

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 937
Tuesday, July 11, 2006, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

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

**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 Friday, July 7, 2006, at 10:32 a.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Henke 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 Tidwell, the Board voted 5-0-0 (Dunham, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** the Minutes of June 27, 2006 (No. 936).

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20297

Action Requested:

Special Exception to permit (Use Unit 17) Automotive Sales in a CS district (Section 701); and a Variance to permit open air storage and display of merchandise offered for sale within 300 ft. of an adjoining R district (Section 1217.C.2), located: 10875 East Admiral Place.

Presentation:

Mr. Cuthbertson informed the Board that the applicant requested a continuance to give them a little more time to discuss this case with the neighbors.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20297 to the meeting on July 25, 2006, on the following described property:

E/2 E/2 W/2 LT 1 SEC 6 19 14, City of Tulsa, Tulsa County, State of Oklahoma

..*.*.*.*.*.*.*.*.*

UNFINISHED BUSINESS

Case No. 20296

Action Requested:

Variance of the 100 ft. separation between ground signs in a PUD (Section 1103.B.2.b.3), located: 7711 East 81st Street South.

Presentation:

Dennis Blind, 4645 South 83rd East Avenue, Reco Enterprises, represented their client who has purchased this property to build a medical practice. He stated that the steep elevation change and creek bed to the east are the hardship. This request is for the distance of separation of the signs. The size of the sign will be determined by the TMAPC.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the 100 ft. separation between ground signs in a PUD (Section 1103.B.2.b.3), finding the hardship to be the separation would require the sign to be in the middle of the creek bed; also finding the Public Service box that would prevent them from attempting to meet the spacing requirement, 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 on the following described property:

Lot 2, Block 1, WOOD NICHE II RESUB L2&3 & RES A&B B1 WOOD NICHE,
City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 20298

Action Requested:

Variance of the minimum average lot width in an AG district from 200 ft. to 149.2 ft. (Section 303), located: 9914 South Garnett Road.

Presentation:

John Moody, 1800 South Baltimore, Suite 900, represented Ken Wagner, the owner of the property. They proposed to divide this parcel into three tracts. He stated it is actually a combination of two tracts. He stated the legal description submitted includes the 45' tract and has been on record for five years. Mr. Wagner desired to keep the character of the neighborhood in an AG-zoned district. A site plan was provided (Exhibit A-1).

Interested Parties:

There were no interested parties who wished to speak.

Comments and Questions:

Ms. Stead questioned that the existing home appeared to be a self-imposed hardship. The Board turned down a previous application to provide a four-way lot-split, indicating the property should be re-zoned. She noted that the request was for a three from one split and one resulting lot would still be non-conforming. Mr. Moody replied that to re-zone and go through a PUD just for three lots would be a hardship and more than is necessary. He added that this application would meet all of the Bulk and Area requirements except width. Mr. Moody stated the zoning code specifically identifies a hardship as due to the land or structures. He believed it would be in the spirit and intent of the code. Mr. Dunham commented that he could see the hardship, as it is AG property with very low density. He stated they did not build the existing house where it is and he could not see where it would be a detriment to the neighborhood. He added that this plan is an improvement over the last application. Mr. Henke agreed it was an improved plan but the hardship had not changed. Mr. Moody stated it would put a greater burden on the public to rezone than to go with this plan. Mr. Stephens considered the existing land and structure to create an unnecessary hardship for this variance. Mr. Ackermann emphasized the wording in the zoning code is an unnecessary hardship. Mr. Dunham noted that the platting process and extending utilities would create a greater density in this area. Mr. Tidwell agreed that this was an unnecessary hardship.

