

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 877
Tuesday, November 25, 2003, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Vice Chair
Stephens
Turnbo
White, Chair
Perkins

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Beach
Butler
Alberty

**OTHERS
PRESENT**

Romig, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, November 20, 2003, at 3:49 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair, White called the meeting to order at 1:00 p.m.

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

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 19706

Action Requested:

Approval of an amended site plan. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15, located: 10661 E. 31st St.

Presentation:

Mr. Beach informed the Board that staff recommended continuation for re-advertisement to the meeting on December 9, 2003.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19706 to the meeting on December 9, 2003.

MINUTES

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of October 28, 2003 (No. 875).

On **MOTION** of **Perkins**, the Board voted 4-0-1 (White, Turnbo, Perkins, Stephens "aye"; no "nays"; Dunham "abstained"; no "absences") to **APPROVE** the Minutes of November 4, 2003 (No. 876).

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NEW APPLICATIONS

Case No. 19701

Action Requested:

Special Exception to allow a church and church related uses (Use Unit 5). SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance of the required one acre lot size. SECTION 1205.B.1.a. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses, located: 2607 N. Rockford.

Presentation:

Alton Davis, 2607 N. Rockford, stated that the address for the subject property is 2630 N. Rockford, not the existing church address listed on the agenda. Mr. Beach determined that the legal description was correct for the subject property and it was advertised properly. Mr. Davis added they plan to demolish the existing structure.

Comments and Questions:

Mr. Beach asked the applicant to clarify where the project will actually occur and the church to be torn down. Mr. Davis replied that on the corner of Rockford and 26th Street North the old house would be torn down. Mr. Dunham pointed out the need for relief for parking on a lot other than the primary use. Mr. White noted they need relief for the use of the existing church in a RS district, as it has not been approved previously. Mr. Davis asked if they could go ahead and demolish the existing structure, which they own. Mr. Romig replied all they need is a demolition permit.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case

No. 19701 to the meeting on January 13, 2004 for proper advertising and additional relief.

Lots 10, 11 and 12, Block 3, Martin Roll Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19702

Action Requested:

Special Exception to allow Use Unit 12a in a CS district within 150' of an R zoned lot. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 12a; and a Special Exception of the required screening on the east and north. SECTION 1212a. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS; Use Conditions, located: 9801-9897 E. 11th St.

Presentation:

Blas Gaytan, 9012 E. 89th St., stated he owns a Spanish radio station. He proposed to purchase the subject property with an existing church building. He wants to convert it into an cultural event center. They would provide live music and serve beer for special events. They would also provide rooms for immigration informational meetings and language classes. A site plan was provided (Exhibit A-1).

Comments and Questions:

Mr. Gaytan responded to questions from the Board with the following information. The days/hours of operation would be Fridays and Saturdays from 9:00 a.m. to 2:00 a.m. The existing building would be enlarged from 12,000 sq. ft. to 22,000 sq. ft. They would have a commercial kitchen and serve up to forty people at a time for special events only. They planned to add the classrooms and hold classes from 5:00 p.m. to 9:00 p.m., probably Monday through Friday. The sale of alcohol (beer only) would be limited to only the weekends of special events. The events would be for general admission with music and dancing. There would be no adult entertainment.

Interested Parties:

John Moody, 1924 S. Utica, stated he is an attorney, representing the Riverview Corporation. Mr. Raymond Sponder, one of the principals of the corporation came from Florida to attend this hearing. Mr. Moody informed the Board that his client owns an apartment complex on the northeast of the subject property. An uncompleted church structure is on the property, but no parking lot has been built. He provided photographs (Exhibit A-2) of other investment properties owned and maintained by the corporation. Mr. Moody stated they understood the project is for a concert/dance hall. He indicated that there would be more appropriate locations. He identified a facility with over 500 parking spaces would be an intense use of the property. He compared it to the Caravan, at 41st and Memorial, for an example. It is open primarily Friday and Saturday nights. It is 18,110 sq. ft. according to the

County Assessor's office. The application project would be 44% larger than the Caravan. There is no screening and the application requests a special exception of the required screening. He pointed out there would be noise and lights from the parking lot; late hours of operation; it abuts church property, and residential properties. His client would not object to a Use Unit 5 for a community center. He submitted photographs of single-family residential property in the area (Exhibit A-2).

