

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 884  
Tuesday, March 23, 2004, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

**MEMBERS  
PRESENT**

Dunham, Vice Chair  
Stephens  
White, Chair  
Perkins

**MEMBERS  
ABSENT**

Turnbo

**STAFF  
PRESENT**

Alberty  
Butler  
Beach

**OTHERS  
PRESENT**

Romig, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, March 18, 2004, at 10:01 a.m., as well as at the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

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

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

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**REQUEST TO CONTINUE AND CASES TO WITHDRAW**

**Case No. 19779**

**Action Requested:**

Special Exception to permit church use. SECTION 401 AND 701. PRINCIPAL USES PERMITTED IN RESIDENTIAL AND COMMERCIAL DISTRICTS – Use Unit 5, located: S, W of SW/c of W Apache & N Tisdale Expwy.

Mr. Alberty informed the Board of a request for continuance on Case No. 19779.

**Interested Parties:**

**Chad Taylor**, 500 W. 5<sup>th</sup>, OneOk Plaza, Ste. 900, stated he represented the Gilcrease Hills Homeowners' Association. He received notice of this case on March 5, 2004. He was unable to inform his clients and make an appropriate response within that time. They requested a 30 day continuance. He added there are several issues outstanding between the church and the neighborhood association. They desire to meet with the applicants and discuss those issues. Mr. Taylor stated he has been corresponding with Mr. Lepp, attorney for the applicant.

In response, **Donald Lepp**, 500 OneOk Plaza, stated he is the attorney for Metropolitan Baptist Church. Mr. Lepp informed the Board the church asked him to object the request for continuance. He received the request for continuance on March 22, 2004. The applicants have been trying to meet with the association for several months, since mid-2003. The objections he has heard from the neighborhood association are regarding loss of revenue from the assessments; and concern there may be commercial activity on the property. They are not seeking a zoning change. The applicants could still meet after this hearing to discuss other matters.

Mr. White asked Mr. Taylor when he received notice. Mr. Taylor responded that he received it March 5, 2004. Mr. Dunham asked if Mr. Taylor concurred that the applicant has been trying to meet with them for six months. He replied that they have tried to meet on several issues, but he did not get involved until 2004. He explained that to bring numerous people together and apprise them of the details takes time. Now that he has that accomplished they should be able to meet with the applicant and diffuse some of the issues. It was his opinion that a 30-day continuance would not cause a problem.

Ms. Perkins asked why it took the association so long to meet with the church and discuss the issues. Mr. Taylor stated they received a copy of plans but were told they may be inaccurate. They wasted too much time obtaining the correct information.

The Chair recognized an interested party:

**Loretta F. Radford**, 1328 W. Xyler, stated she lives in the area affected by this application. She and several other homeowners were in support of a continuance. She added that within the last two years the homeowners met with the church and adamantly opposed what the church planned to do.

**Board Action:**

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **CONTINUE** Case No. 19779 to the meeting on April 13, 2004, to allow the applicant and interested parties to meet and discuss the issues, on the following described property:

A tract of land in Section 22, T-20-N, R-12-E, Osage County, State of Oklahoma, more particularly described as follows: Beg. at the NW/c of L 31, Blk 13, Gilcrease Hills Village II, Blks 13 Thru 16, a Subdivision of Land in Osage County, Oklahoma, according to the recorded Plat thereof, thence Nly along the E right of way line of N Quannah Ave., along a curve to the left having a delta of 02°38'09" and a radius of 495.58', a distance of 22.80' to a point; thence S 89°21'17" W, along the N line of L 1 and 18, Blk 14, Gilcrease Hills Village II, Blks 13 thru 16, a distance of 289.84' to a point in the E right of way line of N Rosedale Ave.; thence N 00°38'43" W along the E right of way line of N Rosedale Ave. a

