

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 942
Tuesday, September 26, 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
Cuthbertson
Huntsinger

**OTHERS
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, September 21, 2006, at 10:20 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"; no "absences") to **APPROVE** the Minutes of September 12, 2006 (No. 941).

UNFINISHED BUSINESS

Case No. 20331

Action Requested:

Special Exception to reduce the required distance of the proposed tower from an adjoining office-zoned lot (Section 1204.C.3.g.1), located: 1507 East 71st Street South.

Presentation:

Peter Kavanaugh, 1620 Handley Drive, Dallas, Texas, stated they have discovered they will not need another tower at Helmerich Park site at this time. There are several towers in the area and they can collocate if necessary. He informed the Board there will be a flagpole in the outfield of a baseball field at Victory Christian Center, which will cover this area. He pointed out several other antenna sites and proposed sites in the extended area. Mr. Kavanaugh withdrew this application.

Interested Parties:

Greg Jennings, thanked Mr. Kavanaugh for their good faith efforts to place antennas creatively in church steeples and appropriate sites. He also appreciated the explanation for the withdrawal.

Board Action:

No action was needed, on the following described property:

BEG 30N SWC SE SW TH N331.5 E180.7 S331.5 W180.7 POB LESS S30 SEC 6 18 13 1.25AC, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 20338

Action Requested:

Special Exception to permit a (Use Unit 13) Beauty Shop in an OL district. (Section 601), located: 4130-4154 South Harvard Avenue East.

Monte Dunham abstained from Case No. 20338.

Presentation:

Perry Dunham, 6355-B East 41st Street, represented Harvard Commercial Development, the owner. He stated this is a self-contained development. It is completely isolated from any residential property. He pointed out there is a privacy fence on the west end of the project. The same owner also owns 100 ft. between the privacy fence and the residential neighborhood. He added that the only access is from Harvard and there is plenty of parking.

Comments and Questions:

Ms. Stead asked if the applicant would agree to a five-year limitation of approval. Mr. Dunham replied that he would have to speak with the owner. He obtained a five-year lease for 1,000 sq. ft. in the development, contingent on the Board's approval. Mr. Dunham responded to more questions from the Board, stating the owner would like to move within the development if the business expanded. He

would not want to be limited to five years and have to come back to the Board again after building his business there.

Board Action:

On **Motion** of **Stephens**, the Board voted 4-0-1 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; Dunham "abstained"; no "absences") to **APPROVE** a Special Exception to permit a (Use Unit 13) Beauty Shop in an OL district. (Section 601), with a condition to limit to one salon per this development, with no time limitation, on the following described property:

LT 1 BLK 1, QUADRANGLE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20339

Action Requested:

Variance of the required setback for an accessory structure in the RM-2 district. (Section 403), located: 6315 South Peoria Avenue East.

Presentation:

Mey Saetern, 6315 South Peoria Avenue, stated she is part owner of the subject property. She informed the Board that they have two sheds existing on the property and they need the variance of the setback, as they have no other place to put them. The buildings were on the property when they purchased it in March 2006. A site plan was provided (Exhibit A-1).

Comments and Questions:

The Board members agreed that the buildings were barely noticeable from the Warehouse Market next door. They did not think there was a better place for them.

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 required setback for an accessory structure in the RM-2 district. (Section 403), per plan and location, finding that to move them would be disruptive to traffic; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

ALL BLK 1, VALLEY VIEW ADDN RESUB L7-8 B2, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20340

Action Requested:

Verification of spacing requirements for a Family Day Care Home (Section 402.B.5.g), located: 4652 South Oxford Avenue East.

Presentation:

Jackie Lee, 4652 South Oxford Avenue, submitted verification of spacing in August with the application. She stated there are no other day care homes near her or on her street.

Interested Parties:

Sam Irwin, 4625 South Oxford Avenue, asked when or where they could object to a business in their residential neighborhood. He also wanted to know how many employees and children will be there. Mr. Dunham replied that this use is allowed by the code if she is licensed and meets the spacing requirement. Mr. Albery responded that the code allows no outside employees and limits the number of children to seven, including any children living in the home under the age of five.

Applicant's Rebuttal:

Ms. Stead wanted verification that Ms. Lee would not hire an employee. Ms. Lee understood that this application was strictly for the spacing requirement. She stated she has a special license with DHS for care of infants, newborn to two years, and that she needs an employee to be in compliance with their requirements. Mr. Stephens noted she was not advertised for a special exception for an outside employee. Mr. Cuthbertson responded that she would need a variance for an employee outside her family.

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 spacing requirements for a Family Day Care Home (Section 402.B.5.g), finding acceptable spacing verification, on the following described property:

LT 17 BLK 3, PARK PLAZA FIFTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20341

Action Requested:

Special Exception to increase the height of a fence in the required front yard from 4 ft. to 7 ft. - 6 in. (Section 210.B.3), located: 652 South Quaker Avenue East.

Presentation:

Jerry Conley, stated he owns the property at 652 South Quaker. He has an existing security fence, which has been in place for at least 25 years. The house was built in 1915. He added it is to protect his family from the high crime in the area. He submitted documents, including police records, photographs and crime reports of the area (Exhibit B-1). He has made many improvements in the home and gardens. He pointed out that his house is located seven feet from the sidewalk and on a corner.

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 increase the height of a fence in the required front yard from 4 ft. to 7 ft. - 6 in. (Section 210.B.3), finding it is compatible with the neighborhood; and 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 9 BLK 1, EAST LYNN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20342

Action Requested:

Variance of the minimum permitted lot area, land area, and lot width to permit lot splits and a Variance of the 5 ft. side yard requirement to permit the existing structures on the RD lots; (Section 403), located: West 58th Street and South Vancouver Avenue.

Presentation:

Gus Oliver, 4753 South Union Avenue, stated this request pertains to 19 duplexes. They propose the lot-splits to sell the one-half duplexes to individual homeowners. He submitted photographs (Exhibit C-1). The duplexes are twenty-two years old. He added that they have suffered from poor management. They are renovating the properties to sell and to improve the neighborhood.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the minimum permitted lot area, land area, and lot width to permit lot

splits and a Variance of the 5 ft. side yard requirement to permit the existing structures on the RD lots; (Section 403), finding these are existing units; and 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 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:

LT 1- LT 15 BLK 5 LT 23 - 26 BLK 6, WOODVIEW HEIGHTS AMD, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

Review and Discussion

Non-residential Site Plan Check List

Mr. Cuthbertson presented this check list for acceptance to provide to applicants as a guideline.

Mr. Alberty suggested that it was not necessary to make this checklist a part of the policies and procedures. It depicts the policies and procedures for the public to follow.

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** the Non-residential Site Plan Check List, as presented by staff, as a part of the application process.

There being no further business, the meeting was adjourned at 1:57 p.m.

Date approved: 10/10/06

Frank N. [Signature]

Chair