

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 574
Thursday, November 1, 1990, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Fuller White, Chairman	Bolzle Chappelle	Jones Moore	Linker, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Wednesday, October 31, 1990, at 9:45 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of FULLER, the Board voted 2-0-1 (Fuller, White, "aye"; no "nays"; Bradley, "abstaining"; Bolzle, Chappelle, "absent") to **APPROVE** the Minutes of October 4, 1990.

On **MOTION** of BRADLEY, the Board voted 2-0-1 (Fuller, Bradley, "aye"; no "nays"; White, "abstaining"; Bolzle, Chappelle, "absent") to **APPROVE** the Minutes of October 18, 1990.

UNFINISHED BUSINESS

Case No. 15573

Action Requested:

Varlance of: 1) the minimum lot width on Lot 2 from 60' to 45'; 2) the minimum lot area on Lot 2 from 6,900 sq ft to 6,471 sq ft, more or less; 3) the minimum land area per dwelling unit on Lot 2 from 8,400 sq ft to 7,721 sq ft, more or less 4) livability space from 4,000 sq ft to 3,500 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6.

Varlance of 20% maximum coverage of the required rear yard and the maximum size of a detached accessory building (750 sq ft) on Lot 1 to 53% coverage and 855 sq ft in size, more or less - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** and **Section 210.B.5 PERMITTED YARD OBSTRUCTIONS** - Use Unit 6, located 1608 South Gary Place.

Case No. 15573 (continued)

Comments and Questions:

In review, Mr. Jones pointed out that the case was continued from the last meeting to allow sufficient time for the applicant to complete a site plan; however, it was later determined that Mr. Marshall is also in need of additional relief. Mr. Jones explained that the case has been readvertised and will be placed on the November 15, 1990 agenda if a continuance is granted.

Presentation:

The applicant, Philip E. Marshall, was not present.

Protestants:

Betty Tranka stated that she is representing her mother, who lives across the street from the property in question. She contended that the division of the property will be detrimental to the neighborhood, and asked the Board to deny the request.

Additional Comments:

Ms. Bradley asked the protestant if she has met with Mr. Marshall to view the plot plan. She replied that Mr. Marshall asked to meet with her, and that she had requested that he bring the plan to the hearing.

Board Action:

On **MOTION** of FULLER, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, Chappelle, "absent") to **CONTINUE** case No. 15573 to November 15, 1990, to allow sufficient time to advertise for additional relief.

Case No. 15544

Action Requested:

Variance of the required setback or parking spaces from an abutting R zoned district from the centerline of Haskell Place from 50' to 38' - **Section 1302. OFF-STREET PARKING - SETBACKS** - Use Unit 5.

Comments and Questions:

In review, Mr. Jones informed that the Board has previously approved the use; however, it was later determined that the parking lot contains more than six parking spaces, which requires additional setback relief.

Ms. White asked Mr. Jones if the execution of a tie contract was a condition of the previous approval, and he replied that a tie contract was not a condition of approval at the previous hearing, but can be required if the Board is inclined to approve the request.

Presentation:

The applicant, Stephen Olsen, 324 East 3rd Street, Tulsa, Oklahoma, submitted an amended site plan (Exhibit A-1), and stated that he and his client have not discussed the possibility of tying the two lots.

Case No. 15544 (continued)

Additional Comments:

After discussion concerning the feasibility of a tie contract, Ms. Hubbard pointed out that the parking lot in question does not contain required parking spaces.

Mr. Jones advised that Staff has suggested the execution of a tie contract between the two properties to eliminate the possibility of the lot being sold separately to another owner and used for 24-hour metered parking, or other types of parking.

Mr. Linker advised that a tie contract is probably not necessary, as an approval of the application would be in connection with the use on the other lot, and any other use for parking purposes would be illegal.

Ms. White asked Mr. Olsen to state the number of parking spaces on the lot containing the principal use, and he replied that the existing parking lot has approximately 20 parking spaces. He added that Catholic Charities has been at this location approximately 10 years.

After a lengthy discussion, it was the consensus of the Board that the neighborhood will be assured of protection if the execution of a tie contract is made a condition of approval.

Mr. Olsen stated that he does not have the authority to assure the Board that his client will agree to a tie contract.

Mr. Linker pointed out that any approval will be subject to the owner complying with all conditions.

Board Action:

On **MOTION** of FULLER, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, Chappelle, "absent") to **APPROVE** a **Variance** of the required setback or parking spaces from an abutting R zoned district from the centerline of Haskell Place from 50' to 38' - **Section 1302. OFF-STREET PARKING - SETBACKS** - Use Unit 5; per revised site plan submitted; subject to the execution of a tie contract between the lot containing the principal use and the proposed parking lot; finding that the use is compatible with the surrounding area, and the approval of the special exception request will not violate the spirit and intent of the Code; on the following described property:

Lot 5, and the south 22' of Lot 4, Block 1, Brady Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15581

Action Requested:

Minor Variance of the required side yard from the centerline of 12th Street (corner lot) from 50' to 44' to permit an existing garage - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1201 South Canton.

