

CITY BOARD OF ADJUSTMENT
AMENDED MINUTES of Meeting No. 1018
Tuesday, February 9, 2010, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

**MEMBERS
PRESENT**

Henke, Chair
Stead, Vice Chair
Tidwell, Secretary
Van De Wiele
White

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Cuthbertson
Zezulka
Huntsinger

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Wednesday, February 3, at 3:51 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

MINUTES

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the Minutes of January 26, 2010 (No. 1017).

Mr. Henke stated that item 6 has requested a continuance.

Case No. 21027

Action Requested:

Variance of the maximum permitted coverage for detached accessory buildings located in the required rear yard in the RS-2 district from 25% (Section 210.B.5.a);
(continued to 2/23/10).

Comments and Questions:

Mr. Cuthbertson stated there is a request to continue this application to allow for a new notice for an additional request.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Stead, Tidwell, Henke, Van De Wiele "aye"; no "nays"; no "abstentions"); to **APPROVE** the continuance of Case No. 21027 until the February 23, 2010.

LT 4 BLK 8, SUNSET TERRACE, City of Tulsa, Tulsa County, State of Oklahoma

UNFINISHED BUSINESS

Case No. 21023

Action Requested:

Variance of the maximum amount of required front yard permitted to be covered with an all-weather surface in the RS-3 district from 34% to permit 30 ft. wide driveways in front of three (3) bay garages (Section 1303.D); and a Variance of the minimum 4,000 sq. ft. of livability space required in an RS-3 district to permit 30 ft. wide driveways (Section 403); in a developing residential subdivision.

Presentation:

Dwight Claxton, 5407 S. Lewis Av., Tulsa, Oklahoma, provided this request is similar to the cases where the Board provided blanket approval to three other subdivisions to allow 30-foot driveways. This application is different from those in that there is also a request for a variance of the 4,000 sq. ft., of livability space to provide for the additional 10 ft. of driveway. Most of the houses in the developing subdivision contain a typical living area of 1,600 to 2,000 sq. ft.; the typical plot plan includes the garage; the living area does not include the garage. The minimum lot in an RS-3 district is 6,900 sq. ft. Providing 4,000 sq. ft. for livability space leaves 2,900 sq. ft., to build a house and a driveway. A 600 sq. ft. two-car garage and a 750 sq. ft. driveway leave only 1,550 sq. ft. to build the living space of a house under the existing code.

Comments and Questions:

Ms. Stead stated that the plan submitted with the application indicates a typical house as 3,250 sq. ft. and based on that plan and a review of the lot sizes provided in the subdivision she could not support the application granted over the entire subdivision. She suggested it would seem more appropriate for individual owners to make their own requests.

Mr. Claxton stated under the existing code 6,900 sq. ft. lots will allow a 20-foot wide driveway. The variance will allow for an additional 10 ft. or an additional 250 ft. against livability space.

Mr. Van De Wiele asked for the hardship. Mr. Claxton provided that the hardship for this subdivision is the same as it was for the three previous applications decided in other subdivisions; they could not build a three-car garage under the existing code. Mr. Claxton provided that the hardship is the market trend and changing demand for three-car garages since the code was put in place. Mr. Van De Wiele asked that hardship is not self-imposed.

Mr. Claxton provided that when this property was developed and zoned three-car garages were not popular.

Mr. Claxton presented an exhibit with an alternative driveway design showing a width of 20 feet at the property line and only 29 feet wide at the face of the garage.

Mr. Cuthbertson asked Mr. Claxton if there is a particular lot that has a permit pending with a 30 ft. wide driveway. Mr. Claxton confirmed that Lot 3, Block 8 was pending as such.

Ms. Stead expressed she didn't have a problem with this particular lot.

Mr. Claxton withdrew the variance of the minimum 4,000 sq. ft. of livability space required in an RS-3 district finding it was not necessary for Lot 3, Block 8 of the subdivision.

