

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 933
Tuesday, May 9, 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
Stephens

**MEMBERS
ABSENT**

**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, May 4, 2006, at 4:58 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

Mr. Henke wanted additional information included in the minutes for April 11, 2006. The Chair stated the minutes would be continued to the next meeting.

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20255

Action Requested:

Appeal decision of the neighborhood inspector that (farm equipment) is a non-permitted yard obstruction, located: 13210 East 40th Place South.

Presentation:

Mr. Cuthbertson informed the Board that the applicant withdrew this application. Staff recommended a refund of \$200.00.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a refund of \$200.00, as recommended by the staff, on the following described property:

LT 5 BLK 10, PARK PLAZA EAST III, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20265

Action Requested:

Variance of the required setback of a sign from the centerline of an abutting street, located: 1307 South Boulder Avenue West.

Presentation:

Mr. Cuthbertson informed the Board that the applicant withdrew this case on May 8, 2006. He also informed them that no refund would be available as staff had provided all the services to place it on the agenda for the hearing.

LT 8 BK 5, STONEBRAKER HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

UNFINISHED BUSINESS

Case No. 20239

Action Requested:

Special Exception to allow a cell tower in an RS-3 district and a Special Exception of the required 110 percent distance from an R and O district, located: 1127 South Columbia Avenue.

Presentation:

Lou Reynolds, 2727 East 21st Street, Suite 200, stated they had met with the Tulsa Public School officials regarding the proposed tower. They offered an alternate location. He provided a revised site plan and photographs (Exhibits A-1 and A-2). He stated they moved the location about 90 feet to the south between the two north buildings. Mr. Reynolds described the design as a monopole, like a flagpole design with a lighting fixture to light the parking lot. This is the public school's preference, which would replace an existing utility pole. The light would be shielded and directed down to the parking lot. He pointed out the park, trees,

the height of the auditorium and gymnasium to the northwest of the site. The pictures showed the view from 11th Street. He informed the Board that there is space for collocation on the 100 ft. pole and in the equipment room.

Comments and Questions:

Mr. Dunham asked if he had checked on the existing towers in the area, which he had and found that none of them would meet their needs. Mr. Reynolds submitted a letter from their engineer stating they comply with the FCC and FAA regulations (Exhibit A-3). He responded to other questions, stating the pole is bigger and to accommodate future collocation. He added that it would be white and metal unless the Board requested something different.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to allow a cell tower in an RS-3 district and a Special Exception of the required 110 percent distance from an R and O district, having examined all eleven components of Section 1204.C.5 and making the following conditions: 9 ft. matching masonry wall as shown in exhibit S-1; allow passage between the utility yard and school; mesh fencing above wall; 100 ft. metal monopole with lighting specified by the school; available collocation; existing light pole to be removed; on the following described property:

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

NEW APPLICATIONS

Case No. 20254

Action Requested:

Variance of the required 50 ft. distance from the driving surface of a signalized intersection to 27 ft. and the required 20 ft distance from the driving surface of a street to 13.5 ft. to permit a changeable copy sign, located: 8080 South Yale Avenue.

Presentation:

John Moody, 1800 South Baltimore, Suite 900, represented the owner and the sign company. He stated that the sign location is the same as the former Valley National Bank that was located on the northwest corner. The bank built a new building on the south side of 81st Street. The property owner has leased this space to the WilServ Credit Union and this will be their main office. They believed they already had a permitted sign location and the owners informed them that they had an agreement with the city to permit a sign at this location. They ordered the new sign and it has been constructed. They filed an application for the sign permit, as it was in a planned unit development, which required a detailed sign plan approval

by INCOG staff. They were informed that staff could not approve the sign because of the changeable copy message board and it did not comply with zoning code requirements for a distance of 50 ft. from pavement of a signalized intersection and 20 ft. from the pavement of South Yale. Mr. Moody explained that to obtain the same visibility it would take two signs to replace the one they have.