distance of 35.00' to a point; thence S 89°21'17" W a distance of 50.00' to a point in the W right of way line of N Rosedale Ave.; thence S 86°59'51" W, along the N line of L 5 and 4, Blk 13, Gilcrease Hills Village II, Blks 13 thru 16, a distance of 116.63 feet to a point; thence N 00°13'50" E a distance of 210.00 feet to a point; thence N 88°23'45" W a distance of 207.45 feet to a point; thence N 00°04'42" W a distance of 2.00' to a point in the S right of way line of W Apache St.; thence N 48°58'33" E along the S right of way line of W Apache St. a distance of 176.43' to a point of tangency; thence Nly and Ely along the S right of way line of W Apache St., along a curve to the right having a delta of 24°55'29" and a radius of 2,028.97', a distance of 882.64' to a point; thence S 26°08'43" E a distance of 627.74' to a point; thence S 01°24'48" W a distance of 169.29' to a point; thence N 88°35'12" W a distance of 266.97' to a point; thence N 26°08'43" W a distance of 85.00' to a point; thence S 63°51'17" W a distance of 89.08' to a point; thence S 00°54'33" W a distance of 109.61' to a point in the N line of L 31, Blk 13, Gilcrease Hills Village II, Blks 13 thru 16; thence S 89°21'17" W along the N line of L 31, Blk 13, a distance of 126.26' to the POB, less and except the former L 6 and L 21 to 30, inclusive, in Blk 13, and the former L 2, 3, 16 and 17 in Blk 14, and the vacated N Rosedale Ave. (between the former L 6, Blk 13, and the former L 2 and 3, Blk 14) and the vacated N Quanah Ave. and vacated W Young Pl. (between and adjacent to the former L 26 to 30, inclusive, in Blk 13, and the former L 16 and 17, in Blk 14) and vacated N Phoenix Ave. (between and adjacent to the former L 21 to 26, inclusive, in Blk 13) in the vacated portion of the Plat of Gilcrease Hills Village II, Blks 13 thru 16, City of Tulsa, Osage County, State of Oklahoma.

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**MINUTES**

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** the Minutes of March 9, 2004 (No. 883).

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**UNFINISHED BUSINESS**

**Case No. 19774**

**Action Requested:**

Special Exception to permit a dry cleaning business in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15; and a Variance from the required 100' setback to 95' 0" from centerline of Yale Avenue to allow drive-through canopy attached to building. SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS, located: 2152 South Yale Avenue.

**Presentation:**

**Dana Hutson**, 1909 N. Yellowwood Avenue, Broken Arrow, Oklahoma, stated he represented Yale Cleaners. The cleaners business has been there around 40 years on an eight-acre tract. The applicant has applied for a lot-split. These requests are to go with the proposed lot-split. The same access from Winston will be used. The land between the entrance and Yale is so narrow they need the variance of the setback from the centerline of Yale. The side yard setbacks comply with the code. A site plan (Exhibit A-1) was provided.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to permit a dry cleaning business in a CS zoned district; and a **Variance** from the required 100' setback to 95' 0" from centerline of Yale Avenue to allow drive-through canopy attached to building, per plan, with the exception the applicant will have the flexibility to move the building to the north or south within the boundaries of the new lot, finding this is a smaller lot with an existing business, and parking lot surrounding this lot; 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:

Lot 1, Block 1, Mayo Meadow Extended, City of Tulsa, Tulsa County, State of Oklahoma.

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**NEW APPLICATIONS**

**Case No. 19776**

**Action Requested:**

Special Exception to permit a home occupation (interior architect). SECTION 402.B.6.b. ACCESSORY USES PERMITTED IN RESIDENTIAL DISTRICTS; and a Variance of maximum 500 sq. ft. to 550 sq. ft. for a home occupation in an RS-2 district. SECTION 404.B.8. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located: 2229 South St. Louis Avenue.

**Presentation:**

**Warren Morrison**, 1918 E. 51<sup>st</sup> Ste. 3East, stated he is the attorney for the applicant. He introduced the applicant to speak, as his hearing aids had been damaged.

**Kelli Bailey**, 2229 S. St. Louis Ave., stated she owns an interior architectural firm, The Interior's Group, which has been in business since 1989. She has an Oklahoma City office and a Tulsa office. When business declined they moved her

resource library to her garage apartment. Since then business picked up and she reopened her office at 415 S. Boston, and moved the library back to that location. She would like to continue doing computer and phone work from the garage apartment. She added that her son would be working there for her. A bound set of exhibits were submitted to the Board (Exhibit B-1).