Board Action:

On **Motion** of **Dunham**, the Board voted 3-2-0 (Dunham, Stephens, Tidwell "aye"; Henke, Stead "nay"; no "abstentions"; no "absences") to **APPROVE** the Variance of the minimum average lot width in an AG district from 200 ft. to 149.2 ft. (Section 303), per plan, finding the hardship that the house is existing and if the lot did not contain the house the requirement would be obtainable; with condition that the driveway be relocated to provide access to the middle tract; also 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, on the following described property:

N 527.7 of the E/2 of the SE/4 of the SE/4 OF SEC 19 18 14, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20299

Action Requested:

Modification of a previously approved site plan to permit the Center for the Physically Limited, located: 815 South Utica Avenue East.

Presentation:

Joel Shackelford, 220 East 8th Street, with Crafton, Tull and Associates, stated the landscaped area on the northeast is the one for which they are concerned. The owner requested additional parking during construction. They modified the plan to add the parking but it was not sent through the process for approval.

Comments and Questions:

Mr. Dunham and Mr. Tidwell considered the facility to be good for the neighborhood. Mr. Stephens stated it was an asset to the neighborhood.

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 Modification of a previously approved site plan to permit the Center for the Physically Limited, which is in keeping with the spirit and intent of the original approval in 2002, specifically providing for parking in what was then designated as the landscape area, on the following described property:

LT 1 BLK 1, TULSA RECREATION CENTER FOR THE PHYSICALLY LIMITED, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20311

Action Requested:

Verification of spacing requirement for a family day car home, located: 1626 East 31st Place North.

Presentation:

Mr. Cuthbertson informed the Board that due to a defect on the application the applicant needs to contact INCOG before the case can be heard. Staff has not been able to contact her with the phone numbers she provided. He stated he informed the interested parties of a probable continuance to the next meeting July 25, 2006.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20311 to the meeting on July 25, 2006, on the following described property:

LT 10 BLK 2 , CUL-DE-SAC LANE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20300

Action Requested:

Special Exception to permit seasonal retail sales (Use Unit 2 - Open air activities) in a CS district; and a Special Exception to permit gravel parking (Section 1202.C.1), located: Northeast corner of 81st Street and South Mingo Road.

Presentation:

Roy Johnsen, 201 West 5th Street, Suite 501, represented Lon Basse, proposing seasonal sales on the northeast corner of 81st and Mingo. All four corners are zoned commercial and there is no abutting residential property. Bill Manley owns this property and the property to the east and north. He provided a conceptual plan and proposed conditions (Exhibits B-1 and B-2). He stated there would be sales of pumpkins, Christmas trees and produce, all seasonal uses.

Comments and Questions:

Ms. Stead asked for the number of years he requested this use. Mr. Johnsen replied if the Board thinks a time limit is necessary, he would suggest ten years, since the code does not require a time limit. She noted that both streets of access are very busy. He responded that the fact that they are busy is reason for access

to both. She asked for the hours of operation. He looked it up while the interested parties spoke.

Interested Parties:

Miles Smith, with Safe Harbor Properties, 9940 East 81st Street, stated they have property being developed for a medical/dental facility on the west in front of the hotel. Their primary objection is that the facilities going in are upscale and they would rather not have this type of facility across the street. He indicated there will be increased traffic with the new businesses and college up the street. He did not consider this use and gravel road to be compatible with the more upscale environment. He stated if they had known of this type of development they probably would not have bought the property.

Comments and Questions:

Mr. Dunham asked if they would not have bought the property because of the seasonal use. Mr. Smith replied that one of the doctors has a practice that caters to a very specific type of clientele and he feels it would be a detriment. Mr. Smith added they want to keep their clientele happy.

Interested Parties:

Lorraine Smith stated she is the owner of Safe Harbor Properties, and Miles Smith is her son. She commented they wanted this to be a very nice facility and for the clientele to feel special. They chose this place close to the expressway for easy access from other communities in northeast Oklahoma. She indicated that the property owners and the college want to keep this area as nice as possible, but they can't do it if uses come in with gravel driveways. Mr. Stephens responded that this is a temporary use. Mr. Dunham pointed out property that he owns across the street from this site. He stated that he knows Mr. Manley and that he runs the Christmas tree sales at 41st and Harvard. This use is moving from a neighborhood that probably has a higher dollar value than this site. Mr. Dunham added that if he thought this was going to be detrimental to the neighborhood he would be the first to be against it. He felt sure that Mr. Manley would run his business in a very professional manner. He also thought the economics of this area would make it a very short term use. Ms. Smith then asked, if it is a short term use, that the Board only approve for two to three years maximum and upgrade to a concrete driveway. Mr. Dunham replied the Board has not historically required a concrete driveway for a short term, temporary use.

