

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 994
Tuesday, January 27, 2009, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

**MEMBERS
PRESENT**

Henke, Chair
Stephens
Tidwell, Secretary
White

**MEMBERS
ABSENT**

Stead, Vice Chair

**STAFF
PRESENT**

Alberty
Cuthbertson
Huntsinger

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, January 22, 2009, at 3:43 p.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.

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Mr. Cuthbertson read the rules and procedures for the Board of Adjustment Public Hearing.

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NEW APPLICATIONS

Case No. 20843

Action Requested:

Variance of the maximum permitted height of a fence located in the required front yard in the RS-3 district (Section 210.B.3), located: 3411 North Columbia Avenue.

Mr. Cuthbertson reminded the Board that this application can be granted by special exception.

Presentation:

Deputy Dennis Larsen, Command Operation Bureaus of the Tulsa Police Department, stated that after the "911" incident and the ice storm of last year the City is in the process of reviewing security precautions and protocols at the Uniform Divisions. The subject property is the only division that has a major fuel site where police and fire fuel their vehicles. The fencing is needed to protect the fuel site and the radio towers. This proposal is the same as at the south side station, which is the black coated galvanized fencing. There is no razor wire or

barb-wire on top of it. The proposed fence will surround the entire complex with card activated gates.

Interested Parties:

Steve Buford, P.O. Box 3669, Tulsa, 74101, stated that he is the property owner on the north side of 36th Street that fronts the entire distance of the subject property. Mr. Buford commented that he understands what the City is trying to accomplish, but an eight-foot tall fence along 36th Street is too tall. He is concerned about restricting public access to and from the station when the public needs to come and go for whatever reason. It is not productive for everyone to be building fences to protect themselves. To enter this meeting he had to surrender his driver's license at the front desk. Mr. Buford suggested that the fence be backed up and lowered.

Rebuttal:

Deputy Larsen stated that there is public access off of North Delaware Avenue and there will not be a fence in that area. The parking lot to the east side of the subject building is not intended to be fenced. The City has to plan for the worst of times and during the ice storm the subject lot was used to store PSO trucks, which had to have officers watching them to keep the copper wiring from being stolen. The Police Department tries to be good neighbors at all three of the stations and are trying to design the fence to be as least intrusive as possible. The fence will prevent having to take an officer out of the field and protect the subject property's assets.

Comments and Questions:

Mr. Boulden stated that the diagram does show a barbed-wire fence on the right-hand side.

Shane Sievert, 175 East 2nd, 74103, Public Works Engineering, stated that there is three legs of fencing on the northern edge, then east and west edge. It will be black vinyl covered eight-foot fence. On the south side there is some existing fencing with barbed-wire on the top to protect the emergency telecommunications tower. The new fence will match the existing fence on either side. There will not be any barbed-wire above the proposed black fence. The existing fence will have the barbed-wire, but the fence being proposed on either side would not have barbed-wire.

Deputy Larsen stated that the fencing that will match the existing fence around the telecommunications tower will have barbed-wire on it. In response, Mr. White stated that everything that is on the south facing will have the barbed wire, the west, east and north will not have barbed-wire.

Mr. Cuthbertson stated that no fence abutting a public street will have barbed-wire.

Board Action:

On **Motion** of **WHITE**, the Board voted 4-0-0 (White, Stephens, Henke, Tidwell "aye"; no "nays"; no "abstentions"; Stead "absent") to **APPROVE** a special exception of the maximum permitted height of a fence located in the required front yard in the RS-3 district (Section 210.B.3), per plan submitted with the clarification that the only place that will have the barbed-wire on top of the new or existing fence will be on the south part of the subject property and all of the fence that is abutting a public street (west, east and north) will be eight feet in height and not have barbed-wire, finding that 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 BLKS 2&3 & VAC COLUMBIA PL BET BLKS 2&3 & VACN/2 34TH STN LESS N60 LTS 1&24 BLK2 & LESS N40 LTS 1&24 BLK3 & LESS PRT VAC COLUMBIA PL , ROUZEAU COURT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20823

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 1221.F.2 & 1221.G.9), located: Northeast corner of Gilcrease Expressway and North Cincinnati Avenue.

Presentation:

Applicant not present.

Comments and Questions:

Mr. Cuthbertson reminded the Board that this application was continued in order to allow the applicant the opportunity to verify the legal description and that has been done.

