

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 935
Tuesday, June 13, 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, June 8, 2006, at 8:04 a.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 5-0-0 (Dunham, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** the Minutes of May 9, 2006 (No. 933).

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** the Minutes of May 23, 2006 (No. 934).

UNFINISHED BUSINESS

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 Handley Drive, Dallas, Texas, represented Verizon Wireless. He provided the Board with a revised site plan (Exhibit A-1) per request of the Board. They investigated another cell tower a few blocks to the east of the site, which was in a shopping center. He submitted an aerial (Exhibit A-2) to point out the alternate site on the west side of the campus and about 300' from the street and adjacent to the baseball field. He informed the Board that the neighbors' attorney, Mr. Hubert Bryant was present. Mr. Bryant indicated to him that their concerns have been met. He reviewed the propagation maps (Exhibit A-3) to show the difference in the coverage from one location site to another. He stated that to locate on the Cingular tower to the east would not give the best coverage to the west and would be too close to two other towers.

Comments and Questions:

Mr. Kavanagh replied to questions from the Board. The tower would be a 150' monopole with collocation available. He previously submitted a letter regarding the FCC regulations. He indicated Verizon would be willing to construct an 8' masonry wall with 8' wrought iron gates around the tower site. He added that they would be willing to provide lights on the monopole for the ball field if the school system requests.

Interested Parties:

Hubert Bryant, 2623 North Peoria, attorney for the homeowners, stated they have been in contact with Mr. Kavanagh and his attorney. The neighbors have received all of the information he has presented. They do not have any other concerns and agree with the suggestion for the eight foot masonry walls and eight foot wrought iron gates.

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 Special Exception to allow a cell tower in an AG district, the Board having reviewed all of the conditions in Section 1204, with conditions: for an eight foot wall to match the school building with eight foot wrought iron gates, limited to a 150' tower height; 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 they have met the factors in Section 1204, location of the site per plan, regarding the following described property:

The Special Exception of the required 110 percent distance from an R district was not needed due to the change of location of the site.

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

NEW APPLICATIONS

Case No. 20277

Action Requested:

Variance of the minimum lot width, lot area and land area in the RS-3 district; and a Variance of the side yard requirement for an accessory building in the RS-3 district; to permit a lot split and conveyance of property, located: 1538 and 1544 South Norfolk Avenue.

Presentation:

Peter Brolick, 502 West 6th, represented Barbara McKinnis, the land owner.

Comments and Questions:

Mr. Dunham understood this request was to clear the title only, not to change anything. Mr. Brolick stated that a survey was done in 1978, which showed the fence was two feet over the property line. They went to litigation, it was settled and all agreed the fence should remain there.

Interested Parties:

David W. Warta, 100 West 5th Street, represented Andrea Mogab, the home owner at 1538 South Norfolk. He stated they are in support of this application. The new property line is acceptable.

Comments and Questions:

The Board members questioned him regarding the court case. Mr. Warta stated they agreed to settle the matter through the Board of Adjustment. Mr. Brolick explained they would present the results of this application and their agreement to the judge and it will be completed.

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 minimum lot width, lot area and land area in the RS-3 district; and a Variance of the side yard requirement for an accessory building in the RS-3 district; to permit a lot split and conveyance of property, finding the neighborhood, established in the early 1900's is a legal non-conforming matter and the variances are needed to permit the lot-split and clear the title; 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 or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, per survey, on the following described property:

Lot 5 and Lot 6; Block 15; MORNINGSIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20278

Action Requested:

Variance of the required 100 ft. of frontage on an arterial street in the OM district to 75 ft., located: 7315 South Lewis.

Presentation:

David Dryer, 5110 South Yale Avenue, Suite 430, represented the buyer on the subject property. It was discovered there was not sufficient frontage and they considered rezoning but determined the lot-split would be better. He did not expect it to have an impact on the marketability or ability to sell and it would be the same or similar structure as on the new lot-split area.

Comments and Questions:

Ms. Stead asked for the hardship. Mr. Dryer replied this request was for expedience and that there would be a monetary hardship. She remarked that she did not see the hardship. She informed him that it took ninety feet for parking on the other lot to which he referred. Mr. Dunham asked if the curb cuts were going to remain the same and if the lot to the south will be built according to OL standards. The curb cuts would remain the same and there was still some question about the square footage.