**Comments and Questions:**

Mr. Dunham asked about any other employees, clients, deliveries, and hours of operation at this location. Ms. Bailey explained that while the library was located there they had some deliveries, clients and vendors. She assured the Board that deliveries, clients and vendors would go to the downtown office only. She stated she would not have any signs at her home.

**Interested Parties:**

**Jack Zanerhaft**, 2235 S. St. Louis Ave., complained that the notice does not instruct interested parties how to give written opposition. He objected to inadequate off-street parking. He noted an accessory building was built on the property, though he did not know if there was a permit. He complained there was no communication with the neighbors regarding all the activity; truck deliveries; and additional traffic.

Mr. Alberty noted to the Board, for the benefit of the public, that a citizen's guide for planning and zoning has been prepared and is available at the INCOG office and on the INCOG website. He added that staff attempts to notify the registered neighborhood associations. The two registered associations for this application were the Mid-Town Coalition and Woodland Park and they were notified.

**Catherine Depew**, 1570E. 22<sup>nd</sup> Pl., stated she supports the application. She noted that one of the neighbors present is an active member of the Garden Society and often has a large number of cars for garage sales and such at their home. Ms. Depew added that she comes and goes a lot during the day and has never seen more than one or two additional cars at the applicant's home. She considered the application appropriate.

**Marsha Heins**, 3208 S. Toledo, is an executor of the estate at 2215 S. St. Louis, across the street from the subject property. Her parents were not able to attend so she was representing them. She complained of a discrepancy in the notice of the address. She also complained that the applicant was not a registered architect; and that the square footage for the home occupancy was not the same as the full size of the garage apartment. She mentioned numerous occasions of on-street parking, but when questioned was not definitely sure it was cars for the applicant's business. She noted that this occupation is not listed in the zoning code for home occupation.

**Robert Norman**, 2433 S. Troost, stated he lives about one block from the subject property. He added that he conducted business at the subject property and he

parked on the street. He opposes the application because of the y-intersection that has a lot of traffic.

**Andy Cornett**, 2232 S. St. Louis, asked if the applicant would be allowed to have clients at the subject property. He stated there was a home occupation in a nearby home for making wedding cakes. He would find their customers standing on his driveway, and there was a traffic issue. If there were going to be clients frequently going to the subject property he stated he would be opposed.

**Patsy Van Denhende**, 2258 S. St. Louis Ave., stated her objection to the application on the grounds it is a commercial activity. She added that she is home during the day and has observed a lot of traffic. She considers it to be a disturbance to the neighborhood.

**John Miggins**, 1571 S. 22<sup>nd</sup> Pl., stated he lives directly across the street. He did not consider traffic to be an issue. His driveway backs up almost to their driveway. He has no objections to the application. He pointed out that the subject lot has more street frontage than other lots.

**Ann Murray**, 2224 S. St. Louis, stated she objects to any commercial activity in the neighborhood; and any increase in traffic.

**Applicant's Rebuttal:**

Ms. Bailey responded that she understands the concerns of the neighbors. At one time there was more traffic, but that has all changed since she moved her office downtown in early March. She stated that no clients or sales people will be coming to the house.

**Comments and Questions:**

Mr. Alberty clarified the Tulsa Zoning Code requirements for a home occupation. The listed occupations in the code are those allowed by right. He explained that others such as the applicant's need a special exception. Since she wants to conduct business in a detached structure she also needs the variance.

**Board Action:**

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to permit a home occupation (interior architect), with conditions: no employees but family; no clients or deliveries; no resource library on premises; allowed to conduct computer work and phone calls; and a **Variance** of maximum 500 sq. ft. to 550 sq. ft. for a home occupation in an RS-2 district in the space above the garage, on the following described property:

Lot 1, Block 6, Terwilleger Heights, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19777**

**Action Requested:**

Special Exception to permit auto sales in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; and a Variance of use conditions that there be no open display or sale of merchandise within 300' of R district. SECTION 1217.C.2. USE UNIT 17, AUTOMOTIVE AND ALLIED ACTIVITIES; USE CONDITIONS, located: 1810 E. Pine Street.