Mr. White stated that this has been presented before the Board previously and this is merely a clarification.

There were no interested parties wishing to speak.

Board Action:

On **Motion** of **WHITE**, the Board voted 4-0-0 (White, Stephens, Henke, Tidwell "aye"; no "nays"; no "abstentions"; Stead "absent") based upon the facts in this matter as they presently exist, to **ACCEPT** the verification of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 1221.F.2 & 1221.G.9), subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

S/2 N/2 SW NW LESS BEG 658.90N SWC NW TH N235.46 E125 SE39.01
E141.64 S127.5 SE270.13 W600.44 POB &LESS BEG NWC S/2 N/2 SW NW TH
E1320 S330 TH NWLY TO POB SEC 24 20 12, City of Tulsa, Tulsa County, State
of Oklahoma

Case No. 20835

Action Requested:

Variance of the maximum display surface area permitted in an OH district (Section 602.B.4.c); and a Variance of the setback requirement for a sign visible from an R district (Section 602.B.4.d) to permit a wall sign, located: North of the intersection of East 12th Street and South Trenton Avenue.

Comments and Questions:

Mr. Cuthbertson stated that this application was continued due to an inaccurate call on the location and that call has been amended to describe an accurate location on the agenda.

Presentation:

James Adair, 7508 East 77th Street, 74133, stated that he has no plans to install a free-standing sign because the building is sitting next to the property line and it doesn't allow for a free-standing sign. His client is requesting additional square footage to allow the sign to be installed on the tower. The sign is necessary to identify the Oklahoma Heart Institute building for new visitors.

Comments and Questions:

Mr. White asked if the sign plan submitted represents how the sign will be built. Mr. Adair answered affirmatively.

Mr. White stated that other signs have been approved in the subject area and this is a medical facility that needs identification.

Mr. Stephens stated that they own the property that is the R-district requiring and protection that becomes a moot point.

Mr. Tidwell stated that there would be good visibility from the expressway and the sign is needed for people to find the building.

There were no interested parties wishing to speak.

Board Action:

On **Motion** of **STEPHENS**, the Board voted 4-0-0 (White, Stephens, Henke, Tidwell "aye"; no "nays"; no "abstentions"; Stead "absent") to **APPROVE** a Variance of the maximum display surface area permitted in an OH district (Section 602.B.4.c); and a Variance of the setback requirement for a sign visible from an R district (Section 602.B.4.d) to permit a wall sign; per plan, finding that the sign is necessary to display properly the location of the Oklahoma Heart Institute and finding that the facility owns the R district property and the Board doesn't find that as being a conflict. In granting a Variance, the Board must find 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:

Blocks 2 and 3, Re-Amended Plat of Forest Park Addition and Block 2, McNulty Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20833

Action Requested:

Variance of the minimum land area requirements in the RS-2 district (Section 403) to permit a lot-split, located: 2145 East 22nd Place.

Presentation:

Lou Reynolds, 2727 East 21st Street, 74114, stated that the additional relief needed for the subject property was not communicated to him and it was not applied for. He is here today requesting a variance to permit a lot-split. Mr. Reynolds indicated that with the same conditions from the previous approval his client would build a house 3,000 SF floor area or greater, façade be at least 70% brick, stone, masonry or stucco, no garage doors on the front of the house. The hardship is that the lot has almost 50 feet that is an angular piece that resulted from a street vacation and was not anticipated when the property was subdivided.

There were no interested parties wishing to speak.

Board Action:

On **Motion** of **WHITE**, the Board voted 4-0-0 (White, Stephens, Henke, Tidwell "aye"; no "nays"; no "abstentions"; Stead "absent") to **APPROVE** the Variance of the minimum land area requirements in the RS-2 district (Section 403) to permit a lot-split, finding that this is the same application brought forward two weeks ago, finding that the resulting lot-width is actually going to be wider than the platted lots within the existing subdivision, 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:

Lot 22, Less and Except West 49.88 feet, Block 4, BRENTWOOD HEIGHTS, AND that part of vacated Zuni Avenue more particularly described as follows, to-wit: Beginning Northeast corner of Lot 22, Block 4, said BRENTWOOD HEIGHTS; Thence South 130 feet to a point on the East production of the South line of said Lot 22, said point being 47.16 feet East of the Southeast corner of said Lot 22; Thence West along said East production a distance of 47.16 feet to the Southeast corner of said Lot 22 to the point of beginning, City of Tulsa, Tulsa County, State of Oklahoma

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UNFINISHED BUSINESS

Case No. 20838

Action Requested:

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), located: 70 North Sheridan Road.