Applicant's Rebuttal:

Mr. Johnsen noted there are a number of these uses in Tulsa and have proven to be successful and have not been adverse to developments nearby. He gave the example of the location at 81st and Yale. He gave the Board the dates and hours of operation as follows: pumpkin sales from September 22 through October 31, 8:00 a.m. to 10:00 p.m. Monday through Sunday; Christmas tree sales from the Monday before Thanksgiving through December 24th from 8:00 a.m. to 10:00 p.m., weekdays and 8:00 a.m. to 11:00 p.m. on weekends; plants and produce sales

from April 1 through July 16, 8:00 a.m. to 10:00 p.m. Ms. Stead asked about the paragraph in the applicant's proposed conditions allowing display areas to be located within five feet of the adjoining street rights-of-way. Mr. Johnsen replied that it was pointed out to him the zoning code is referring to buildings. He added that the streets are going to be widened and the access points will be hard surfaced at that time. Mr. Smith asked permission to speak and was permitted by the Chair. He stated they just received the notice two days before the meeting and asked for a continuance. Mr. Henke stated this is not a timely request. Mr. Cuthbertson mentioned that a sign was posted on the property ten days before the hearing.

Ms. Stead questioned if Mr. Dunham should vote on this case. Mr. Dunham assured the Board that he did not have any financial interest in this case. Mr. Dunham stated he had asked Mr. Ackermann if he could speak to the objections, to which Mr. Ackermann had replied it was alright. He added that he would abstain if Mr. Ackermann suggested he should. Mr. Ackermann responded that if there is a question whether or not Mr. Dunham would receive some sort of direct or indirect financial or personal gain from voting on this case then he should abstain.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-1 (Henke, Stephens, Stead, Tidwell "aye"; no "nays"; Dunham "abstained"; no "absences") to **APPROVE** a Special Exception to permit seasonal retail sales (Use Unit 2 - Open air activities) in a CS district; and a Special Exception to permit gravel parking (Section 1202.C.1), subject to the applicant's proposed conditions (Exhibit B-2) and page 6.6 of the agenda packet, specifying setback requirements, canopies, tents, etc.; for the days of operation to be September 22 through October 31, (40 days), 8:00 a.m. to 10:00 p.m.; Christmas tree sales from the Monday before Thanksgiving through December 24th from 8:00 a.m. to 10:00 p.m., weekdays and 8:00 a.m. to 11:00 p.m. on weekends (30 days); plants and produce sales from April 1 through July 16, 8:00 a.m. to 10:00 p.m. (106 days); limited to five years; 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 concept plan submitted, on the following described property:

S. 475 ft. of the West 475 ft. of Section 7, T-18-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Tidwell out at 2:00 p.m.

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Case No. 20301

Action Requested:

Special Exception to permit an office use in an RM-2 district (Section 401), to permit an expansion of an existing office, located: 107 South Phoenix Avenue.

Presentation:

Roy Johnsen, 201 West 5th, Suite 501, represented the Buford family, the owners of the property. He submitted a site map and petition (Exhibits C-3 and C-4), identifying the all of the neighbors they contacted within and outside of the 300 ft. radius that are in support (indicated in yellow). His clients showed them the site plan and shared their proposal. A site plan was provided (Exhibit C-1).

Mr. Tidwell returned at 2:02 p.m.