Raymond Sponder, 6548 NW 13th Ct., Plantation, Florida, stated he represented the owners of the subject property, which they have owned for twelve years. They have owned another property in Tulsa for six years. They do not sell their investment property projects.

Mr. White commented the Board received letters (Exhibit A-3) from Councilor Art Justis, City District 6, and Representative Mary Easley, State House District 78, in opposition to the application.

A sign-in sheet was distributed for signatures of those in opposition, but do not wish to speak, for the record.

Councilor David Patrick, stated he represented himself and Councilor Art Justis in opposition to this application. He considered the use is too intense for the close proximity to the church and residential neighborhood. He pointed out the lack of buffer or green space. He also stated it would be an inappropriate use of this property, being incompatible with the surrounding uses.

Dr. Preston L. Nix, 14005 E. 88th St., Owasso, Oklahoma, read a letter (Exhibit A-3) regarding the moral aspect of the proposed project. He stated this was on behalf of the 3,000 members of the Eastwood Baptist Church, as well as neighbors in the surrounding community to oppose the application. The letter mentioned items including: the close proximity to their church school; the activities on the property would not enhance but possibly erode the dignity and morals of those who participate; the existing liquor store and sports bar that contribute to the danger of drunk drivers in their vicinity on 11th Street; and a request for this application to be denied.

Teresa Buchert, 542 S. 127th E. Ave., stated she had several issues. She commented there is already a facility at 22nd and Garnett to hold English as a Second Language classes. They celebrate the Hispanic holidays and are actively taking part in the community. Ms. Buchert mentioned this is a flood prone area with a creek running through. She stated that she did not hear any mention of a water detention facility. Mr. Dunham informed her that the applicant would have to deal with those issues with the City of Tulsa, but the Board could not consider those matters. She replied there is not enough space in this area to meet those needs. Ms. Buchert stated she is a member of the Route 66 Consortium, and a founder of the design team. They are working on the Vision 2025 development of

the entire Route 66 project. She did not consider this application to be compatible with the Route 66 project.

Norma Cates, 9912 E. 7th St., stated she represented herself and some neighbors, who signed a petition (Exhibit A-4). She was not opposed to a cultural center but objected to an adult entertainment/night hall facility.

Mark Neeler, 701 S. Mingo Rd, pastor of the Wesleyan Church, stated they would welcome a cultural event center, but object an adult entertainment facility.

Applicant’s Rebuttal:

Mr. Gaytan stated he understood the objections that were made. He added he just wanted to provide this project to the community.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to allow Use Unit 12a in a CS district within 150’ of an R zoned lot; and a **Special Exception** of the required screening on the east and north, 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:

A part of the SW/4 SW/4 of Section 6, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, and more particularly described as follows, to-wit: Beg. at a point 26’ N and 1,491.66’ W of the SE/c of the SW/4 of said Section 6; thence in a Nly direction 1,294.00’; thence in a Wly direction 658.80’; thence in a Sly direction 1,294.00’; thence in an Ely direction parallel to and 26.00’ N of the Section line a distance of 660.00’ to the point and place of beginning; Subject to Easement dated April 29, 1955, granted to the County of Tulsa, State of Oklahoma, covering the following described property: Beg. at a point 26.00’ N and 1,491.66’ W of the SE/c of the SW/4 of Section 6, T-19-N, R-14-E, Tulsa County, Oklahoma, thence N a distance of 39’ to a point; thence W and parallel to the S line of said Section 6 a distance of 182.00’; thence N 10.00’ to a point W and parallel to the S line of said Section 6, a distance of 353.92’ to a point; thence N a distance of 16.00’ to a point; thence W and parallel to the S line of said Section 6, a distance of 82.00’ to a point; thence S a distance of 16.00’ to a point; thence W and parallel to the S line of said Section 6, a distance of 44.08’ to a point; thence S a distance of 49.00’ to a point; thence E and parallel to the S line of said Section 6, a distance of 660.00’ to the POB, and being located in a CS zoned district.