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 **DENY** a Variance of the required 100 ft. of frontage on an arterial street in the OM district to 75 ft., finding a lack of hardship, on the following described property:

BEG SW/4 NW/4 NW/4 SEC 8, T-18-N, R-13-E, TH N ALONG W LN OF SEC 8 165 FT; TH E 264 FT, TH S 165 FT, TH W 264 FT TO POB, LESS W 50, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20279

Action Requested:

Special Exception to allow parking on a lot other than one containing the principle use. Section 1301.D, located: 3307 South Peoria Avenue East and 1315 East 34th Street South.

Presentation:

Mike Foster, 18530 East 590 Road, Inola, Oklahoma, stated he leases the subject property from his mother. He wants the City to recognize the lot where they have seven parking spaces for their business.

Comments and Questions:

Ms. Stead asked if it was committed to any other business, to which he replied that it is not. She asked what business was located upstairs. Mr. Foster replied it is the Cimarron Bar College. He added they park at the back of the Delta Café. There is another business called Kitchen Designs and it is open in the daytime only. Mr. Cuthbertson stated they need four parking spaces for the additional bar patio space.

Interested Parties:

Mr. Stevens inquired about outside music. Mr. Foster indicated that he heard from Robert Pinney, and he agreed not to have music on the patio except on special

occasions. Mr. Foster stated they have negated any outdoor music, except with proper permits like they have always done for special occasions, three time maximum per year. He stated they have had some complaints and two citations in the last two years. Ms. Stead had more questions regarding the parking. Mr. Foster indicated that Brookside By Day closes at 2:00 p.m. and his bar opens at that time. He agreed that the weekend parking was more an issue. Mr. Alberty responded that even after a parking study on the Brookside area, parking in Brookside is still a very complicated problem. He added that the critical area is between 32nd and 36th Streets. Mr. Alberty stated that the special exception that was given for this bar to exist was based on what he considered misinformation. There were other uses in the building that also had parking requirements and that was entirely overlooked. The variance in 2001 was granted on the bar alone and it required twenty-six spaces. The parking area only provided sixteen. According to the information that was submitted in 2001 there was a requirement for 65 spaces. Mr. Alberty stated someone did not raise the issue in 2001 and so he was raising the issue at this time.

Interested Parties:

Guy DeVerges, 1435 East 35th Place, represented Brookside Neighborhood Association. He submitted the Brookside Parking Study by Walker Consultants (Exhibit C-1). He stated that parking spaces are highly over-allocated in Brookside. He submitted photographs (Exhibit C-1) showing the street improvements in progress now, which will reduce the number of parking spaces in Brookside even more.

Barbara Pinney, 1326 East 32nd Place, submitted photographs and a listing of neighborhood complaints, police involvement and Neighborhood Inspections citations and warnings including broken promises of the applicant to stop the outdoor music, with dates and times (Exhibit C-2). She had similar complaints regarding parking as previous statements.

Herb Beattie, 3474 South Zunis Avenue, Co-President of the Brookside Neighborhood Association, was in agreement with Mr. Alberty's statements. The Brookside Board was unanimously opposed to this application.

Ms. Stead asked how many property owners were in the 3300 block on the east side. Mr. Alberty listed five owners: 3301-Brookstres, LLC; 3309-Foster; 3311-John Poyas; 3315 Lucy Story; and 3321-Brook Too.

Dustin Wright, 111 South Greenwood, Permit Center, came before the Board. Mr. Dunham asked how they determined that four spaces were required. Mr. Wright stated that one year ago the applicant came in for a permit for a patio. Initially it appeared they needed eight additional parking spaces. The morning of this meeting the applicant showed that two areas of the patio could not be used for seating and the requirement was reduced to four spaces. He only calculated

parking for the specific permit application. He agreed with Mr. Alberty that the required parking for the business upstairs was overlooked.

Mr. Cuthbertson stated that when he and Mr. Wright looked at parking for this application they were not considering the other businesses.

Frankie Foster, 2106 East 48th Street, stated she has owned the property for 19 years. She stated some of the history of business owners and the change from no parking requirements to the current zoning requirements. She indicated some of the businesses have minimal parking needs for various reasons. Mr. Dunham asked her if anyone else has the right to use the seven spaces in question, to which she replied there is no one else.