Presentation:

Applicant not present.

Interested Parties:

Kris Patel, 6416 East Archer Street, 74115, stated that he owns and manages the motel adjacent to the subject property. He fears that if the sign is installed it will reduce the visibility of the motel from the highway.

Comments and Questions:

Mr. Cuthbertson stated that it would be helpful if the interested party knew that this is not a request to permit the billboard. The outdoor advertising sign is a use permitted by right if it meets the spacing requirements. The applicant is simply verifying the spacing and that the requirements are met. If the spacing and requirements are met the sign is allowed to be located on the subject property.

Board Action:

On **Motion** of **WHITE**, the Board voted 4-0-0 (White, Stephens, Henke, Tidwell "aye"; no "nays"; no "abstentions"; Stead "absent") I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

N170 LT 13 LESS S5 THEREOF & LESS E20 FOR ST BLK 2,
GREENLAWN, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 20839

Action Requested:

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9) , located: 9001 South Union Avenue.

Comments and Questions:

Mr. White asked Legal if the Board is supposed to ignore the sign on the Indian property. In response, Mr. Boulden stated that he believes this would be a matter of the interpretation of the Code.

Mr. Cuthbertson explained that the applicant does have a variance of the spacing requirement from the sign to the north. When the variance was granted there was no digital sign provision in the Code and that variance was granted on the premises it would be a conventional billboard and that may raise an issue as to how this application is advertised.

After a lengthy discussion it was determined to continue this application.

Board Action:

On **Motion** of **WHITE**, the Board voted 4-0-0 (White, Stephens, Henke, Tidwell "aye"; no "nays"; no "abstentions"; Stead "absent") to **CONTINUE** BOA Case 20839 to February 24, 2009 for a new notice.

Case No. 20840

Action Requested:

Minor Special Exception to amend a previously approved plan (BOA-12145) to permit an addition to an existing parking area, located: 1815 East Skelly Drive.

Presentation:

Bill Lewis, 6420 South 221st East Avenue, Broken Arrow, Oklahoma 74014, Lewis Engineering, representing Colonial Manor Assisted Living Center and Nursing Home, stated that the I-44 widening took a portion of the parking lot facing the access road along Skelly Drive. At the north end of the site he is requesting to add parking to replace the lost parking area.

Comments and Questions:

Mr. White asked if the sign would be located in the new lot. Mr. Lewis stated that he doesn't know about the sign placement.

Mr. White asked if there is any screening fence required. Mr. Cuthbertson answered negatively.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **WHITE**, the Board voted 4-0-0 (White, Stephens, Henke, Tidwell "aye"; no "nays"; no "abstentions"; Stead "absent") to **APPROVE** a Minor Special Exception to amend a previously approved plan (BOA-12145) to permit an addition to an existing parking area; per plan, finding that 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:

BLK 1 LESS BEG SECR BLK 1 TH W110 S25 W110 N15.30NE223.74
S30 POB FOR RD & S/2 LT 15 PERRY'S SUB 27207, LT 12 LESS S85
THEREOF & LESS BEG 85N SWC LT 12 TH E85 N30.30 SW29.84
W55.64 S25 POB FOR RD, N 1/2 LT 15, W 150 S/2 LT 16, W 150 N/2 LT
16, E 155 N/2 LT 16, E 155 S/2 LT 16, N55 LT 17 & S25 VAC ST ADJ ON
N, S40 LT 17, PERRY'S 27207 SUB, City of Tulsa, Tulsa County, State of
Oklahoma.

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Case No. 20841

Action Requested:

Minor Special Exception to amend a previously approved site plan to permit a building addition to an existing maintenance center, located: 1790 West Newblock Park Drive.

Presentation:

Marsha Heinz, City of Tulsa Engineering, 175 East 2nd Street, 74103, stated that the City of Tulsa would like to add a small maintenance building on the subject property. She explained that there are two options for the placement of the building and she is currently discussing this with the Fire Marshal to see which would be the best plan.

There were no interested parties wishing to speak.