He pointed out that the zoning code contemplates this type of use may be appropriate in areas zoned RM-2. The existing facility is an old fire station. He reminded the Board that back in 1982 the Board approved relief for the station to be used for offices. They propose to construct another office building to be connected by a walkway to the existing building. It would be bricked compatible with the fire station and would have a pitched roof composition. They also have planned for a parking garage with a garage door opener for the safety of employees. He showed photographs (Exhibit C-2) showing surrounding properties. Mr. Johnsen described the topography that has significant elevation changes and the existing fire station. The alley does not work as an access. He mentioned the mixed use of apartments, single-family homes and commercial, and he felt this plan was compatible with the neighborhood.

Comments and Questions:

In answer to Board members questions, Mr. Johnsen stated they will build according to the site plan submitted and the building would be one-story with a nine foot ceiling and a pitched roof. The applicant does not want a sign and plans to improve the sidewalk on Phoenix Avenue.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Dunham**, 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 an office use in an RM-2 distict (Section 401), to permit an expansion of an existing office, per plan submitted today, subject to a lot combination; and garages not to be more than one story in height; and the sidewalk along Phoenix to be improved, 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 6 Thru LT 10, BLK 32, OWEN ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20302

Action Requested:

Variance of the 25 ft. required rear yard (Section 403) in an RS-2 district, located: 2518 East 26th Street South.

Presentation:

Richard Howard, 2431 East 61st Street, Suite 300, represented the applicant, **Rodney Young**. The home was built about 1951 and the property was subdivided from a plat done in 1947. A garage and second story over the garage was added sometime prior to 1965. The home has been in the family since 1965. They plan to add an exercise area to the lower level and also to make room for some elderly family members. They are willing to make some changes in the plan for the privacy of the neighbors, at the Board's direction. The entire property is surrounded by privacy fence.

Comments and Questions:

Ms. Stead asked if the apartment above the garage is a full apartment, to which Mr. Howard replied it has a small half-kitchen. Mr. Howard was asked if the apartment had been rented to tenants. Upon checking with Mr. Young, he replied that it has not been rented for "about five to ten years". Ms. Stead did not think they have enough back yard for this variance. Mr. Dunham commented that the front of the house is in line with the other houses.

Interested Parties:

Kevin Anderson, 2510 East 26th Street, commented that the site plan appears to show more property to the front than there really exists. He mentioned that his property and that of Mr. Zacharias, to the east, are at a lower elevation than the subject property so a two-story house would not give them any privacy. He suggested that the deck area could be enclosed and save Mr. Young a lot of money. He had drainage concerns also. A letter of opposition was provided (Exhibit E-1).

Sid Smith, 2457 East 26th Place, stated he is south of the property. His objection was to the second story addition, which would look over his pool.

Applicant's Rebuttal:

Mr. Howard stated they could put in skylights instead of windows, and noted the heavily tree-lined property lines. Mr. Henke asked Mr. Howard to repeat his hardship. Mr. Young wants to make space for his relatives and stated the placement of the house before the Young's purchased it and prior to the current zoning code.

Comments and Questions:

Mr. Tidwell has seen a similar situation and the two-story towers over the neighbors and everyone loses privacy. Mr. Stephens and Mrs. Stead could not see a hardship either.

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 25 ft. required rear yard (Section 403) in an RS-2 district, finding a lack of hardship, on the following described property:

PRT LT 6 BEG 90.2E NWC TH SLY115.8 E105 NLY113.6 W105 POB BLK 1, WOODY-CREST SUB, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20303

Action Requested:

Variance of required parking for an existing commercial center from 155 spaces to 134 spaces (Section 1212.D), located: 6028 South Memorial Drive.

Presentation:

Alan Harju, 6202 South Lewis, Suite E, stated he is the manager for Copper Mountain, LLC. He submitted a Parking Use Survey (Exhibit F-1) of the parking usage on this site. They have done a major remodeling of the shopping center. The center is 68% occupied at this time. There was a 22% use rate of the parking lot at noontime. The Mazzió's delivery store is considered a restaurant, which requires 20 parking spaces, but it never utilizes that.

Interested Parties:

Don Shint, 10747 South Quebec Avenue, stated he has the wireless cellular phone store next door. His only concern would be overflow parking into his parking area.