Board Action:

On **Motion** of **Stead**, the Board voted 4-1-0 (White, Stead, Tidwell, Henke "aye"; Van De Wiele "nays"; no "abstentions") to **APPROVE** a Variance of the maximum amount of required front yard permitted to be covered with an all-weather surface in the RS-3 district from 34% to permit a 29 ft. wide driveway tapering to 16 ft. wide at the property line. This applies to Lot 3 Block 8, of Stonegate II addition only. The approval shall be in accordance with the plan as shown on page 2.6., finding that the triangular shape of the lot and the fact that it contains over 11,000 sq. ft.; these circumstances are peculiar to this one lot the literal enforcement of the terms of the code will result in unnecessary hardship. That such extraordinary exception conditions or circumstances do not apply generally to other property in the same use district and that this variance does not cover other lots in Stonegate II this variance that we have granted will not cause substantial detriment to the public good or impair purpose or spirit of the code or the comprehensive plan.

Lot 3 and Block 8, STONEGATE II, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 21026

Action Requested:

Variance of the parking requirement from 22 spaces to 18 spaces (Section 1211.D).

Presentation:

Lou Reynolds, 2727 E. 21st Street, Tulsa, Oklahoma, 74114. representing the applicant Dr. Trehan who purchased the 5300 sq ft. building on Lot 6, Block 1 that he intends to use, as part of his cardiology practice. He needs a variance of the required parking for a medical use from 22 spaces to 18 spaces a four parking space variance. There is a shared parking easement with the building to the west, which has 20 parking spaces and less than 6,000 sq. ft. of floor area. The subject building would comply with general office use parking requirements at this time. The adjoining building is presently vacant and owned by the developer. The parking areas behind these building are more or less self-contained. There is no parking in front of the building.

Interested Parties:

There were no interested parties.

Board Action:

On **MOTION** of **Van De Wiele**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the parking requirement from 22 spaces to 18 spaces (Section 1211.D). Finding that due to the use of this property and the required parking that those circumstances and conditions create an extraordinary exceptional circumstance or hardship, which are particular to the land structure and the building involved. That the literal enforcement of the terms of the code would result in an unnecessary hardship; that such extraordinary exceptional conditions or circumstance do not apply generally, to other property in the same use district. And that the variance will not cause substantial detriment to the public good or impair the purpose or spirit of the code or the comprehensive plan.

LT 6 BLK 1, COPPER OAKS OFFICE PARK RSB L3B1 SO TULSA BAPTIST CH
EXT, City of Tulsa, Tulsa County, State of Oklahoma

Case No.15713-B

Action Requested:

Minor Amendment to a previously approved site plan (BOA-15713-A).

Presentation:

Steve Schuller 100 W. 5th Street, Tulsa, Oklahoma, the Board approved a site plan many years ago for Quiktrip. The property was before this Board last October to approve an amended site plan to permit remodeling the store; in that original plan the Board granted a variance from the screening requirement along the east side of the property; allowing a row of trees instead of a wall or fence. At the same time the Board approved an amended site plan, Quiktrip engineers were getting an alternative landscaping compliance approved by the TMAPC. The landscape plan, which is on page 4.5 of the packet, shows a few more trees on the east side of the property; the site plan approved by this Board is page 4.8 of the packet. The City's building plans examiner refused to except the site plan approved by the Board and required us to come back before this Board for an amendment to the site showing all the trees; so we are asking the Board to amend the site plan that was approved in October; to show all of the additional trees and other landscaping features that were approved by the Planning Commission with the alternative landscaping compliance. The Board may wish to approve this plan and require that the landscaping be approved according to the landscape ordinances of Tulsa.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Stead, Tidwell, Henke, Van De Wiele "aye"; no "nay"; no "abstentions") to **APPROVE** a Minor Amendment to a previously approved site plan (BOA-15713-A). Finding that the modified plan submitted today is consistent with spirit and intent with previous approval as to the landscape plan from the City of Tulsa.

LTS 1 & 2 BLK 1, D-LANDCO ADD RSB L1-5 & 8-12 & N20L6&7 DREWS SUB B4
CAMPBELL ADD, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 19370-A

Action Requested:

Amendment to a previously approved plan (BOA-19370) to permit an expansion of an existing restaurant in the CH district.