Board Action:

On **Motion** of **WHITE**, the Board voted 4-0-0 (White, Stephens, Henke, Tidwell "aye"; no "nays"; no "abstentions"; Stead "absent") to **APPROVE** a Minor Special Exception to amend a previously approved site plan to permit a building addition to an existing maintenance center; per conceptual plan, finding find that 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:

E/2 NW SE SEC 3 19 12, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 20844

Action Requested:

Modification of a previously approved plan to permit a building addition to an existing lumber yard, located: 4711 South Mingo Road

Presentation:

Charles Chief Boyd, 16 East 16th Street, Suite 500, 74109, stated that he is requesting to build a small structure that is approximately 1,000 SF. This is along East 47th Place and near the property line similar to the adjacent building. The building will be a small storage unit for cement. There will be overhead doors that will face into the subject property.

Comments and Questions:

Mr. Cuthbertson stated that Mrs. Stead did submit a question and wanted to know if the proposed building is replacing one of the originals that burned down in 1980. Mr. Boyd answered negatively.

Mr. Stephens stated that there is no pad presently.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **STEPHENS**, the Board voted 4-0-0 (White, Henke Stephens, Tidwell "aye"; no "nays"; no "abstentions"; Stead "absent") to **APPROVE** a Modification of a previously approved plan to permit a building addition to an existing lumber yard 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:

BLK 1 BEG SWC TH E409.24 NW486 W23 S295 POB, ALSUMA RESUB PRT B23 ALL B24 & PRT B26, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 20845

Action Requested:

Variance of the setback requirement in an OL district from 100 ft. to 55 ft. (Section 603); a Variance of the maximum permitted height of a building in the OL district to 2 stories (Section 603); a Special Exception to increase the permitted floor area ratio to .39 (Section 603); and a Variance of the setback requirement for a parking area within 50 ft. of an R district from the centerline of an abutting street (Section 1302.B) to permit an office development, located: 1161 East 49th Place.

Presentation:

James Boswell, 1305 East 15th Street, 74120, stated that a large portion of the site is not developable when the OL standards are applied. The existing structure has been damaged by fire and would be allowed to be renovated, but after review it was determined that a new structure would be best. The parking exceeds the OL requirement. The proposal is consistent with the Brookside Infill Plan and the building will not exceed the 35-foot maximum height. Mr. Boswell cited the zoning of the subject property and the surrounding properties.

Comments and Questions:

Mr. White asked if the applicant needs relief for the eight-foot screening wall on the west. Mr. Cuthbertson stated that the applicant doesn't need additional relief and the Board can make a requirement to lower the height or keep it at eight feet in height. An eight-foot wall built up to the property line of 49th will do more to disrupt the transition between the two uses.

Mr. Henke stated that the smoothest transition would be best regarding the screening wall.

Mr. Cuthbertson read from the Zoning Code regarding screening walls and it was determined that screening is required.

Mr. Cuthbertson asked if the applicant intends to install a sidewalk on 49th Place as the Brookside Plan recommends and most recent developments include sidewalks.

Mr. Boswell stated that he will maintain the sidewalk along Peoria and he will install the sidewalk on 49th Place.

There were no interested parties wishing to speak.

Board Action:

On **Motion** of **WHITE**, the Board voted 4-0-0 (White, Stephens, Henke, Tidwell "aye"; no "nays"; no "abstentions"; Stead "absent") to **APPROVE** a Variance of the setback requirement in an OL district from 100 ft. to 55 ft. (Section 603); a Variance of the maximum permitted height of a building in the OL district to two stories (Section 603); a Special Exception to increase the permitted floor area ratio to .39 (Section 603); and a Variance of the setback requirement for a parking area within 50 ft. of an R district from the centerline of an abutting street (Section 1302.B) to permit an office development; per plan submitted, subject to the following conditions: 1) the existing sidewalk be maintained along Peoria and a sidewalk shall be installed along 49th Place; 2) the screening fence shall be consistent with what is interpreted by the Permit Center regarding height forward of the building line; finding that the OL zoning adjacent to the RS-3 zoning creates setback requirements that would make the lot unbuildable, 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, and finding that 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:

LOT-16-BLK-15, RIVERVIEW VILLAGE B14-20, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 20847

Action Requested:

Special Exception to permit a manufactured home in the RS-3 district (Section 401) and a Special Exception to permit the manufactured home in the RS-3 district permanently (Section 404.E.1), located: 2711 East Mohawk

Presentation:

Larry Crawford, 6925 East 6th Street, 74112, stated that he would like to move a pre-manufactured home onto the subject property. He explained that this would look like a normal home with a back and front porch. The skirting will be brick and brick columns for the overhanging of the porch. The home will be sitting on a foundation and have a driveway poured. Mr. Crawford proposes that there will be an aerobic sewer system instead of a septic system.