Comments and Questions:

There was a question and discussion as to the number of parking spaces required. Mr. Cuthbertson responded that it depends on the tenant mix.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of required parking for an existing commercial center from 155 spaces to 134 spaces (Section 1212.D), 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, on the following described property:

BEGINNING at the Northeast corner of Lot 13, Block 1, THE FALLS; thence Westerly along the North line of Lot 13, a distance of 70.00 ft.; thence Northwesterly along the North line of Lot 13, a distance of 77.27 ft. to a point; thence Westerly along the North line of Lot 13 a distance of 28.14 ft. to a point; thence along a curve to the right with a central angle of 51° 23'46" and a radius of 150.00 ft., a distance of 134.55 ft. to the Northwest corner of Lot 13; thence continuing along said curve to the right, a distance of 71.08 ft. to a point; thence Southerly a distance of 319.89 ft. to a point on the South line of Lot 12, Block 1, THE FALLS, said point being 321.17 ft. West of the Southeast corner of Lot 13; thence Easterly along the South line of Block 1, THE FALLS, a distance of 87.50 ft. to a point; thence South a distance of 280.45 ft. to a point on the South line of Lot 1, DEBORAH ADDITION, said point being 235.29 ft. West of the Southeast Corner of Lot 2, Block 1, DEBORAH ADDITION; thence East a distance of 75.29 feet to the southwest corner of Lot 2, Block 1, DEBORAH ADDITION; thence North a distance of 150.00 ft. to the Northwest corner of Lot 2, Block 1, DEBORAH ADDITION; thence East a distance of 160.00 ft. to the Northeast corner of Lot 2, Block 1, DEBORAH ADDITION; thence Northerly a distance of 311.46 ft. to the POINT OF BEGINNING, and containing 2.485 acres, more or less., City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20308

Action Requested:

Special Exception to permit Use Unit 15 (Other Trades and Services), Custom Canvas in a CS district (Section 701), located: Southwest corner of South 109th East Place and East Admiral Place.

Mr. Dunham out at 2:52 p.m.

Presentation:

Danny Mitchell, 5110 South Yale, Suite 510, stated the Use Unit 15 has been previously approved in CS zoning in the surrounding area. It is compatible with similar existing uses. They agree that the west boundary should be screened where a concrete drainage swale was put in when the park was developed. They would screen to the east side of that. There are a lot of trees and fences on the property line with the residential district, which would make it difficult to put up a fence.

Mr. Dunham returned at 2:54 p.m.

He referred to the question in staff comments regarding the work of Custom Canvas. They build awnings, canvas and other products, as orders are received. They assemble aluminum frames for those products. The eastern portion of the facility is offices and toilets and the north portion is for the sewing machines.

Mr. Stephens out at 3:00 p.m. and returned at 3:01 p.m.

The sewing area has a suspended acoustical ceiling and is heated and air conditioned. The lower portion is where they assemble the frames with the fabric. The parking on the west side met the parking requirements and exceeds their needs. He stated they do not have outside storage except for orders that are finished on Fridays and shipped on Mondays.

Comments and Questions:

Mr. Henke asked if they would be willing to eliminate outside storage, which he thought would be acceptable. Ms. Stead asked if there is any other machinery than the sewing machines. Mr. Mitchell replied that they cut the three-quarter to one inch tubular steel and much of it is bolted together and there are facilities for one welder. He added that their hours of operation do not extend into the evenings or weekends. They do have crunch orders occasionally when they would need to work on a Saturday. Mr. Mitchell stated there is only security lighting on the exterior of the building for parking lot lighting. He stated there would be glass across the front of the showroom and a nice awning for signage. The owner has considered masonry across the east face of the building if the budget allows. It is an all metal building. Mr. Dunham stated they need to change the site plan to show that the fence along the drainage ditch would be wood. The Board also discussed sidewalks on Admiral and 109th.