Presentation:

Everett Steele, 2200 S. Utica Place, Suite 200, Tulsa, Oklahoma, with James Shrader, the owner of Palace Café requested a modification to a plan associated with an existing variance to the restaurant's parking. The restaurant is proposing to

expand 300 sq. ft. into an adjoining commercial space. The existing parking lot will be restriped to add two additional parking spaces.

Comments and Questions:

Ms. Stead questioned why the parking lot had not been restriped as proposed and required in 2002.

Mr. Shrader, commented that it was restriped in 2002 however it was not done according to the plan but they got the same amount of spaces. There was a desire from an adjoining merchant to keep the northern drive-aisle wide enough to accommodate delivery trucks so two more spaces were added to the far northeast.

Ms. Stead questioned whether the fills to capacity. Mr. Shrader commented that it is not full at all times and they are working with the nearby church to address parking.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stead, Tidwell, Henke, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the Amendment to a previously approved plan (BOA-19370) to permit an expansion of an existing restaurant in the CH district. With the condition, that restriping will be done to gain the two spaces presented to the Board in the plan on page 5.6.

LT 1 BLK 1, BROADMOOR HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No.21028

Action Requested:

Variance of the minimum frontage required on an arterial street in an IM district from 200 ft. to 0 ft. (Section 903) to permit a lot split.

Presentation:

Lou Reynolds 2727 E. 21st Street, Tulsa, Oklahoma, presented a site plan reflecting the proposed lot split of the property and identified the three proposed lots. An asphalt plant is under construction on the middle lot shown on the plan. The front 14 acres abutting 129th E. Ave. were sold to be used for a construction company. This application is unique in that from the concrete plant to the east to 129th, there is a 25 feet wide paved concrete road and the road is maintained by an agreement between the concrete, asphalt and construction companies. All three companies will have access to the private road.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stead, Tidwell, Henke, Van De Wiele "aye"; no "nays"; no "abstentions) to **APPROVE** a Variance of the minimum frontage required on an arterial street in an IM district from 200 ft. to 0 ft. (Section

903) to permit a lot split providing the center (middle) tract as shown on page 7.5 of the packet. Finding the subject property is in a unique business and industrial area, as well as the furnishing of adequate access to N. 129th East Ave., and a referenced easement agreement recorded on 12-17-09 in Tulsa County. That these are extraordinary exceptional circumstance, not only particular to the land but to the businesses involved; that the literal enforcement of the terms of the code would result in an unnecessary hardship; that such extraordinary exceptional conditions do not apply generally, to other property in the same use district. And that the variance will not cause substantial detriment to the public good or impair the purpose or spirit of the code or the comprehensive plan.

A tract of land located in the NE/4 of Section 29, T-20-N, R-14-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Commencing at the east quarter corner of Section 29, T-20-N, R-14-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof; Thence S 89°55'09"W along the south line of the NE/4 of said Section 29 a distance of 971.92 feet to the "Point of Beginning"; Thence continuing S 89°55'09"W along the south line of the NE/4 of said Section 29 a distance of 832.18 feet; Thence N 00°00'00"E a distance of 514.70 feet to a point that is 82.00 feet southeasterly of as measured perpendicularly from the southerly line of the railroad right-of-way; Thence N 84°41'04"E parallel with and 82.00 feet southeasterly of as measured perpendicularly from the southerly line of the railroad right-of-way a distance of 835.77 feet; Thence S 00°00'00"W a distance of 590.95 feet to the "Point of Beginning". Said tract contains 460,046 square feet or 10.5612 acres. The non-astronomic bearings for said tract are based on an assumed bearing of S 00°01'20"W along the east line of the NE/4 of said Section 29, T-20-N, R-14-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof.

BOARD MEMBER COMMENTS

Welcome to Venda Zezulka new Reporting Secretary.

There being no further business, the meeting adjourned at 1:59 p.m.

Date approved: 3/9/10



Chair