Ms. Stead admonished Ms. Foster that there cannot be anymore outside music. She also highly suggested that she and the other owners get together and address the parking issues.

Mr. Foster found out they have sufficient space for 16 parking spaces on their lot. Ms. Stead asked him about the complaints regarding the music. He replied that he has been compliant after warnings or complaints and has only had two citations. He stated the outside music on Wednesday nights has been stopped. Ms. Stead asked what would happen if the Board denied the case. Mr. Alberty replied that the bar is operating under the approval by the Board of the special exception. A denial would technically stop the use of the patio because there would not be enough parking. Mr. Stephens noted that the applicant has not been a good neighbor regarding the use of the patio. The earlier decisions overlooked the fact that there are multiple businesses in that area.

Board Action:

On **Motion** of **Stead**, the Board voted 3-2-0 (Dunham, Stephens, Stead "aye"; Henke, Tidwell "nay"; no "abstentions"; no "absences") to **DENY** a Special Exception to allow parking on a lot other than one containing the principle use. Section 1301.D, finding it would not be in harmony with the spirit and intent of the code and would be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LT 3 BLK 1, PRT LT 12 BEG 46.87N SWC LT 12 TH N74.38 E50 S74.38 W50
POB BLK 1, OLIVERS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20280

Action Requested:

Verification of the spacing requirement of 1200 feet from another outdoor advertising sign, located: 11520 East Skelly Drive South.

Presentation:

Steven Rogers, 6217 East 76th Street, came before the Board to present his case. Documentation was included in the agenda packet. Mr. Dunham noted this is strictly for verification of spacing.

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 Verification of the spacing requirement of 1200 feet from another outdoor advertising sign, finding the documentation was provided with the application, on the following described property:

PRT LTS 2 & 3 BEG NEC LT 2 TH S175.91 W2.48 SW32.96 SWLY28.42
SW407.35 NW95.65 NE194.23 NELY335.95 POB BLK 1, CAROUSEL
CONCOURSE III, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20282

Action Requested:

Variance of the required 200 ft. setback from the centerline of an arterial street to 125 ft.; a Variance of the maximum land coverage of a building from 30% to 33%; and a Variance of the required 300 parking spaces; all to permit an expansion of an existing Ice Center in a CO district, located: 6413 South Mingo Road.

Presentation:

John Moody, 1800 South Baltimore, represented Richard Winn and the owner of the property, Jeff Lund. He pointed out the mixed zoning in the area. He provided a revised parking plan, a conceptual plan, and photographs (Exhibits D-1, D-2, and D-3).

Mr. Stephens out at 2:44 p.m.

Mr. Moody reviewed the exhibits to show the original approved plan for an ice arena, outdoor in-line skate/hockey facility. He listed the change of ownership and the closing of another ice rink on Mingo.

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

Mr. Moody explained there is an increased need for this type of facility. He pointed out the facility was built lengthwise allowing for single-aisle parking and it only leaves the area identified in the conceptual plan for an addition to the structure.

Comments and Questions:

Ms. Stead asked if they proposed to build two ice rinks. Mr. Moody replied that they would build a second rink, regulation size on the west that can be used for tournaments, figure skating, and youth hockey events. He stated this would bring more people into Tulsa for events.

Regarding parking, he pointed out that for a gymnasium or motion picture theater the requirement is one parking space per four seats, but a skating rink requires one space per 225 sq. ft. of building area (Exhibit D-4). He submitted a photograph of the interior of the arena (Exhibit D-3). He indicated that they meet the spirit and intent of the code due to the unique and special character of this use, as an ice skating rink arena. Ms. Stead stated that at any sports facility there will be events that will exceed the available parking. Mr. Moody stated the in-line skating would be removed, leaving two ice-skating rinks in enclosed arenas. Mr. Moody stated if this was an office the setback from the centerline of the arterial street would be 100', but for this facility it is 200'. She asked if he knew they would need to replace the board fence on the north and he responded that they were aware of that.

Interested Parties:

Darrell Bullard, 903 South Toledo, represented Mrs. Smith, the owner of the property to the north. He understood the applicant to say he had permission from Mr. Miller to use his parking on Wednesday nights but Mr. Miller said he would not allow them to use his parking. Mr. Bullard suggested that the applicant could purchase Mrs. Smith's land for more parking. He also stated that already every Wednesday night they need more parking than they have.