Presentation:

The applicant **Neil H. Thurston**, 1201 South Canton, Tulsa, Oklahoma, who submitted photographs (Exhibit B-2) and a plot plan (Exhibit B-1), explained that he assumed a building permit had been acquired, and construction of a new addition was completed without the required permit. He pointed out that the new addition is further from the centerline of 12th Street than the existing dwelling.

Interested Parties:

Ms. White informed that a letter of support (Exhibit B-3) has been received from the Mid-Town Neighborhood Association.

Blake Champlin, 1211 South Canton, Tulsa, Oklahoma stated that the new addition is not detrimental to the neighborhood and he is not opposed to the application.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Boizie, Chappelle, "absent") to **APPROVE** a **Minor Variance** of the required side yard from the centerline of 12th Street (corner lot) from 50' to 44' to permit an existing garage - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the new addition is further from the centerline of the street than the existing dwelling, and that approval of the minor variance will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

North 91.25' of the W/2 of Lot 7, Crowell Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15576

Action Requested:

Variance of the dust-free, all-weather parking surface requirement to permit gravel parking - **Section 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 5.

Presentation:

The applicant, **Lewis S. Pringle**, 418 South 193rd East Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit C-1), and requested permission to install a gravel parking lot for church use. He informed that the church is not financially able to install a hard surface lot at this time, and that the trees on the lot would prevent a dusting in the neighborhood. Mr. Pringle pointed out that services are only held on Sunday, and the building is not used for other purposes during the week.

Comments and Questions:

Ms. White asked if the trees shown in the photograph are along the north property line, and the applicant answered in the affirmative.

Ms. Bradley voiced a concern with the possibility of dust blowing toward the residential area to the east.

In response to Ms. Bradley, Mr. Pringle informed that there are approximately 100 members in the congregation.

Mr. Fuller inquired as to the type of business next door to the church, and the applicant stated that a salvage is in operation at that location.

Ms. White stated that she is opposed to the parking lot being located near the residences.

Ms. Bradley pointed out that a portion of the property is located in the Spunky Creek floodplain.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** a **Variance** of the dust-free, all-weather parking surface requirement to permit gravel parking for two years only - **Section 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 5; subject to all parking being located outside the floodplain in the southeast portion of the tract; finding that the temporary use, as presented, will not be detrimental to the area at this time; on the following described property:

Case No. 15576 (continued)

A tract of land beginning at the southeast corner of the NE/4 of Section 1, T-19-N, R-14-E, situated in Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; thence due north and along the east line of said Section 1 a distance of 470'; thence south 69°11.1695' west a distance of 379.78'; thence south 77° 53.5883' west a distance of 383.53'; thence south 40° 35.7497' west a distance of 341.16'; thence easterly and along the south line of the NE/4 of said Section 1 a distance of 952.01' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15577

Action Requested:

Variance of the required front yard from 25' to 14' and a variance of the required side yard from 5' to 6" to allow an existing carport - Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6, located 5909 East Marshall Place.

Presentation:

The applicant, Robert A. Wilson, 5909 East Marshall Place, Tulsa, Oklahoma, submitted a plat of survey (Exhibit D-1) and a petition of support (Exhibit D-2) for the application. He explained that there are numerous carports in the area, and requested that his carport be allowed to remain at the present location. Photographs (Exhibit D-3) were submitted.

Comments and Questions:

Mr. Fuller inquired as to the number of carports in this area along Marshall Place, and the applicant replied that there are approximately three others in the immediate area.

Ms. Bradley remarked that the carports along Marshall Place do not extend to within 6" of the property line.

Interested Parties:

John Ryals, 1230 North Joplin, Tulsa, Oklahoma, stated that he is an area resident, and that the carport in question is not an eyesore and does not obstruct vision or create a hazard for the neighborhood.

Additional Comments:

Ms. White asked Mr. Ryals if he lives in one of the houses on Joplin that has a carport extending to the property line, and he answered in the affirmative. Ms. White stated that she viewed the property and found that there are numerous carports in the area; however, the majority of the existing carport structures align with the side of the garage and do not extend into the required side yard.

Mr. Wilson commented that he was told by three carport installation companies that there would be no problem with extending the carport into the side yard.

Case No. 15577 (continued)

Ms. Bradley stated that she is not opposed to the request for a variance of the required front yard to 14', but cannot find a hardship for a variance of the side yard setback to within 6" of the property line.