Comments and Questions:

Mr. Dunham asked if the LED portion is the only thing triggering this application. Mr. Moody replied the previous sign also had LED. Ms. Stead asked Mr. Moody to further explain the hardship. Mr. Moody stated the hardship is due to the physical characteristics of the lot with the buildings on it. He added there is not a place to put a sign for WilServ unless you put it behind the building. Ms. Stead did not agree and added that they might have to use two signs. He also relied on the previous approval and stated they could reduce the LED to the size of the changeable copy on the previous sign. Mr. Dunham stated it would be helpful if the Board had a copy of the agreement with the city. Mr. Moody was willing to provide a copy to the Board, though he did not have it with him. Mr. Alberty explained that if the sign was non-conforming it could remain, but if it is removed, the new sign has to conform. Mr. Dunham requested to see the PUD and the agreement at a future meeting. Mr. Ackermann asked if the applicant has received a letter of deficiency from the plans examiner and sign permit at development services. He suggested the applicant provide that to the Board also. Mr. Moody replied that they do have a letter of deficiency, asking that the PUD sign plan be review by TMAPC. He added that it did not require anything for the LED portion. The Board members asked for more information before they could make a decision.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Henke**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20254 to the meeting on May 23, 2006, on the following described property:

LT 2 LESS BEG SWC TH N335 E280 S89.36 E98.02 S245.64 W377.42 POB &
LESS BEG NEC TH S225 SW28.25 W14.13 NE34.08 N220.87 NL E10 POB
FOR ST BLK 1, COUNTRY HOLLOW, COUNTRY HOLLOW CENTER, City of
Tulsa, Tulsa County, State of Oklahoma

Case No. 20256

Action Requested:

A Variance of the maximum size of an accessory building in an RS-3 District; and a Variance of the maximum height of the top plate for an accessory building, located: 8025 South 28th Avenue West.

Presentation:

Don Favor, 8025 South 28th West Avenue, stated his house faces 81st Street.

Comments and Questions:

Ms. Stead asked for the hardship. Mr. Favor stated he needs more room to store his yard equipment. He has lost some expensive equipment by theft. Mr. Dunham and Mr. Henke both noted the unusually large yard for an RS-3 district and that it abuts an AG district. Mr. Favor responded to questions, stating he does not plan to have commercial activity, or provide living quarters. He proposed a metal building at the highest point 14 ft., with an overhead door.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum size of an accessory building in an RS-3 District; and a Variance of the maximum height of the top plate for an accessory building from 10 ft. to 12 ft., finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, specifically the large lot size in the RS-3 zoned area; finding the literal enforcement of the terms of the Code would result in unnecessary hardship; finding 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, contingent on there being no commercial activities, no living quarters and removal of the existing building, and total square footage of 1,500 for accessory buildings, on the following described property:

SE SW SE SW LESS W25 THEREOF FOR RD SEC 10 18 12 2.31ACS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20257

Action Requested:

Variance of the building setback from the centerline of E. 12th St. from 50 ft. to 38 ft.; and a Special Exception to remove the screening requirement along S. St. Louis Ave. and E. 12th St.; to permit an office development in the OMH and OH

districts, located: North side of East 12th Street from South St. Louis Avenue to approximately 115 feet East of South Trenton Avenue.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, represented Hillcrest Medical Center. They propose to construct a parking structure on the north side of East 12th Street. He called attention to the boundaries on the aerial photograph. The east two-thirds is zoned OH and the west one-third is zoned OMH. The site plan (Exhibit C-1) reveals the difference in setback requirements in the two districts. The need for the variance comes from the requirement for an outside stairway for an emergency exit from the building. He submitted photographs to illustrate his comments (Exhibit C-2). He pointed out the existing wrought iron security fence and the existing retaining wall that would have a wrought iron fence added to the top of it. He referred to staff comments regarding car lights shining from cars circulating in the garage into abutting residences. He stated they would have no objection to a requirement in connection with deleting the screening fence to make the exterior walls of the parking structure on the west and south begin not more than twelve inches from the floor level and come up to not less than forty-two inches. This would allow for drainage outward and effectively block headlights of any vehicle. Exhibit C-3 included exhibits outlining the applicant's requests.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the building setback from the centerline of E. 12th St. from 50 ft. to 38 ft., finding that the rezoning of two-thirds of this block resulted in an extraordinary situation peculiar to the project site, resulting in a different building required setback from the centerline of East 12th Street, and that the literal enforcement of the terms of the code would result in an unnecessary hardship; 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; and a Special Exception to remove the screening requirement along S. St. Louis Ave. and E. 12th St.; both to permit an office development in the OMH and OH districts; 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, conditioned on the applicant having the option, on the south and west exterior walls of the parking facility to begin twelve inches off the floor and no more than forty-two inches to screen vehicle lights, per plan submitted exhibits A and B, according to applicant exhibits on pages 5.5 and 5.6, on the following described property:

The south 300 ft. of Block 3 of 'Re-Amended Plat of Forest Park Addition', including the vacated alley therein, and the south 300 ft. of the westerly 10 ft. of

vacated S. Trenton Ave. adjacent to said block 3; and the south 300 ft. of the 60 ft. wide S. Trenton Ave. right-of-way between the southerly right-of-way line of E. 11th St. S. and the northerly right-of-way line of E. 12th St. S.; and the south 150 ft. of the west 105 ft. of block 2 of 'Re-Amended Plat of Forest Park Addition', and the south 150 ft. of the east 10 ft. of vacated S. Trenton Ave. adjacent to said Block 2., City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20258

Action Requested:

Variance of the detached accessory building height requirements of one story, 18 ft. total and 10 ft. at the top of the plate; and a Variance to permit two dwellings on one lot of record; to permit a two story garage/accessory dwelling unit, located: 1340 East 19th Street South.

Presentation:

Phil Marshall, 4319 South Quincy Place, represented the owners of the subject property. He stated the variances are needed to obtain a building permit to replace a detached garage and apartment. The original garage and apartment were demolished due to tree roots that broke the foundation and made it unsafe. They contacted three different contractors and were advised it was irreparable.

Comments and Questions:

Ms. Stead asked the size of the original structure. Mr. Marshall responded it was about 20' x 20' and 21' in height.

Interested Parties:

Randy Pierce stated he is the owner of the subject property. He informed them that the goal is to maintain the historical integrity of the property. He added that the original structure was over the height restriction.

Comments and Questions:

Ms. Stead raised the question of maintaining 4,000 square feet of livability space. Mr. Ackermann responded that part of the permit review will cover this question, and if they cannot meet it they would have to come back to the Board for more relief.

Interested Parties:

James Watson, 1344 East 19th Street, stated he and his wife have lived there for the last thirty-seven years. He added that in that time there have been five owners of the subject property. He submitted a letter of support from another neighbor (Exhibit D-1). He and his wife are in support of the application and consider the garage/apartment to be a feature of the historical neighborhood.

Chip Atkins, President of Swan Lake Neighborhood Association, stated they support this application and strongly encourage it. He added that it is part of the character of their neighborhood.

Board Action:

On **Motion of Henke**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the detached accessory building height requirements of one story, 18 ft. total and 10 ft. at the top of the plate; and a Variance to permit two dwellings on one lot of record; to permit a two story garage/accessory dwelling unit, finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary and 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, and with the condition that this accessory dwelling unit not be used for business purposes, on the following described property:

LT 3 BLK 1, RUSSELL AND SILLS RESUB L15-16 B28 PARK PLACE ADDN,
City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20259

Action Requested:

Special Exception to permit a single-family dwelling in a CH district, located: 3714 Southwest Boulevard.

Presentation:

Bob Roley, 11522 South 99th East Avenue, Bixby, Oklahoma, represented the owners of the subject property. They proposed to add on two garages, one on each end with a room above each and to remove the carport. The entrances would be from the inside. He submitted a site plan and elevations (Exhibit E-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, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a single family dwelling in a CH district, per two plan sheets submitted, 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:

PRT LTS 11 & 12 BEG NWC LT 11 TH S249.11 NE133.40NW63.45 N111.96
W53.67 POB BLK 10, INTERURBAN ADDN, City of Tulsa, Tulsa County, State
of Oklahoma

Case No. 20260

Action Requested:

Minor Special Exception to reduce the front setback, located: 4317 South
Cincinnati Avenue East.