Jeff Lund, 6413 South Mingo, owner of the Oiler's Ice Arena, stated he was contacted by the Tulsa Youth Hockey Association and the high school leagues about the need for ice rinks. They purchased the property and host the practices and games for them. There are ten ice skating instructors that also lease ice time. After the other ice rink closed the need for ice time doubled. The figure skating club has national events and they cannot host events because the rink is not regulation size. They propose to build a regulation size rink. He added that the Tulsa Oilers would use it during the day when the convention center is not available. He stated they have secured parking at Union High School with a shuttle service for the large event in October.

Comments and Questions:

Mr. Stephens asked what they have on Wednesdays. He replied that it is the high school hockey night. They have two security officers on the lot for those nights. He informed the Board that he and Mr. Miller have a written agreement to share paved parking. He added that he talked with Mr. Miller and that has not changed. Ms. Stead asked if it is unusual to relieve the setbacks in corridor districts. Mr. Alberty replied that it is not and should be done based upon the use. The intent of 200' setback in the corridor district was to prevent strip commercial zoning. This

use would not apply to that philosophy. They show greater than 100' and he did not see a problem.

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 Variance of the required 200 ft. setback from the centerline of an arterial street to 125 ft.; a Variance of the maximum land coverage of a building from 30% to 33%; and a Variance of the required 300 parking spaces; all to permit an expansion of an existing Ice Center in a CO district, with provision that the screening fence on the north side of the property be repaired or replaced to be in good condition; finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, particularly the structure or building placement on the lot, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, per revised parking plan submitted today, on the following described property:

Lot 1, Block 1, BALDWIN ACRES RESUB L13-15 B7 UNION GARDENS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20284

Action Requested:

Special Exception to permit Use Unit 5 (University Housing) in the RM-2 and OL districts; a Special Exception to permit required parking on a lot not containing the principal use; a Variance of the maximum structure height in the RM-2 district from 35 ft. to 45 ft.; and a Variance of the 75 ft. setback for 3-story multi-family buildings in the RM-2 district from an RS district, located: East side of S. Delaware Ave. to the west side of Skelly Stadium between E. 11th St. and E. 8th St.

Ms. Stead asked Mr. Norman for the results of the City Council meeting regarding this property. Mr. Norman informed the Board that City Council approved the amended Tulsa University Campus Master Plan.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, provided the site plan, various applicant exhibits, and the amended Tulsa University Campus Master Plan (Exhibits E-1, E-2, and E-3). He reviewed their requests found in applicant exhibits A, D, E, and F, which are in compliance with the amended T.U. Campus Master Plan.

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 Special Exception to permit Use Unit 5 (University Housing) in the RM-2 and OL districts; a Special Exception to permit required parking on a lot not containing the principal use; a Variance of the maximum structure height in the RM-2 district from 35 ft. to 45 ft.; and a Variance of the 75 ft. setback for 3-story multi-family buildings in the RM-2 district from an RS district, subject to the site plan submitted, University of Tulsa Amended Master Plan, landscape, lighting, 11th Street entry, signage, parking, and sidewalks plans, finding that by reason of extraordinary or exceptional conditions or circumstances, mainly the various zonings, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive 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:

A TRACT OF LAND THAT IS ALL OF BLOCKS 23, 24, 25, 26, 27 AND 28 INCLUDING ALLEYWAYS OF "COLLEGE ADDITION", AN ADDITION TO THE CITY OF TULSA AND PROPOSED VACATED EAST 10TH STREET SOUTH, PROPOSED VACATED SOUTH EVANSTON AVENUE, PROPOSED VACATED SOUTH COLLEGE AVENUE AND PART OF PROPOSED VACATED SOUTH FLORENCE AVENUE ADJACENT TO SAID BLOCKS ALL IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: "BEGINNING AT A POINT" THAT IS THE NORTHWEST CORNER OF SAID BLOCK 25; THENCE EASTERLY ALONG THE NORTHERLY LINES OF BLOCKS 25, 24 AND 23 AND ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 8TH STREET SOUTH FOR 1270.00' TO A POINT ON THE CENTERLINE OF PROPOSED VACATED SOUTH FLORENCE AVENUE; THENCE SOUTHERLY ALONG SAID CENTERLINE FOR 660.00' TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID BLOCK 28, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 11TH STREET SOUTH; THENCE WESTERLY ALONG THE SOUTHERLY LINES OF SAID BLOCKS 28, 27 AND 26 AND SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1270.00' TO A POINT THAT IS THE SOUTHWEST CORNER OF BLOCK 26, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH DELAWARE AVENUE; THENCE NORTHERLY ALONG THE WESTERLY LINES OF SAID BLOCKS 26 AND 25 AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 660.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, **LESS AND EXCEPT** LOTS 4, 5, AND 6 IN SAID BLOCK 28 OF "COLLEGE ADDITION".