Comments and Questions:

Mr. Stephens asked Mr. Crawford if this would be a new home. In response, Mr. Crawford answered affirmatively.

After a lengthy discussion the Board of Adjustment questioned that the proposed home would fit properly on the subject property. The Board of Adjustment determined that this case should be continued in order for the applicant to submit a plan that proves the house will fit properly and meet all the requirements for the subject lot.

Board Action:

On **Motion** of **WHITE**, the Board voted 4-0-0 (White, Stephens, Henke, Tidwell "aye"; no "nays"; no "abstentions"; Stead "absent") to **CONTINUE** BOA case 20847 to February 10, 2009.

Mr. Henke recused himself from Case No. 20848.

Mr. Henke out at 2:30 p.m.

Mr. White chaired the public hearing for the following case:

Case No. 20848

Action Requested:

Special Exception to permit a Sanitary Landfill (Use Unit 2) in an IH district (Section 901) located: 13720 East 46th Street North.

Presentation:

Bill LaFortune, 1100 Mid-Continent Tower, 74103, submitted a packet of exhibits to the Board members (Exhibit B-1) and stated that he is requesting a special exception to permit a Use Unit 2 – Sanitary Landfill in an IH district. Mr. LaFortune cited a thorough history of the existing landfill and the proposed subject property. The subject property was purchased in 1992 and was previously used by McMichael Concrete for limestone mining. In 1998 Waste Management was advised that it had to seek local zoning clearance permits as part of new State ODEQ permitting procedures. The City of Tulsa informed his client that they would need a special exception for Use Unit 2 from the Board of Adjustment, but

Hardesty One and Hardesty Two was the only property included in the application. Waste Management believed that they had included the Rooney property and always intended to use it for landfill at some point in the future. At the State level Waste Management received a permit from ODEQ for the Rooney property in 2005. In 2008 Waste Management was advised by an interested party that the Rooney property had never received its required special exception to receive landfill.

Mr. LaFortune addressed the factors to be considered in granting a special exception, Section 1202.E. Size: 176 acres, including the subject property are permitted for waste placement by the relevant State authorities and the remaining 98 acres of the 274 consists of mostly buffer around the permitted acreage; 16 employees; City infrastructure is in place; no sewer lines adjacent to the site; the landfill is regulated by ODEQ and the Oklahoma Corporation Commission; landfill is in full compliance with the licensure and permitting certification requirements; the landfill has never received a violation from any of the agencies; heavily industrial uses surrounding subject property; the landfill is approximately 1/2 mile to one mile away from four residential homes that are north of the landfill.

Mr. LaFortune indicated that the sanitary landfill is located in a zoning district specifically designed for this type of use.

Mr. LaFortune stated that there are two open spaces on the subject property. The open space located at the entrance along 46th Street North has been landscaped. The second open space is located on the northeast portion of the subject property is about ten acres and has been permitted by the City of Tulsa as "borrow area" and deeded as an access area to the Redbud Valley Preserve to the east.

Mr. LaFortune indicated that his client has contracted to ship gas from the landfill to the cement plant to use as an alternative energy source. The project will be completed in the summer of 2009. The landfill is a significant source of methane gas and by burning it at the cement plant it will significantly reduce the emission from the landfill.

Comments and Questions:

Mr. Stephens stated that the proposal is consistent with the existing uses in the subject area. The proposal meets the majority of the criteria for a special exception.

Mr. Tidwell stated that this is a great use and fits in with the existing uses.

There were no interested parties wishing to speak.