**Presentation:**

**Kalani Abouhassoun**, 10640 E. 39<sup>th</sup> St., proposed to open a auto sales lot. He would do repairs on only his personal cars. He stated he would have 10 – 15 cars maximum at a time.

**Interested Parties:**

**April Versler**, 1531 N. Wheeling Ave., stated there have been signs up at 1810 E. Pine Street, for car sales and financing for quite some time. She added that she and a neighbor went to the business site and tried to speak with a young man, but he did not speak English. They observed a make-shift paint booth with 2 x 4's and plastic. There was no proper ventilation and last summer there was auto painting there and you could smell out through the neighborhood. She has two children with a terminal lung disease, so it is a major issue for them. There has been a brake shop sign out front. There was also a new sign for auto repair. Photos were submitted (Exhibit C-1) to the Board.

**Ritchie Cox**, 8180 Overlook Trail, Claremore, Oklahoma, stated he is the owner of the subject property. The lease stipulates no auto painting without properly ventilated painted booth. The last tenant tried to do auto painting and that is why they are gone.

**Patty McGill**, 1517 N. Wheeling Ave., stated opposition to all of the activities at this location except auto sales.

**Applicant's Rebuttal:**

Mr. Abouhassoun stated he has been waiting for his license to start his business. There is no auto painting; and no car repair in his shop except on his own personal car. The other signs are for same location but different shops.

**Comments and Questions:**

Mr. Beach pointed out to the Board that the applicant was advertised for Lots 1, 2, 3 and 4, but it appears that his business is limited to only on one of the lots. Mr. Cox stated that the applicant leases Lots 3 and 4. The small building on the front was removed. Mr. Dunham determined the space is really 100' x 137.5'. Mr. Romig asked is anyone is doing auto repair in the building. Mr. Cox replied there is no auto repair. Ms. Perkins asked where the auto repair is taking place. The applicant pointed out the location of the auto repair. Mr. Dunham noted there are





On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to allow a carport in required front yard; a **Variance** of allowable size from 20' x 20' to 18' x 22'; a **Variance** to extend 2' into required front yard; and a **Variance** of height from 8' to 9', per plan, finding it meets all of the requirements for a carport except for the variances requested; 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:

Lot 12, Burgess Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No.19780**

**Action Requested:**

Special Exception permitting off-street parking on Tract II in an RM-2 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 10; a Special Exception permitting required off-street parking spaces for the planned building expansions in Tract I to be located on Tract II. SECTION 1301.D. OFF-STREET PARKING; GENERAL REQUIREMENTS; a Variance permitting the setback of the proposed parking areas: From centerline of East 5<sup>th</sup> Place 50' to 35'; From centerline of South Owasso Avenue 50' to 35'; and From centerline of East 6<sup>th</sup> Street 50' to 35'. SECTION 1302.B. OFF-STREET PARKING; SETBACKS; and a Special Exception removing the screening requirement along East 5<sup>th</sup> Place and East 6<sup>th</sup> Street and along the west boundary of Tract II. SECTION 212.C. MODIFICATION OF THE SCREENING WALL OR FENCE REQUIREMENTS, located: NW/c S. Peoria Ave. and E. 6<sup>th</sup> St. and W. side of Owasso Ave. between E. 5<sup>th</sup> Pl. and E. 6<sup>th</sup> St.

**Presentation:**

**Charles E. Norman**, 2900 Mid-Continent Tower, stated he represented the Indian Health Care Resource Center. He submitted photographs (Exhibit F-2). He described the landscaping plans and emphasized they would plant more trees than required. The Center has 13,000 qualified clients and they presently see approximately 4,000 clients per week, plus physicians and staff that need parking. They are making plans for additional growth. A site plan was provided (Exhibit F-1).