Presentation:

Vernon and Kelly Chronister, 4317 South Cincinnati Avenue, came to present
their application. Mr. Chronister proposed to move the garage forward and convert
the existing garage into living space. He reviewed the plot plan to explain his plans
to the Board (Exhibit F-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead,
Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Minor
Special Exception to reduce the front setback, 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:

LT 10, BLK 1, RIVERSIDE HGTS, City of Tulsa, Tulsa County, State of
Oklahoma

Case No. 20261

Action Requested:

A Variance of the required setback from E. 31st St. and S. Gary Pl. to permit an
addition to an existing office, located: 3232 East 31st Street South.

Variance of the maximum one story building height was withdrawn as shown on
the agenda.

Presentation:

Leon Ragsdale, 1615 North 24th West Avenue, represented the owners, Dr. and
Mrs. Roman Lobodiak. He submitted a site plan, an artist rendering of elevations
and a letter of support with conditions (Exhibits G-1, G-2, and G-3). They met with
the neighborhood early on. He stated they would agree to the conditions listed in
the letter.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Henke**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the required setback from E. 31st St. and S. Gary Pl to permit an addition to an existing office, 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, with conditions listed in the letter from Ranch Acres Homeowners' Association: only a one-story structure; required screening on Gary Place to be evergreen landscaping closer to the building; existing privet hedge at Gary Place curb be removed (pedestrian hazard); existing wooden fence screened areas continue to be maintained; remove the site plan sidewalk on Gary Place; and install the site plan sidewalk on 31st Street, per plan, on the following described property:

LT 1 BK 3, RANCH ACRES, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20262

Action Requested:

A Variance of the setback from 3 ft to 1.3 ft & 2.6 ft; a Variance of the maximum height; and a Variance of the maximum allowable coverage of the required rear yard; all to permit an accessory building, located: 1724 South Rockford Avenue East.

Presentation:

Jeff Webb, 1724 South Rockford, stated he is the owner of the subject property. The variances are to allow him to enlarge the garage above the original foundation not to extend it. The house was built in 1917. He pointed out that the grade behind the garage is considerably higher than the grade in front. He planned to match the detailing and exterior materials to the existing home. Mr. Webb provided a site plan, elevations, and a letter of support (Exhibits G-1, G-2, and G-3).

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

Comments and Questions:

Mr. Dunham asked about the stockade fence. Mr. Webb replied that the fence is on the centerline of the vacated alley.

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

Mr. Cuthbertson stated if you were to attach the ten feet of the vacated alley to the property that contains the principle dwelling, it would negate the variance of allowable coverage in the required rear yard. Mr. Webb reiterated that he was using the same foot print for the new structure. He referred to an aerial and list of addresses of twenty-two existing structures in the Swan Lake area similar to his plan.

Interested Parties:

Chip Atkins, Swan Lake Neighborhood President, 1638 East 17th Place, noted that Mr. Webb has done extensive renovations to his house. He has restored the historic value. The zoning guidelines for Swan Lake do not include requirements for garage/accessory structures. They were in support of this application.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the setback from 3 ft to 1.3 ft & 2.6 ft; a Variance of the maximum height; and a Variance of the maximum allowable coverage of the required rear yard; all to permit an accessory building, 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; conditioned on the fact the structure is being rebuilt, and is compatible with the original building, per site plan and elevations proposed, on the following described property:

LT 6 BLK 22 & 10' VAC. ALLEY, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20264

Action Requested:

Special Exception to permit a manufactured home in an RS-3 district and to extend the time limitation of one year to indefinitely; and a Variance to temporarily permit two dwellings per lot of record, located: 12932 East Reading Place North.

Presentation:

Tracy Moore, 12932 East Reading Place North, stated the house was empty for several years and now needs many improvements. He proposed to live in the mobile home while they remodeled the house. Then he would like to attach the mobile to the house. He provided a site plan (Exhibit I-1).

Comments and Questions:

Ms. Stead questioned him about how long he has lived in the mobile home and noted there must be some neighbors that have issues with the activities. He replied that they have lived there about six months. He submitted a letter from the true trustee of Stella Swindell's property that stated she does not have any problem with Mr. Moore's plans for this property. She added that anyone who made a complaint using her mother's name falsely identified themselves (Exhibit I-2). Ms. Stead asked how long he needed to complete the project. Mr. Moore replied that he needed five years because he is doing it himself. He explained to the Board how he planned to attach the two houses at the roof line. He supplied photographs of the neighborhood and a map (Exhibits I-3, I-4) to show there are other mobiles in the area. He added that they increased the value of the property by \$38,000 in the first thirty days they lived there. He stated they are increasing the value of the neighborhood rather than being a detriment to it. Ms. Stead and other members were not in favor of a five-year time limitation.

