henke stated that Verizon is a multi-billion dollar company. The Cell application as proposed is the cheapest tower, costing roughly \$100,000. As a multi-billion dollar company, Verizon can afford to build a more attractive tower. Therefore, Verizon is doing a disservice to the City of Tulsa by erecting the cheapest, non-camouflaged tower.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to allow a cell tower in an RS zoned district; and a Special Exception of the required 110 percent distance from an R and AG district, subject to a statement that current and future emissions will never exceed those specified in the FCC Regulations, submitted by the applicant; finding that this Board has examined Section 1204.C.5.a, as to the eleven factors in granting these special exceptions and found to be acceptable, finding the applicant stated they found no other place to collocate, but they would provide a tower that could collocate a maximum of five other carriers, 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 this Board waives the requirements for landscaping, on the following described property:

PRT NE SW BEG 1263.43E & 1739.62N SWC SW TH N551.53 E674.85 SE509.47 SW45.87 SW220 NW70 SW465 POB SEC 19 19 14 8.69ACS, City of Tulsa, Tulsa County, State of Oklahoma

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Mr. Dunham out at 3:16 p.m.

Case No. 20238

Action Requested:

Special Exception to allow a cell tower in an AG district and a special exception of the required 110 percent distance from an R district, located: 3101 West Edison.

Presentation:

Peter Kavanagh, 1620 Handly Drive, Dallas, Texas, represented Verizon Wireless, and the owner of the property, Tulsa Public Schools. They proposed a mobile telephone antenna at the Tulsa Central High School. The site is on the east side of the parking lot and the pole will double as a lighting fixture directed toward the parking lot. He submitted a packet of information (Exhibit G-1) to the Board.

Mr. Dunham returned at 3:20 p.m.

Mr. Kavanagh pointed out a grove of trees that would help screen the pole. Mr. Henke questioned why they did not collocate on one of the two communication towers behind the Gilcrease Shopping Center. Ms. Stead considered it to be an unacceptable site on this school ground.

Interested Parties:

Jack Henderson, City Councilor for District 1, stated that he received multiple calls with complaints and concern regarding this application. He conveyed their objections to the location on a school campus and the aesthetics. Councilor Henderson stated that if this application passed, he would do his best at the City Council to see that it does not get past him.

Hubert Bryant, 2623 North Peoria, stated he is an attorney on behalf of about 30 residents that live on North 28th West Place (Exhibit G-2). He emphasized the beauty of the campus and indicated it was an inappropriate site for the tower. He pointed out that teens congregate on that parking lot at night. Mr. Bryant reminded the Board of the wilderness-like area from West 33rd Street to 38th on West Edison. He suggested that would be a better location. They objected to a request for a special exception that would place it closer to the well-developed neighborhood.

Cheryl Hopkins, 602 North 28th West Place, expressed concern that the tower would be basically in her back yard. She asked if the RF emissions would affect the students on campus and the residents. She submitted photographs of cell towers from the internet (see Exhibit G-2). Ms. Hopkins indicated she and other neighbors are improving their properties and they are concerned for the resale value of their home. They questioned if this will interfere with their electric power television and phone reception.

Cindy Driver, 620 North 28th West Avenue, had similar concerns to those already expressed.

Anthony Smith, 1602 North Denver, stated he was present for a different application but that he was familiar with the campus use. He informed the Board that the site for the tower is at the most used entrance of the building. He expressed concern that students and visitors use this entrance for daily use and main events in the auditorium.

Applicant's Rebuttal:

Mr. Kavanagh asked the Board for a continuance to give his company time to discuss the location with the school; to obtain the findings on consideration of the two towers nearby for collocation; and to discuss the issues with the neighbors.

Mr. Dunham stated this proposed location is unacceptable. He also asked for something in writing as to why the two towers at the shopping center won't work for them. Ms. Stead also reminded Mr. Kavanagh to bring a letter of agreement not to exceed the allowable RF emissions.

Board Action:

On **MOTION** of **Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 20238 to the meeting on May 23, 2006; and that the applicant bring information on other sites within the Central High School area, including the shopping center ½ mile to the east, and a letter regarding the RF emissions being according to FCC Regulations, regarding the following described property:

A tract of land lying in and being part of Lot 3 and the Northwest Quarter (NW/4) of the Southeast Quarter (SE/4) of Section 33, Township 20 North, Range 12 East of the Indian Meridian as described in Book 326, Page 167, Deed Records of Osage County, Oklahoma; Said tract being more particularly described as follows:

Commencing at a mag nail found for the Southwest corner of said SE/4; Thence N 88°28'27" E on the South line of said SE/4, a distance of 1112.89 feet to a point on said South line; Thence N 01°31'33" W perpendicular to said South line, a distance of 626.12 feet to a 1/2" iron rod with cap set for the Southwest corner, said corner being the Point of Beginning; Thence N 01°27'23" W a distance of 43.00 feet to a 1/2" iron rod with cap set for the Northwest corner; Thence N 89°36'43" E a distance of 25.00 feet to a 1/2" iron rod with cap set for the Northeast corner; Thence S 01°27'23" E a distance of 43.00 feet to a chiseled "X" set for the Southeast corner; Thence S 89°36'43" W a distance of 25.00 feet to the Point of Beginning, containing 1,075.00 square feet or 0.025 acres, more or less, City of Tulsa, Osage County, State of Oklahoma

and the proximity of the University of Tulsa entrance, on the following described property:

NE NE NW SEC 8 19 13, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20240

Action Requested:

Special Exception to permit a .40 Floor Area Ratio in an OL district; and a Variance to permit a 3 story building in an OL district, located: 4416 South Harvard.