Board Action:

On **Motion** of **STEPHENS**, the Board voted 3-0-1 (White, Stephens, Tidwell "aye"; no "nays"; Henke "abstained"; Henke, Stead "absent") to **APPROVE** a Special Exception to permit a Sanitary Landfill (Use Unit 2) in an IH district (Section 901), finding that 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:

The West Half of the Northeast Quarter (W/2 NE/4) of Section Sixteen (16), Township Twenty (20) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey Thereof. And The Southwest Quarter of the Southeast Quarter (SW/4 SE/4) of Section Nine (9), Township Twenty (20) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey Thereof, **LESS AND EXCEPT** a strip, piece or parcel of land lying in the Southwest Quarter, Southeast Quarter (SW/4 SE/4) of Section Nine (9), Township Twenty (20) North, Range Fourteen (14) East, in Tulsa County, Oklahoma, said parcel of land being described by metes and bounds as follows: Beginning at a point on the west line of said Southwest Quarter, Southeast Quarter (SW/4 SE/4), a distance of 226.7 feet north of the southwest corner of said Southwest Quarter, Southeast Quarter (SW/4 SE/4); thence North along said west line a distance of 346.8 feet; thence North 68E11' East a distance of 704.5 feet; thence North 34E68' East a distance of 206.2 feet; thence North 68E11' East a distance of 325.5 feet to a point on the east line of said Southwest Quarter, Southeast Quarter (SW/4 SE/4), a distance of 195.5 feet south of the northeast corner of said Southwest Quarter, Southeast Quarter (SW/4 SE/4); thence South along said East line a distance of 416.2 feet; thence South 68E11' west a distance of 290.1 feet; thence South 77E38' west a distance of 91.2 feet; thence South 68E11' west a distance of 1002.0 feet; thence southwesterly on a curve to the right having a radius of 8769.4 feet a distance of 23.6 feet to the point of beginning.

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Mr. Henke in at 2:49 p.m.

Case No. 20800

Action Requested:

Request to approve and accept the amended narrative provided in place of the previous Exhibit F-1 in this case, as the Official Record Exhibit F-1, on property located: Northwest of the intersection of 129th East Avenue and 46th Street North.

Presentation:

Mr. Cuthbertson stated that the applicant wants to submit an amended narrative for Exhibit F-1, which is more specific with the call-outs as it relates to surrounding property.

There were no interested parties wishing to speak.

Board Action:

On **Motion** of **WHITE**, the Board voted 4-0-0 (White, Stephens, Henke, Tidwell "aye"; no "nays"; no "abstentions"; Stead "absent") to **APPROVE** and accept the amended narrative provided in place of the previous Exhibit F-1 in this case, as the Official Record Exhibit F-1a, on the following described property:

A TRACT OF LAND BEING PART OF THE EAST HALF OF THE SOUTHWEST QUARTER (E/2 SW/4) AND PART OF THE WEST HALF OF THE SOUTHEAST QUARTER (W/2 SE/4) OF SECTION EIGHT (8), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID E/2 SW/4; THENCE SOUTH 88°41'42" WEST ALONG THE SOUTHERLY LINE OF SAID E/2 SW/4 FOR 923.58 FEET; THENCE NORTH 0°49'37" WEST FOR 187.53 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 0°49'37" WEST FOR 1265.12 FEET; THENCE NORTH 0°21'56" WEST FOR 988.13 FEET; THENCE NORTH 88°09'39" EAST FOR 901.06 FEET TO A POINT THAT IS 10.00 FEET EASTERLY OF AS MEASURED PERPENDICULARLY TO THE EASTERLY LINE OF SAID E/2 SW/4 AND THE WESTERLY LINE OF SAID W/2 SE/4; THENCE SOUTH 01°24'15" EAST PARALLEL WITH SAID EASTERLY LINE OF SAID E/2 SW/4 AND THE WESTERLY LINE OF SAID W/2 SE/4 FOR 2285.76 FEET TO A POINT THAT IS 50.00 FEET NORTHERLY OF AS MEASURED PERPENDICULARLY TO THE EXISTING RIGHT-OF-WAY OF 46TH STREET NORTH; THENCE NORTH 89°02'23" WEST FOR 0.00 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY 50.00 FEET NORTHERLY OF AS MEASURED PERPENDICULARLY TO SAID EXISTING RIGHT-OF-WAY OF 46TH STREET NORTH ON A CURVE TO THE LEFT WITH A RADIUS OF 34,567.50 FEET AND A CENTRAL ANGLE OF 01°32'42", SAID CURVE HAVING A CHORD BEARING OF NORTH 89°48'44" WEST AND A CHORD DISTANCE OF 932.05 FEET FOR AN ARC LENGTH OF 932.08 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. SAID DESCRIBED TRACT CONTAINS 47.815 ACRES, MORE OR LESS. AND A TRACT OF LAND BEING PART OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (W/2 W/2 NE/4 SE/4) AND PART OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (S/2 S/2 NE/4 SE/4) OF SECTION EIGHT (8), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE

INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4 SE/4; THENCE SOUTH 88°42'51" WEST ALONG THE NORTHERLY LINE OF SAID NE/4 SE/4 FOR 989.16 FEET TO THE NORTHEAST CORNER OF SAID W/2 W/2 NE/4 SE/4; THENCE SOUTH 01°22'33" EAST ALONG THE EASTERLY LINE OF SAID W/2 W/2 NE/4 SE/4 FOR 35.48 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING SOUTH 01°22'33" EAST ALONG SAID EASTERLY LINE FOR 951.78 FEET TO A POINT ON THE NORTHERLY LINE OF SAID S/2 S/2 NE/4 SE/4; THENCE NORTH 88°42'37" EAST ALONG SAID NORTHERLY LINE FOR 659.24 FEET TO A POINT ON THE EAST LINE OF THE W/2 E/2 NE/4 SE/4; THENCE SOUTH 01°21'51" EAST ALONG SAID EASTERLY LINE FOR 329.07 FEET TO A POINT ON THE SOUTH LINE OF SAID NE/4 SE/4; THENCE SOUTH 88°42'32" WEST ALONG SAID SOUTHERLY LINE FOR 988.77 FEET TO THE SOUTHWEST CORNER OF SAID NE/4 SE/4; THENCE NORTH 01°22'53" WEST ALONG THE WESTERLY LINE OF SAID NE/4 SE/4 FOR 1235.28 FEET; THENCE NORTH 80°50'10" EAST FOR 332.78 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. SAID DESCRIBED LAND CONTAINS 14.501 ACRES, MORE OR LESS.

Discuss and consider action related to Amended Board Policies:

Presentation:

Mr. Cuthbertson presented the general policies:

GENERAL POLICIES
Tulsa Board of Adjustment

STREET FRONTAGE REQUIRED/ MULTIPLE VARIANCES

Proposed development projects requiring multiple variances, the use of private streets, or a variance of frontage are encouraged to utilize the Planned Unit Development (PUD) process described in Chapter 11 of the Tulsa Zoning Code.

SUPPORTING INFORMATION

Applicants shall submit sufficient supporting information for review and evaluation by the Board or its Staff. Such information shall include plot plans drawn to scale, plats of survey, site plans drawn to scale, written statements of conditions, and any other information as may be required by the Board or its Staff. If Staff concludes the Applicant has not-submitted sufficient supporting information the application may be deemed as incomplete and will not be accepted for the Board's consideration. (01.12.93) (rev. 11.14.08)

Applications for spacing verification between outdoor advertising signs shall include a certified survey demonstrating that when measured in a straight line from the center of the existing or proposed outdoor advertising sign's structure, as located on the ground, to the center of any other outdoor advertising sign's structure, as located on the ground, the distance will not be less than the minimum separation between outdoor advertising signs required by the Zoning Code. The survey shall show the distances between the aforementioned signs to the nearest foot and the latitude and longitude of same to the nearest one-hundredth of a second.

Sufficient supporting information showing distances between buildings or buildings and zoning district boundaries or property lines, may be submitted in the form of a parcel map drawn to scale accompanied by an inventory of current uses located within the required radius. If the spacing requirement cannot be clearly demonstrated on a parcel map the Board may require the Applicant submit a certified survey. (11.14.08)

An official "letter of deficiency" issued to the Applicant from the City of Tulsa shall accompany each application to the Board for a Variance or Special Exception. In lieu of a "letter of deficiency," an Applicant shall cite all sections of the Code for which the request(s) is being made on the application. (11.14.08)

Comments and Questions:

Mr. Henke stated that all of the Board members have reviewed the proposed amendments.

There were no interested parties wishing to speak.

Board Action:

On **Motion** of **WHITE**, the Board voted 4-0-0 (White, Stephens, Henke, Tidwell "aye"; no "nays"; no "abstentions"; Stead "absent") to **APPROVE** and accept the General Policies as submitted today.

Comments:

Mr. Stephens thanked Ms. Stead and Mr. White for working on the General Policies.

* * * * *

There being no further business, the meeting adjourned at 2:53 p.m.

Date approved: 3/10/09

A handwritten signature in blue ink, appearing to read "Fred X. Hernandez", with a stylized flourish at the end.

Chair