Interested Parties:

Curtis Terhune, 1747 North 129th Street East Avenue, stated there are no mobiles facing 129th Street and he was opposed to the mobile home. He opposed two dwellings on one lot. He stated this was unnecessary crowding of the neighborhood. He considered this to be one of the larger homes in this area.

Applicant's Rebuttal:

Mr. Moore informed the Board that there are three mobile homes on 129th, as he showed on his exhibits. Mr. Moore stated the house is only 1,100 sq. ft.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a manufactured home in an RS-3 district and to extend the time limitation of one year to two years; and a Variance to temporarily permit two dwellings per lot of record, 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; finding the temporary nature is the hardship 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; conditioned on the plan furnished and a two-year limitation to allow joining the dwellings together as one unit, which shall not be used as commercial property; and skirting around the manufactured home structure and a continuous roof line, on the following described property:

LT 3 BLK 2, GARNETT GARDEN ACRES, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20266

Action Requested:

A Special Exception to permit Use Unit 5 (temporary classrooms) in an RM-2 district, located: 1603 South Quincy Avenue East.

Presentation:

Jason Mills, 320 South Boston, with Cyntergy, representing the Parish of Christ the King, stated the project is currently under construction. The original intent was to leave the existing Early Childhood Development Center in place during construction. They realized the proximity of construction to the facility would be a safety concern. They planned to use the temporary classrooms for the fall semester. They also planned to be finished with construction by the end of December 2006. They expect to obtain the permit for the trailers in about a week, which would be good for one year. They went ahead and placed the trailers at their own risk, knowing they would need the variance.

Comments and Questions:

Ms. Stead asked about steps for the emergency doors and skirting. Mr. Mills replied that they would have steps in place, skirting, and a fence around the playground. She suggested the time limit should be extended to the end of the next school year.

Interested Parties:

Chip Atkins, 1630 East 26th Place, expressed concern that the fence at the west emergency exit might trap the children and asked if there would be another gate put in on that side. He also was concerned about the restaurant parking that was allowed on the church parking lot. Mr. Stephens stated the lease was only good as long as the parking was available. He stated that the Swan Lake Neighborhood Association was in support.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit Use Unit 5 (temporary classrooms) in an RM-2 district, with conditions: for a period of one year from date of issuance of the permit for the temporary buildings, skirting of both buildings; small steps to be placed at the east and west (all) emergency exits; 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:

LT 15 BLK 11 & 10' VAC. ALLEY, LT 16 BLK 11 & 10' VACATED ALLEY,
ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20273

Action Requested:

Special Exception to permit single-family residential use in an OL and CH district, located: 1447 – 1449 North Main Street.

Presentation:

Mr. Cuthbertson informed the Board that Hurst Swiggart, with Tulsa Development Authority called him to say he might have a conflict for this time and was trying to find a representative.

Interested Parties:

Claudia Taylor, 754 East Tecumseh Street, wanted to know who she should talk to regarding buying a part of the double driveway. She did not speak in opposition or support of the application.

Comments and Questions:

Mr. Cuthbertson stated that this case and Case No. 20274 are properties the TDA wants to market to the public. They intend to combine two lots for one single-family dwelling in both cases. Due to mechanical failure the packets before the Board did not include pages 14.1 and 14.2. Mr. Cuthbertson offered to provide the missing information.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit single-family residential use in an OL and CH district on two lots, 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 23 BLK 3, LT 24 LESS N20 THEREOF BLK 3, LLOYD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20274

Action Requested:

A Special Exception to permit a single family residential use in an OL and CH district, located: 1450 – 1448 North Main Street.

Presentation:

Mr. Cuthbertson had previously explained that TDA wanted to do the same with this case as Case No 20273.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a single-family residential use in an OL and CH district on two lots, 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 1 LESS BEG NEC TH W137 S50 E10 N30 E127 N20 POB BLK 4, LT 2 BLK 4, LLOYD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting was adjourned at 3:20 p.m.

Date approved: June 13, 2006


Chair