Presentation:

Tim Boeckman, 1401 South Denver, Suite B, was present.

Mr. Dunham stated that for the sake of time, the Board understood what the applicant was asking for and they would like to hear from the interested parties first.

Interested Parties:

Renee Capron, 4418 East 48th Place, stated they own one of the residential lots just west of the subject property. There is an existing three story structure on the back of the property. The property has a steep slope, going down from Harvard to Gary. She added that her greatest concern is setting a precedent. She wanted to know what would be their hardship.

Tim Boeckman stated he is the architect for the project. The interior remodel is almost complete and there is no exterior or roof construction. They want to use the existing attic space that has been used for storage, to occupy for office use. Ms. Stead asked for the hardship. Mr. Boeckman replied that it is an existing building and they want to utilize the interior space.

Board discussion ensued.

Board Action:

On **MOTION** of **Stead**, the Board voted 2-2-0 (Henke, Stead, "aye"; Dunham, Tidwell "nay"; no "abstentions"; Stephens "absent") to **DENY** a Special Exception to permit a .40 Floor Area Ratio in an OL district; and a Variance to permit a 3 story building in an OL district, finding a lack of hardship. Mr. Ackermann stated the motion failed for lack of three votes to deny.

On **MOTION** of **Tidwell**, the Board voted 2-2-0 (Dunham, Tidwell "aye"; Henke, Stead "nay"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit a .40 Floor Area Ratio in an OL district; and a Variance to permit a 3 story building in an OL district, finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such

extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; 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. The **Motion Failed** and the application is **DENIED**, on the following described property:

S80 LT 2 & N20 LT 3 BLK 2, VILLA GROVE PARK, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20241

Action Requested:

Special Exception to permit a tent revival for 10 days per year from 2006 to 2010 between May and August (UU2); and a Special Exception of the all-weather surface requirement for off-street parking, located: 5201 East Pine.

Presentation:

Anthony Smith, 1602 North Denver, asked for a five-year term of approval and everything else is the same as previously approved.

Comments and Questions:

Ms. Stead asked if they would keep the hours of operation of 10:30 a.m. to 10:30 p.m. Mr. Davis confirmed those hours.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Henke**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit a tent revival for 10 days per year from 2006 through 2010 between May and August (UU2); and a Special Exception of the all-weather surface requirement for off-street parking, 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, subject to prior approved conditions, on the following described property:

SW SW S OF RR R/W LESS W50 THEREOF & LESS S200 SESW SW SEC 27
20 13 23.55AC, HOMESTEAD ADDN, City of Tulsa, Tulsa County, State of
Oklahoma

Case No. 20242

Action Requested:

Modification of a previously approved site plan and conditions for an auto sales use located: 3612 South Sheridan.

Presentation:

David Ellis, 6901 South Redbud Avenue, represented Best Choice Motors. He discovered he has to keep a roof over the drains for a car wash. He proposed to demolish the walls and leave the canopy for the roof and the equipment room. He would box back in trim so it would be entirely open as a carwash. He supplied a site sketch (Exhibit I-1).

Comments and Questions:

Mr. Dunham asked if it would be exclusively for the applicant's use, to which he replied that it would. He responded to questions, stating the 4" x 4" steel column posts would hold the canopy and be trimmed for a finished look.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Henke**, the Board voted 3-1-0 (Dunham, Henke, Tidwell "aye"; Stead "nay"; no "abstentions"; Stephens "absent") to **APPROVE** a Modification of a previously approved site plan and conditions for an auto sales use, with the condition that this carwash facility to be used by the landowner only, per plan, finding it is compatible with the site design, on the following described:

N 150 LT 1 BLK 1, WILMOT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20252

Action Requested:

Modification of the conditions of BOA-20173 to allow a carport, located: 4735 South 25th Avenue West.

Presentation:

Darla Hall, 4224 South 24th West Avenue, stated she has been in touch with Neighborhood Inspections. The inspection official was satisfied with the way the shield on the north portion of the carport has been removed and found there is no obstruction of sight. The bush has also been cut back. She submitted a license agreement with the City of Tulsa (Exhibit J-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Modification of the conditions of BOA-20173 to allow the existing carport, finding a Neighborhood Inspector has made an inspection and found it in compliance with the Zoning Code, on the following described property:

LT 1 BLK 2, DOKES HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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There being no further business, the meeting was adjourned at 4:35 p.m.

Date approved: May 23, 2006


Chair