Case No. 19703

Action Requested:

Variance of the allowable size for an accessory building from 500 square feet to 1,685.2 square feet. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions, located: 14567 E. 13th St.

Presentation:

Fred Pearce, 14567 E. 13th St., stated he proposed to construct an addition to the existing accessory building. It would be strictly for a hobby shop and personal use and no commercial use. He indicated the neighbors would not be able to see the addition.

Comments and Questions:

Ms. Turnbo asked what kind of shop. Mr. Pearce replied he wanted to work on hobbies, cars and motorcycles he owns mainly on weekends. Ms. Perkins asked for a hardship. Mr. Pearce could not provide a hardship.

Interested Parties:

James Mautino, 14628 E. 12th, stated he is on the Board of the Tower Heights Association. He stated that Mrs. Neeley was present, and she lives just north abutting the subject property. She has expressed concern that he wants to add on in closer proximity to her property line. He submitted photographs (Exhibit B-1) of the existing building and home. He suggested other options, such as adding onto the one-car garage attached to his home.

Applicant's Rebuttal:

Mr. Pearce stated he has lived there for ten years and has proven to be a quiet neighbor. He assured the Board there will be no commercial use. Mr. White asked if the access would be through the front of the existing building, to which he replied in the affirmative. He considered placing one door on the side to use for his lawn equipment. Mr. Pearce told the Board that a large portable building and bushes on the neighbors properties that block the view so they would not be able to see his building.

Comments and Questions:

Ms. Turnbo stated she could not find a hardship. She also pointed out that the staff could not find a building permit had been issued for the existing large accessory building. Mr. White asked Mr. Romig if they could approve the existing accessory building. Mr. Romig stated it is less square footage than was requested and the Board could approve the existing building.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a ***Variance*** of the allowable size for an accessory building from 500 square feet to 1,685.2

square feet; and instead **APPROVE** the existing 1,072.4 sq. ft. accessory building, finding lack of a hardship, on the following described property:

Lot 13, Block 4, Carol Acres, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19704

Action Requested:

Variance to permit a detached accessory building to extend into the front yard setback. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; a Variance of required 15’ side yard to 0’ to permit a carport. SECTION 403.A.5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance to permit parking of an RV within the required front and side yards. SECTION 402.B.7.a. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions, located: 105 S. 169th E. Ave.

Presentation:

William J. Yankee, 105 S. 169th E. Ave., proposed to park their motor home on their property. He informed the Board that they have experienced vandalism of their motor home on commercial storage lots. They are on a corner lot and they considered parking in the back yard, but they would have to remove several large trees. There is also a storm drain in the way that has occasionally flooded. They contacted three of the neighbors and they were in support.

Comments and Questions:

Mr. Dunham commented there are numerous carports in the neighborhood and several more objectionable problems.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 3-2-0 (White, Dunham, Stephens "aye"; Turnbo, Perkins "nay"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to permit a detached accessory building to extend into the front yard setback; a **Variance** of required 15’ side yard to 0’ to permit a carport; and a **Variance** to permit parking of an RV within the required front and side yards, with conditions: the side walls extend down no further than 8’ above the ground level, per plan, finding the hardship: there is no place to park in the back yard with the drainage problems and the existing trees; it is at the end of a dead end street with a vacant field abutting the subject property; and numerous other carports in the neighborhood, on the following described property:

Lot 1, Block 1, Rose Dew Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19705

Action Requested:

Special Exception to allow an accessory building on a lot other than where principle structure is. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions; and a Variance of allowable 500 square feet to 746 square feet in the aggregate on Tract 2. SECTION 210. YARDS, located: 7919 S. Yukon.