Case No. 20285

Action Requested:

Special Exception to permit Use Unit 5 (University housing) in the RM-2 and RS-3 districts; a Variance of the maximum structure height in the RM-2 and RS-3 districts from 35 ft. to 45 ft.; and a Variance of the setback requirement of 75 ft. for 3-story multi-family structures from RS districts, located: South and West of E. 4th Pl. and S. Harvard Ave.

Presentation:

Charles Norman, submitted site plans, and various applicant exhibits (Exhibits F-1 and F-2) to the Board. This application is in conjunction with the other cases submitted today by Mr. Norman and are in agreement with the University of Tulsa amended Master Plan.

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 Special Exception to permit Use Unit 5 (University housing) in the RM-2 and RS-3 districts; a Variance of the maximum structure height in the RM-2 and RS-3 districts from 35 ft. to 45 ft.; and a Variance of the setback requirement of 75 ft. for 3-story multi-family structures from RS districts, in accordance with site plans and applicant exhibits A-E, covering landscaping, lighting, signage, parking; finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, namely the various zonings, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and finding the special exceptions 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:

A TRACT OF LAND THAT IS PART OF BLOCKS 6 AND 7 AND THE VACATED ALLEYWAYS THEREIN OF "COLLEGE ADDITION", AN ADDITION TO THE CITY OF TULSA AND PARTS OF VACATED EAST 5TH STREET SOUTH AND VACATED EAST 5TH PLACE SOUTH IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: "BEGINNING AT A POINT" THAT IS THE NORTHEAST CORNER OF SAID BLOCK 6; THENCE S 00°01'20" E ALONG THE EASTERLY LINES OF SAID BLOCKS 6 AND 7 AND

THE SOUTHERLY EXTENSION THEREOF FOR 675.00' TO A POINT ON THE CENTERLINE OF VACATED EAST 5TH PLACE SOUTH; THENCE DUE WEST ALONG SAID CENTERLINE FOR 290.93'; THENCE N 00°01'20" W FOR 397.26' TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE 19°32'04" AND A RADIUS OF 330.00' FOR 112.51' TO A POINT OF REVERSE CURVE; THENCE NORTHWESTERLY AND NORTHERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 19°32'04" AND A RADIUS OF 300.00' FOR 102.28' TO A POINT OF TANGENCY; THENCE N 00°01'20" W ALONG SAID TANGENCY FOR 67.10' TO A POINT ON THE NORTHERLY LINE OF SAID BLOCK 6; THENCE DUE EAST ALONG SAID NORTHERLY LINE FOR 327.19' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

Case No. 20286

Action Requested:

Special Exception to permit parking accessory to a University (Use Unit 5) in an RS-3 district; and a Variance of the required setback of a parking area from the centerlines of S. Harvard Ave. (from 75 ft. to 50 ft.) and E. 4th Pl. (from 50 ft. to 30 ft.), located: NW/c of E 4th Pl & S Harvard Av.

Presentation:

Charles Norman, stated the details of this plan are to extend parking only around the corner parallel to Harvard and to remove the old law clinic buildings on 4th Street. He provided a site plan and various applicant exhibits (Exhibit G-1 and G-2).

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 Special Exception to permit parking accessory to a University (Use Unit 5) in an RS-3 district; and a Variance of the required setback of a parking area from the centerlines of S. Harvard Ave. (from 75 ft. to 50 ft.) and E. 4th Pl. (from 50 ft. to 30 ft.), subject to the applicant exhibits A, B and D, and per site plan submitted, including landscaping, lighting, signage and parking; finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, mainly the former zoning, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; finding the

special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 AND THE EASTERLY 20' OF LOT 19 IN BLOCK 1 OF "COLLEGE ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND ALL OF LOTS 11, 12, 13, 14, 15 AND 16 IN BLOCK 17 OF "UNIVERSITY PARK", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT A PART OF LOT 12 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: "BEGINNING AT A POINT" THAT IS THE NORTHEAST CORNER OF SAID LOT 12; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF LOT 12 FOR 4.67'; THENCE NORTHWESTERLY FOR 8.55' TO A POINT ON THE NORTHERLY LINE OF LOT 12; THENCE EASTERLY ALONG SAID NORTHERLY LINE FOR 7.20' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

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Case No. 20287

Action Requested:

Special Exception to permit parking accessory to a University (Use Unit 5) in an RM-2 district, Section 401; and a Variance of the required setback of a parking area from the centerlines of E. 4th Pl., S. College Ave., and S. Florence Ave. (from 50 ft. to 30 ft.), Section 1302.B, located: N side of E 4th Pl between S College Av. and S Florence Av.

Presentation:

Charles Norman, stated there are no entrances or exits on the two residential streets. He commented this will add to the parking inventory.

Interested Parties:

David L. Turner, 408 South Florence, stated his main concern for devaluation of property and drainage problems. He was also concerned for too much lighting.

Comments and Questions:

Mr. Dunham assured him the City will hold them to the drainage standards and there was no cause for concern of the value of the property.

Board Action:

On **MOTION** of **Henke**, the Board voted 5-0-0 (Dunham, Henke, Stead, Stephens, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit parking accessory to a University (Use Unit 5) in an RM-2 district, Section 401, 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 a Variance of the required setback of a parking area from the centerlines of E. 4th Pl.(from 50 ft. to 30 ft.), Section 1302.B, finding that 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 or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, per site plans submitted, including landscaping, lighting, signage and parking; and including the comments on applicant exhibit A, on the following described property:

ALL OF LOTS 23, 24, 25, 26 AND 27 IN BLOCK 1 OF "COLLEGE ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

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Case No. 20288

Action Requested:

Variance of the setback requirement from S. 66th E. Ave. from 25' to 10', Section 703; and a Special Exception to modify the screening requirement to provide an access point onto S. 66th E. Ave., Section 212, located: SW/c of E Admiral Pl and S 66th E Av.

Presentation:

Roy Johnsen, 201 West 5th Street, Suite 501, represented the developer of the property for a retail auto parts store. He pointed out the various zonings involved, CS, CH and PK. He stated that all of the area south of the PK zoning was previously approved by the BOA for parking; and east from the CS was approved by BOA for parking. The existing restaurant was to be removed. He submitted photographs and a site plan (Exhibit I-1 and I-2). He noted that the wall on the south boundary has no doors or windows so they sought the modification of the screening requirement.

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, Stead, Stephens, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the setback requirement from S. 66th E. Ave. from 25' to 10', Section 703; and a Special Exception to modify the screening requirement to provide an access point onto S. 66th E. Ave., Section 212, per plan, with conditions for sidewalks along South 66th East Avenue and a screening fence on the south boundary going north around the corner only to the first access point, finding there

are three different zoning classifications, this creates a severe hardship in aligning a new structure, which are extraordinary and exceptional conditions and circumstances 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, 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 finding the special exception 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 a on the following described property:

Lot 3 through Lot 7, Block A, CREST VIEW ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20289

Action Requested:

Special Exception to modify the screening requirement to permit an access point onto S. Lewis Pl., Section 212, located: 1112 South Lewis Place East.

Presentation:

Roy Johnsen, stated there was a strong possibility they will not need relief for this project. His client was out of town but will likely withdraw the application. He requested a continuance to the next meeting.

Board Action:

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20289 to the meeting on June 27, 2006.

Lot 3, Block 4, BOSWELL'S ADDN, City of Tulsa, Tulsa County, State of Oklahoma

ELECTION OF OFFICERS

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to elect Frazier Henke as Chair, seconded by Tidwell.

On **MOTION** of **Henke**, the Board voted 5-0-0 (Dunham, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to elect Clayda Stead as Vice Chair, seconded by Jim Stephens.

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to elect Michael Tidwell as Secretary, seconded by Jim Stephens.

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There being no further business, the meeting was adjourned at 4:08 p.m.

Date approved: 6/27/06


Chair