Interested Parties:

Wayne Bohannon, 10617 East 1st Street, President of the Wagon Wheel Neighborhood Association, stated they are basically in favor of the application with some minor restrictions. They hoped the building would be compatible with the neighborhood. They would object to outside storage and loud noise or bright lights.

Dominic White, P.O. Box 582510, Tulsa, stated he owns property east of the property along Admiral. He hoped for some sort of façade for the building and landscaping.

Mr. Henke out at 3:13 p.m.

Teresa Buchert, 542 South 127th East Avenue, represented South and East Alliance. They were in support of the application.

Mr. Henke returned at 3:15 p.m.

Nancy Craten, 245 South 120th East Avenue, President of Western Village Neighborhood Association, stated their support for this application.

Jim Mautino represented Tower Heights Neighborhood Association. He expressed his support. He was opposed to chain link fences visible from Admiral. He suggested that it was not a good idea to construct a wood fence on the east side of the drainage ditch if there are existing screening fences on the residential property lines.

Teresa Buchert was recognized by the Chair. She stated that Mr. Mautino has a point about the fences and drainage ditch. It has been a continual problem because the ditch is not maintained. There are unwanted trees growing along the fence line.

Applicant's Rebuttal:

Mr. Mitchell stated they proposed building the fence on the east side so as not to disturb the residential fences and leave access to the drainage ditch. He was confident that his client would maintain the fence and area well. He suggested a compromise for the sidewalk requirement that they construct sidewalk along Admiral and around the corner on 109th to the first curb cut.

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 15 (Other Trades and Services), Custom Canvas in a CS district (Section 701), subject to: the screening fence on the western boundary be that which is currently installed behind the residences, which are located to the west, and it would be the responsibility of the subject property owner to maintain the fencing; sidewalks to be installed along Admiral Place for the length of the property, turning the corner on the east to the first northernmost curb cut; no outside storage of raw materials or products; the six foot chain link fence to extend from the drainage ditch to the west to the shaded area for future expansion only and will not traverse the distance along Admiral Place, per plan except for the conditions regarding the fence, 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 BLK 1, WAGON WHEEL TRADE CENTER, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20309

Action Requested:

Variance of the required 40 ft. setback of a sign from the centerline of an abutting street (Section 1221.C.5), located: 1307 South Boulder Avenue West.

Presentation:

Bob Dale, 9520 East 55th Place, with Amax Sign Company, represented New Dominion. They proposed to put in a monument sign, but found the buildings are built right up to the 40 ft. setback. The hardship would be to comply with the zoning code criteria.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Tidwell**, 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 40 ft. setback of a sign from the centerline of an abutting street (Section 1221.C.5), 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, on the following described property:

ALL LTS 7 THRU 12 LESS BEG NWC LT 12 TH S10 NE12.24 W7 POB & W8 VAC ALLEY ADJ ON E BLK 5, HORNER ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20293

Action Requested:

Reconsideration of a: Special Exception to permit a Bed and Breakfast (Use Unit 2) in an RS-3 district (Section 401); a Variance of the requirement that no required parking space may be accessed through another (Section 1301.F); and a Variance of the parking area dimensions for the width of a parking space from 8' 6" to 8' and for the width of a drive aisle from 24' to 13' (Section 1303.A), located: 1521 East 21st Street.

Presentation:

Steve Schuller represented the applicant, Mark Mobbs. He understood the Board was primarily concerned with the parking issues and egress. The parking configuration was changed to include a turn-around so they can drive forward out of the driveway. It has been tested and proven by the applicants. The City Zoning Plans Review has determined that all of the parking requirements have been met. He reminded the Board of the broad support of the neighborhood and City Councilor Maria Barnes (Exhibit G-1).

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a hearing for the reconsideration of this applicant at the meeting on July 25, 2006, on the following described property:

W. 64 E. 191.13 OF LT 4 BLK 28, PARK PLACE, City of Tulsa, Tulsa County, State of Oklahoma

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There being no further business, the meeting was adjourned at 3:45 p.m.

Date approved: _____

Chair