Presentation:

Orville Marion Sanders, Jr., 7919 S. Yukon, stated he has a two and one-half acre tract and would like to obtain a lot split. He lives on Tract 3 and he wants to build a house for his daughter on Tract 2. He has insulated storage buildings on the property. A site plan was provided (Exhibit E-1).

Comments and Questions:

Ms. Perkins asked when he planned to begin construction of the house. He replied they would begin construction by January. He will maintain ownership of all the property.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow an accessory building on a lot other than where principle structure is; and a **Variance** of allowable 500 square feet to 746 square feet in the aggregate on Tract 2, per plan, on condition, a single-family residence construction begin within the next six months from this date on Tract 2, on the following described property:

The NW/4 SW/4 SE/4 SE/4 of Section 10, T-18-N, R-12-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, being also described as a tract of land commencing at the NW/c NW/4 SW/4 SE/4 SE/4 of said Section 10, thence E 330.89', thence S 331.33', thence W 330.91', thence N 331.29' to the POB, subject to the W 25.00' for roadway purposes.

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Case No. 19707

Action Requested:

Variance of the required 60' lot width to 50' for Lot-split (#19616). SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: 1531 & 1527 N. Xanthus Ave.

Presentation:

Stephanie Baker, 1511 N. Xanthus, stated that her mother bought the south half of Lot 17. Ms. Baker was attempting to purchase the north half, but was informed there was never a legal lot split.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required 60' lot width to 50' for Lot-split (#19616), to correct an existing condition; and there will be no additions or changes to the existing structure, on the following described property:

Lot 17, Block 2, Kinloch Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19708

Action Requested:

Variance to remove landscape requirement of 15% of street yard to 0% to permit a new building with required parking in the street yard. SECTION 1002.A.1. LANDSCAPE REQUIREMENTS, located: 10311 E. 48th St. S.

Presentation:

Carolyn Pinc, 10324 E. 47th Pl., stated she is the construction manager for Mr. Crowl. They plan to build an addition to Oklahoma Mobile Concrete. It is located at a dead end street, backing up to US 169 Highway. This addition is for extra storage for equipment and one vehicle in the warehouse building. There is minimal parking and turn around space available. They want to maintain a uniform appearance across the face of the building.

Interested Parties:

Tom Sewal, 4809 S. 101st, owns property one block away on the same street. He objects to the application, as he has improved his own property per the code requirements. Since then the neighboring property owners have been improving their properties to meet the zoning code standards. He expressed concern that this would set a precedent to the detriment of the area. He added that the applicant already uses the city street for parking. He asked the Board not to allow this expansion.

Photographs and a letter of opposition were submitted (Exhibits C-1 and C-2).

Applicant's Rebuttal:

Ms. Pinc informed the Board that they have already made improvements to the property and this project would be a further improvement.

Comments and Questions:

Ms. Perkins asked for a hardship. Ms. Pinc replied the dead end is the hardship, and they need the additional space for parking. Mr. White noted the application is for the entire lot. He added that if the Board was inclined to deny, then the landscape requirements would become effective for the vacant lot, existing building and the loading area.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **DENY a Variance** to remove landscape requirement of 15% of street yard to 0% to permit a new building with required parking in the street yard, finding a lack of hardship, on the following described property:

Lots 17, 18, 19, 20, 21, 22, 23, 24, Block 31, Town of Alsuma, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19709

Action Requested:

Special Exception to permit Use Unit 17 uses in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; a Variance of setback from an R district from 12’ to 0’ to permit a building at the property line. (This is as shown on the site plan, an alternate request could be to reduce the setback from 12’ to 5’). Use Unit 17 SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS; and a Variance of required screening from an R district, Section 1217.C. SECTION 1217.C. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions, located: NW/c E. 11th St. & S. 107th E. Ave.

Presentation:

Carolyn Pinc, 10324 E. 47th Pl., stated she represented Crowl Real Estate Development. This is a corner lot with 25’ required setbacks on two sides, and a 10’ utility easement on the west. The lot is about three feet higher than the land to the north. She stated they would like to change the request to build on the property line to build a little more than five feet off the property line. They planned to construct a retaining wall. There is a radiator shop to the east, a Mercedes repair, and a auto repair shop in the area.

Interested Parties:

James Mautino, 14628 E. 12th St., stated he is on the Board of Tower Heights Neighborhood Association. He stated the history of another such application and

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required front building setback from 35' to 18' on South Columbia, per plan, finding the hardship to be the excessive right-of-way on South Columbia Place; 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:

A part of Lot 3 of the Resubdivision of Part of Lot 1, Block 5, Woody Crest, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as: Beg at the NE/c of Lot 3, thence Sly along the E line thereof a distance of 140.00' to a point; thence SWly along a line connecting to a point on the W line of Lot 4, that is 140.00' N of the SW/c thereof, a distance of 89.00' to a point; thence at a right angle, NWly 120.00' more or less, to a point on the N line of said lot 3; thence along the N line of said Lot 3, NEly a distance of 40.00' to a point; thence along a curve to the right with a radius of 91.40' and a central angle of 36deg-20'-14" a distance of 57.98' to a point; thence Ely a distance of 27.53' to the POB.

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Mr. White recused himself from Case No. 19712.

Case No. 19712

Action Requested:

Special Exception to allow Use Unit 17 Automotive Repair and Painting in a CS zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 17; and a Variance of the required 300' distance from an R district for outside storage of cars. SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions, located: 10625 E. 31st St.

Presentation:

Tim Wolf, 16110 S. 203rd E. Ave., Broken Arrow, Oklahoma, stated his request to the Board. He proposed to have an auto repair and a specialized paint booth (Viking Downdraft). They plan to construct a screening fence all the way around the building except the front office area.

Comments and Questions:

Mr. Dunham asked about the east side. Mr. Wolf replied not on the east because there won't be any traffic on that side of the building. Mr. Stephens asked if he plans for outside storage. Mr. Wolf replied that any outside storage would be for less than thirty days. Mr. Dunham asked if they plan to store anything at the rear of the east end of the building. Mr. Wolf stated his realtor indicated the neighboring property owner might be interested in purchasing that part of the property so they have made no plans for it. Mr. Dunham replied that he thought screening would be appropriate on the east also. Mr. Wolf stated that the west end

of the building would have the most intensive use. Ms. Perkins asked about the location for storage of used parts. Mr. Wolf responded the scrap parts would be stored in an enclosed steel bin and would be picked up weekly by trash service. Ms. Turnbo asked about parking surface, to which Mr. Wolf replied the lot would be paved. Mr. Beach informed the applicant that the screening fence must be a solid fence, not chain link with slats.

Mr. Stephens stated that no fence is going to fully screen the west side because of the elevation of the highway.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Perkins**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a *Special Exception* to allow Use Unit 17 Automotive Repair and Painting in a CS zoned district; and a **Variance** of the required 300' distance from an R district for outside storage of cars, with conditions: no inoperable vehicles stored for more than thirty days; no activity or storage on the east of the property; screening fence according to code on the west and north; scraps to be stored in a closed container and removed once per week; no other visible outside storage; specifically a Viking downdraft paint booth, per plan, finding the topography and creek between the residential district to be the hardship; 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:

All of Lots 1 and 2, Block 1, Helen N. Commercial Center, City of Tulsa, Tulsa County, State of Oklahoma, less and except the following tracts, to-wit: A part of Lot 2, Beg. at the SE/c of Lot 1; thence N 165.00' to the NE/c of Lot 1; thence E to the NW/c of Lot 3; thence S along the W line of Lot 3, 165.00' to the SW/c of Lot 3; thence W along the Sly line of Lot 2, 190.00' to the SE/c of Lot 1 and POB AND less and except a part of Lot 2, Beg. at the NE/c of Lot 3, W along the N line to the NW/c of Lot 3; thence N to a point on the N line of Lot 2; thence E to the NE/c of Lot 2; thence SEly along the E line of Lot 2 to the POB AND less and except the S 20' of Lot 2.

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Case No. 19713

Action Requested:

Variance of the required average lot width from 50' to 22.63'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; a Variance of the lot area from 5,500 square feet to 3,010.7 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of the land area from 6,750 square feet to 3,675.7

square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: S. Lewis; NW/c E. 4th St. – NW/c E. 5th St.

Presentation:

Monte McElroy, 111 S. Greenwood, stated the Tulsa Development Authority has a contract with Washington group for new residential structures. They propose to split two lots and add a greenbelt along Lewis Avenue.

Sam Rader, 3310 E. 99th St., stated the greenbelt would be 25', which is the smallest lot. They propose to construct nine single-family homes. They want to split Lot 1, Block 1, and Lot 1, Block 2 into two lots each.

Interested Parties:

Juanita Melton, 2317 and 2321 E. 4th St., asked if the cul de sacs will remain the same. Mr. White replied that they will. She expressed concern for numerous people who use riding carts for mobility to the grocery store and around the neighborhood. She also expressed concern for parking for the new residences in the neighborhood. She was assured the homes would have garages and driveways.

Mr. Dunham out at 3:21 and returned at 3:24.

Applicant's Rebuttal:

Mr. Rader stated the homes will have driveways and two-car garages; and there will be sidewalks to Lewis. Mr. Stephens asked the approximate square footage of the residences. Mr. Rader replied they would be around 1,100 to 1,400 sq. ft.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required average lot width from 50' to 22.63'; a **Variance** of the lot area from 5,500 square feet to 3,010.7 square feet; and a **Variance** of the land area from 6,750 square feet to 3,675.7 square feet, per plan, finding the hardship is the greenbelt dedicated along Lewis Ave., finding the size of the remaining land makes the variances necessary; the integrity of the neighborhood will be maintained and improved and not detrimental to the area, on the following described property:

Lot 1, Block 1; Lots 1 and 2, Block 2; and Lots 1 and 4, Block 3, Hillcrest Amended, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19714

Action Requested:

Special Exception of the height limitation for a 4' fence in the front yard to 6'. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located: 1036 E. 38th Pl.

Presentation:

David Hollingsworth, 1036 E. 38th Pl., proposed to build a six-foot fence to reflect the construction of the existing house. He requested six feet, brick and open to keep his dogs from getting out. A site plan was provided (Exhibit J-1).

Comments and Questions:

Mr. White asked if he intended to build according to the drawing he submitted.

Interested Parties:

Mr. White stated the Board received an e-mail from Nancy Apgar (Exhibit J-2) for the Brookside Neighborhood Association in support of the application as submitted.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** of the height limitation for a 4' fence in the front yard to 6', per plan, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 3 and 4, Niles, Re-subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19715

Action Requested:

Special Exception to allow an indoor law enforcement training facility and paintball facility in an IL district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19; and a Variance of required parking from 90 to 22 spaces. SECTION 1219.D. USE UNIT 19. HOTEL, MOTEL, AND RECREATION FACILITIES, located: 5563 S. 104th E. Ave.

Presentation:

Gary Branz, 1704 E. Tacoma Ct., Broken Arrow, Oklahoma, proposed to put in a law enforcement training facility and for paint ball games. The landlord has offered extra parking. He indicated that the two parking areas would be sufficient. He named several law enforcement departments in the area that want to use this indoor facility. They plan to subsidize the cost by opening the facility up to the public for paint ball. He submitted photographs (Exhibit K-2).

Comments and Questions:

Ms. Perkins asked if they have a contract for the free use of the landlord's parking area. Mr. Branz replied that he does not have that in writing but he could get it for the Board. Ms. Turnbo asked if they have contracts with all of the law enforcement departments. He responded that he does not have contracts, but it is going to be for individuals and separate divisions of several departments. Ms. Perkins asked if there would be any live ammunition used at the facility. He assured her there would not be any live ammunition. The proposed hours of operation would be Tuesday through Thursday, 11:00 a.m. to 9:00 p.m.; Friday and Saturday, 11:00 a.m. to 10:00 p.m.; and Sunday, noon to 8:00 p.m. He indicated that during the weekdays it would be primarily law enforcement training and weekends for the public.