Ms. Hubbard pointed out that the applicant could remove a portion of the carport that extends into the side yard, and the remainder would be large enough to cover two vehicles.

In response to Ms. Bradley, Mr. Wilson stated that a carport company protested the location of his carport, and that he seems to be the victim of a feud between two carport construction companies.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, Chappelle, "absent") to **APPROVE** a **Variance** of the required front yard from 25' to 14'; and **DENY** a **Variance** of the required side yard from 5' to 6" to allow an existing carport - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that, although there are numerous carports in the area that encroach on the front setback requirement, the applicant failed to demonstrate a hardship for a variance of the required side yard from 5' to 6"; on the following described property:

Lot 18, Block 10, Maplewood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15578

Action Requested:

Special exception to permit Use Unit 17 uses (Automotive and Allied Activities) in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 9776 East 11th Street.

Presentation:

The applicant, **Jackie Williams**, 103 West 16th Street, Owasso, Oklahoma, submitted a plot plan (Exhibit E-1), and stated that she and her husband operate a used car lot at the above stated location. Ms. Williams explained that it was not until the cars had been moved to the lot that they discovered the property was not properly zoned for this type of business.

Comments and Questions:

Mr. Fuller inquired as to the number of car lots in the area, and Ms. Williams replied that there are numerous car sales operations in the area.

Case No. 15578 (continued)

Ms. Hubbard informed that the Board has previously approved the sale of camper shells and accessories on the property.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Boizle, Chappelle, "absent") to **APPROVE** a **Special Exception** to permit the sale of used automobiles **only** in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plot plan submitted; finding that there are numerous automotive businesses in the vicinity; and the granting of the special exception will not be detrimental to the surrounding area, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Arch-Fears Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15579

Action Requested:

Variance of the side yard requirement from 5' to 18" to permit replacement of a detached accessory building - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 6330 South 72nd East Avenue.

Presentation:

The applicant, **Howard Frank**, 6330 South 72nd East Avenue, Tulsa, Oklahoma, submitted a packet (Exhibit F-1) containing a plot plan, photographs, petition of support, and documents from the Shadow Mountain Homeowners Association. Mr. Frank informed that he is proposing to replace an existing metal storage building, which has been at the present location approximately 17 years. The applicant explained that he is planning to construct the new building of wood materials, which will be more compatible with the surrounding neighborhood. He added that the roof will be pitched and slightly higher than the roof of the old building.

Comments and Questions:

Ms. Bradley inquired as to the size of the new building, and Mr. Frank stated that it will be 8' by 10', the same size as the existing metal structure.

Ms. Bradley asked if the Shadow Mountain Homeowners Association is aware that the building will be taller than the existing building, and the applicant answered in the affirmative.

Protestants: None.

Case No. 15579 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** a **Variance** of the side yard requirement from 5' to 18" to permit replacement of a detached accessory building - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to the existing 6' solid screening fence being properly maintained; finding that the new 8' by 10' wood storage building will replace a metal building that has been at this location for many years, and will not encroach further into the required side yard than the existing building; on the following described property:

Lot 19, Block 11, Shadow Mountain Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15580

Action Requested:

Variance of the maximum square footage of sign display surface area from 32 sq ft to 64 sq ft to permit replacement of an existing sign and a variance of the required 50' setback from an R district on the west property line to 44' to permit a business sign - **Section 602.B.4 - SIGNS** - Under Provisions of **Section 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21.

Presentation:

The applicant, **Claude Neon Federal**, was represented by **Larry Wald**, 533 South Rockford, Tulsa, Oklahoma, who submitted a plot plan (Exhibit G-1) and a photograph (Exhibit G-2), and requested permission to replace a sign located on an existing structure.

Comments and Questions:

Mr. Fuller asked if the sign in question is the same size as the sign previously located on the pole, and he answered in the affirmative.

Ms. White advised that Staff has recommended that, if approved, all signage be limited to 51st, with no signs being installed on Vancouver.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** a **Variance** of the maximum square footage of sign display surface area from 32 sq ft to 64 sq ft to permit replacement of an existing sign and a variance of the required 50' setback from an R district on the west property line to 44' to permit a business sign - **Section 602.B.4 - SIGNS** - Under Provisions of **Section 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21; per plot plan submitted; subject to no signage on Vancouver Avenue; finding that the replacement sign will be the same size as the previous sign and will be installed on an existing structure; on the following described property:

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Case No. 15580 (continued)

The east 84.3' of the south 164.5' of Lot 5, Block 3,
Greenfield Acres Addition, City of Tulsa, Tulsa County,
Oklahoma.

There being no further business, the meeting was adjourned at 1:51 p.m.

Date Approved

Nov. 15, 1990

Barry White
Chairman