**Interested Parties:**

**Jamie Jamison**, 706 S. Owasso, stated he came as a business neighbor. He respected the Center, but felt that additional parking as proposed would be unnecessary and inappropriate to the neighborhood. He had several objections. He opposed it for using residential land for parking; for aesthetic blight; contradicting the work of the 6<sup>th</sup> Street Task Force; inappropriate to the radical transformation of this neighborhood; and prejudices prospects to repopulate the residential neighborhood. He suggested an alternative for shared and on-street

parking that would compliment the neighborhood vision and reduce the cost for parking.

**Tammy Mangill**, 1011 E. 5<sup>th</sup> Pl., stated she came in opposition, but after hearing the plans, she is in support of the application.

**Ann Thrasher**, P.O. Box 33145, Tulsa, stated she is the past President of the Central Park HOA. The Center has been a good neighbor. She opposed the waste of a large area of the land for parking. The neighborhood is interested in development of the land with residences and businesses. She indicated they were told that any additions would be vertical and if more parking was needed that they would approach it as a neighborhood.

**Comments and Questions:**

Mr. White asked Mr. Beach about the statement of vertical growth. Mr. Beach stated there were no requirements imposed for vertical growth only.

**Applicant's Rebuttal:**

Mr. Norman responded that he just confirmed with Jim Cameron of the Health Center there were never any plans for vertical growth. Mr. Norman stated they have already debated urban development and the requirements of the zoning code with the homeowners' association last week. Parking spaces would be needed for these services and any office building because people travel to the facilities by car. He added, there is not enough space to meet zoning requirements for on-street parking in this area; and the code requires contractual agreements for shared parking. He pointed out to the Board that the lot would not be fenced and that the Center would be open to allowing use of the parking for festivals and public use in the park.

**Mr. White out at 3:00 p.m. and returned at 3:02 p.m.**

Mr. Norman informed the Board that the clients and staff of the Center provide a pedestrian customer base for the commercial development in the area. This is compatible with Mr. Jamison's plans and vision for his property.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** permitting off-street parking on Tract II in an RM-2 district; a **Special Exception** permitting required off-street parking spaces for the planned building expansions in Tract I to be located on Tract II; a **Variance** permitting the setback of the proposed parking areas: From centerline of East 5<sup>th</sup> Place 50' to 35'; From centerline of South Owasso Avenue 50' to 35'; and From centerline of East 6<sup>th</sup> Street 50' to 35'; and a **Special Exception** removing the screening requirement along East 5<sup>th</sup> Place and East 6<sup>th</sup> Street and along the west boundary of Tract II,

per amended plan, with condition for a tie-agreement between Tracts I and II for parking, on the following described property:

Tract I: Lot 1, Block 1, Indian Health Care Resource Center, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, and Tract II: Lots 1, 2, 3, 10, 11, and 12, Block 10, Central Park Place, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19781**

**Action Requested:**

Variance of the required building setback from the existing centerline of South Trenton Avenue from 35' to 30'. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS, located: SW/c E. 11<sup>th</sup> St. and S. Trenton Ave.

**Presentation:**

**Charles E. Norman**, 2900 Mid-Continent Tower, stated he represented Hillcrest Medical Center. He informed the Board of the TMAPC recommendation for approval of re-zoning the subject property to OMH and OH zoning. He submitted a site plan (Exhibit G-1) for a three-story clinic for the University of Oklahoma Medical Services. They have applied to the City of Tulsa for the vacation and closing of Trenton Avenue.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of the required building setback from the existing centerline of South Trenton Avenue from 35' to 30', per plan; 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; finding the applicant is making efforts to vacate Trenton Avenue, which if that occurs this variance would not be necessary, on the following described property:

All of Block 3 and the vacated alleyway in Block 3 of Re-Amended Plat of Forest Park Addition, City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat No. 49 thereof.

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**Case No. 19782**

**Action Requested:**

Variance of required side yard from 15' to 9' to permit an addition to an existing garage. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: 2131 East 29<sup>th</sup> Street.

**Presentation:**

**Kurt Barron**, 1424 S. Harvard, stated he represented Bob and Jackie Poe, regarding their personal residence. They propose to add to the rear of an existing garage. The addition would not encroach any further than the existing structure. A site plan was provided (Exhibit H-1).