Interested Parties:

Paul Wilson, 2121 S. Columbia, Ste. 650, President of 21st Properties, Inc., stated he owns properties to the south of the industrial district. He expressed concern about the way the facility is already being advertised on the website, telephone information and the sign on the building with more emphasis on the paint ball use than the law enforcement training. He questioned the hours of operation for holidays, spring break and when the Modern Bindery business is using the space. He pointed out there is minimal room in the rear for parking or accessibility. He considered the parking to be inadequate, especially when large trucks are going in and out of the area. He indicated it is not up to code for approval by the fire marshal.

Terry Hunter, 10325 E. 58th St., stated the same complaints regarding parking and limited access. He submitted a letter (Exhibit K-1). He considered the situation would be dangerous to customers and others using the industrial park.

Bob Luken, 3405 S. Florence, stated he owns other property in the area. He leased to a soccer league and cited many problems from parking and plumbing to vandalism in his facility.

Don Casey, 443 N. Choctaw, Skiatook, Oklahoma, provided a letter from the building owner directly to the west of the paint ball facility (Exhibit K-1) in support of the viewpoint expressed by Twenty-first Properties, Inc., in their letter dated November 21, 2003. They are concerned about truck deliveries and pick-up to their facility; and they asked for a denial of this application.

Applicant's Rebuttal:

Mr. Branz stated they would have off-duty law enforcement officers dedicated to security on the parking lots. He added that no street parking will be allowed.

Thomas Murray, 5546 E. 4th Terrace, indicated this would be very beneficial for the Tulsa area. He stated they would be able to apply out of state funds to the improvement of these industrial areas. He noted there are many vacancies in the industrial parks. He stated he has commitments from some officers over special law enforcement units to use the proposed facility.

Comments and Questions:

Ms. Turnbo questioned them about the number of people can use the facility at one time. Mr. Branz stated not more than 50 people at a time could be in there. She asked about the length of the games, to which he replied 10 to 20 minutes per game and teams may play three to four games in a row. He added they are limiting the age of players to 12 years and up. Ms. Turnbo asked about the division of age groups and Mr. Branz assured her they could divide the younger teams from the adults. She asked about public use during holidays, spring break, and summer time. It will be open to the public unless reserved for a law enforcement training.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to allow an indoor law enforcement training facility and paintball facility in an IL district; and a **Variance** of required parking from 90 to 22 spaces, finding lack of a hardship and that a paint ball facility is an inappropriate use in an industrial park, on the following described property:

Lot 2, Block 18, Tulsa Southeast Industrial District, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

Case No. 19716

Action Requested:

Variance to reduce setback from 8'6" to 5.00' per site plan submitted (BOA 14398). SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located: 2108 E. 25th Pl.

Presentation:

John G. Arnold, Jr., 2108 E. 25th Pl., submitted photographs to the Board (Exhibit L-1). He stated they are the third owners of this property and have owned it for twelve years. He discovered that it did not meet the zoning requirements for RS-2. He is not asking for anything new but to correct the existing condition.

Comments and Questions:

The Board members discussed the controversy over the difference in the new surveys with a discrepancy in setbacks.

Interested Parties:

George Schnetser, 2111 E. 26th, stated he has lived there for 31 years and he wanted to be sure there are no changes in the setbacks.

Board Action:

On **Motion** of **Turnbo**, to **CONTINUE** Case No. 19716 to the meeting on January 13, 2003, it failed for lack of a second.

Mr. Beach reminded the Board that a Minor Special Exception does not require publication in the newspaper. Therefore, the case advertised and heard December 9, 2003.

On **Motion** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19716 to December 9, 2003.

Lot 9, Block 7, Wildwood, City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 4:18 p.m.

Date approved: _____

Chair