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of required side yard from 15' to 9' to permit an addition to an existing garage, per plan, finding this is a continuation of a non-conforming existing structure; 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:

Lot 9, Block 9, Forest Hills, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19783**

**Action Requested:**

Amendment of previously approved site plan (BOA 17475). SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located: 14905 East 21<sup>st</sup> Street.

**Presentation:**

**Sy Pham**, 11500 N. Stemmons Frwy. #144, Dallas, Texas, stated he is the architect engineer for St. Joseph Catholic Church. They propose to build a fellowship hall for the church. They plan to remove the existing house and garage. This project would not increase the size of the sanctuary. A site plan was provided (Exhibit I-1).

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** an Amendment

of a previously approved site plan (BOA 17475), on the following described property:

W 180' of S 609' of W/2 W/2 SE SW S 10-19-14, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19784**

**Action Requested:**

Special Exception to approve a change in a previous site plan. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance of no parking permitted within a required front yard. SECTION 1205.B.1.b. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, located: 10310 South Sheridan Road.

**Presentation:**

**Jerry Ledford, Jr.**, 6737 S. 85<sup>th</sup> E. Ave., stated he represented South Tulsa Baptist Church. The church has a new Master Site Plan (Exhibit J-1). The 16.6 acre tract was platted. Additional building plans are for the land closer to the commercial property on the north rather than toward the residential property. They have acquired the tract to the north, about 8.68 acres. It is in PUD 431 and is unplatted and will go through a separate process for a minor amendment and PUD site plan approval. They will have two plats in the future, Lot 1, Block 1, South Tulsa Baptist Church and the 8.68 acres. Everything to the west, south and east would not change much except for the way they dove-tail the new parking lot on the north into the existing lot. He asked that this master plan to be accepted until the PUD to the north is approved, and then allow them to replace it with a new plan that includes both properties.

**Comments and Questions:**

Ms. Perkins noted the plan was named a conceptual site plan. She asked if the foot print would remain the same. Mr. Ledford stated that the plans for the proposed structures are still the same within a couple of feet.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to approve a change in a previous site plan; and a **Variance** of no parking permitted within a required front yard, per plan submitted today, 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:



impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A tract of land that is part of the W/2 W/2 SW/4 of Section 27, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit: Starting at a point that is the NW/c SW/4 of Section 27; thence Sly along the Wly line of Section 27 for 1,274.80'; thence Ely at a right angle for 50.00' to the POB of said tract of land; thence Nly at a right angle and parallel with the Wly line of Section 27 for 187.50'; thence Ely at a right angle for 340.00'; thence Sly at a right angle for 187.50'; thence Wly at a right angle for 340.00' to the POB of said tract of land.

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**Case No. 19786**

**Action Requested:**

Variance to permit two dwelling units on one lot in RS-3; and a Variance of land area per dwelling unit from 8,400 sq. ft. to 3,364 sq. ft., located: 3236 East 4<sup>th</sup> Street

**Presentation:**

**Ben Harvey**, 3236 E. 4<sup>th</sup> St., introduced his wife, **Vanessa Harvey** of the same address. He spoke with his neighbors and obtained their signatures on a petition (Exhibit L-1) of support. The structure has been there probably as long as the house to his knowledge. The conversion to a garage apartment was about ten to fifteen years ago, according to his neighbors. The off-street parking is more than adequate, with space for four cars on the drive-way.

**Comments and Questions:**

Mr. Dunham asked what prompted this application. Mr. Harvey replied that a neighbor made a complaint regarding parking. Mr. Harvey spoke with the neighbor and the neighbor is now in support. Mr. Harvey stated the garage apartment was there when they purchased the property. He added that he does rent it to people he knows.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot in RS-3; and a **Variance** of land area per dwelling unit from 8,400 sq. ft. to 3,364 sq. ft., finding this is an existing condition; and these types of dwellings are prevalent throughout the neighborhood, per plat submitted with the application, on the following described property:





