

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 679
Tuesday, April 25, 1995, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|-------------------------------------|-----------------------|---------------------------|------------------------------|
| Abbott Bolzle Turnbo White | Doverspike | Gardner Beach Moore | Jackere, Legal Department |

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, April 24, 1995, at 12:38 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** the Minutes of March 28, 1995 (No. 677).

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Abbott, Turnbo, White, "aye"; no "nays"; Bolzle, "abstaining"; Doverspike, "absent") to **APPROVE** the Minutes of April 11, 1995 (No. 678).

UNFINISHED BUSINESS

Case No. 16877

Action Requested:

Special Exception to permit a cemetery in an AG zoned district - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 2, located 91st Street South between Harvard and Yale Avenues.

Presentation:

The applicant, **Beverly K. Smith**, 2400 First National Tower, informed that cemetery use was approved at this location on December 13, 1994; however, the survey was incorrect and the 12.5' of land to the north should have been included. She asked the Board to approved the amended plot plan (Exhibit A-1) to add this area to the cemetery.

Case No. 16877 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to permit a cemetery in an AG zoned district - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 2; per plan submitted; finding that the 12.5' addition to the previously approved tract will not be detrimental to the area; on the following described property:

Part of the NE/4, NE/4, NW/4, Section 21, T-18-N, R-13-E, beginning at the NE/c, NE/4, Section 21, thence southwest along the easterly line of said NW/4 and along the easterly line of All ?Saints Anglican Church, a subdivision in the City of Tulsa, Tulsa County, Oklahoma for 600' to a point that is 124' southerly of the SE/c of said All Saints Anglican Church, thence N89°49'50"W for 33.30' to the POB, thence continuing N89°49'50"W 120', thence due north 123.55' thence due east 120' thence due south 123.90' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16932

Action Requested:

Special Exception to permit a home occupation (photography studio) in an RS-3 zoned district - **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 503 East Apache.

Presentation:

The applicant, **Charles Rushing**, 503 East Apache, was represented by Robert Anderson, who informed that he is associated with economic development in the area and Mr. Rushing has received a loan to begin operation of a photography studio. He informed that the major portion of the photography work will be outside the residence and contracts (Exhibit B-1) with the school system have been negotiated. Mr. Anderson asked that the home occupation be approved.

Comments and Questions:

In reply to Ms. Turnbo, Mr. Anderson stated that the business will operate from 9 a.m. to 4 p.m. and no more than two or three customers will visit the home each day.

Ms. Turnbo inquired as to the number of parking spaces, and Mr. Anderson informed that three spaces are available.

Case No. 16932 (continued)

Mr. Bolzle asked Mr. Anderson if Mr. Rushing has viewed the home occupation guidelines, and he answered in the affirmative. He informed that darkroom work will not be done at this location and processing chemicals will not be kept on the property.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to permit a home occupation (photography studio) in an RS-3 zoned district - **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; subject to hours of operation being from 9 a.m. to 4 p.m.; subject to a maximum of 6 clients per day, by appointment only; and subject to home occupation guidelines; finding the use to be compatible with the neighborhood; on the following described property:

Lot 21, Block 13, Devonshire Place Resubdivision of Block 9-13, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17003

Action Requested:

Special Exception to allow an existing auto repair service in a CS District - **SECTION 701. PRINCIPAL USES PERMITTED IN A COMMERCIAL DISTRICT** - Use Unit 17, located 1408 North Lewis Avenue.

Presentation:

The applicant, **Ed Macsuga**, 1408 North Lewis Avenue, stated that he has been operating a garage at the current location for approximately 10 years, and automotive work is completed inside the 2400 sq ft building. He informed that a fence has been installed around the entire lot and he has addressed all complaints stated by the interested parties that attended the previous meeting.

Interested Parties:

Ms. Owens stated that she resides at 2236 East Oklahoma and noted that the applicant has cleaned up the property and she is no longer protesting the application.

Roscoe Turner, 3415 East Haskell, noted that the trash has been removed from the lot and he is not opposed to the application.

Case No. 17003 (continued)

Roy Ballentine, Code Enforcement, advised that the information previously provided concerning citations did not involve the subject property, as was stated at the prior hearing. He stated that he site-checked the lot and found it to be orderly. Photographs (Exhibit C-1) were submitted.

Comments and Questions:

Mr. White asked if the gate at the southwest corner of the property is used for access, and Mr. Ballentine advised that the gate was padlocked when he checked the property.

Ms. Abbott inquired as to the number of employee vehicles that will be parked at this location, and Mr. Macsuga replied that there will be two cars parked on the property.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to allow an existing auto repair service in a CS District - **SECTION 701. PRINCIPAL USES PERMITTED IN A COMMERCIAL DISTRICT** - Use Unit 17; subject to a maximum of 22 cars waiting for on-site repairs; subject to access on Lewis Avenue only; subject to screening erected and maintained along Oklahoma Street from the southwest corner of the subject property to a point in line with the rear wall of the southernmost building; finding the use, per conditions, to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Lots 4, 5 and 6, Block 2 of the B. F. Jacobs Subdivision, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 17028

Action Requested:

Minor Variance of the rear yard from 20' to 18.5' to erect a screened porch - **MINOR VARIANCE No. 1 - 20% OR LESS OF A REQUIRED MINIMUM SIDE OR REAR YARD IN AN R DISTRICT** - Use Unit 6, located 5714 East 65th Street.

Presentation:

The applicant, **Richard Daniels**, 5714 East 65th Street, submitted a plot plan (Exhibit D-1) and requested permission to attach a screened porch to an existing dwelling. He informed that the structure will encroach into the rear yard setback approximately one and one-half feet. Photographs (Exhibit D-3) were submitted.

Case No. 17028 (continued)

Comments and Questions:

Mr. Bolzle asked if the entire porch encroaches into the required setback, and the applicant stated that the property is irregular in shape and only the southeast corner of the porch encroaches.

Interested Parties:

Mr. Bolzle informed that one letter of support (Exhibit D-1) was received by the Board.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Minor Variance** of the rear yard from 20' to 18.5' to erect a screened porch - **MINOR VARIANCE No. 1 - 20% OR LESS OF A REQUIRED MINIMUM SIDE OR REAR YARD IN AN R DISTRICT** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the irregular shape of the lot; and finding that approval of the request will not have a negative impact on the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 2, Block 3, Hidden Valley Estates, a resubdivision of Lots 15-20, Block 2, and all of Blocks 3, 4 and 5 of Southmont Estates Extended and that part of the unplatted portion of the south 968.44' SW/4, NE/4, Section 3, T-18-N, R-13-E, IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17024

Action Requested:

Amend previously approved site plan (BOA-16712).

Presentation:

The applicant, **Jim Schwerts**, 13539 East 38th Place, submitted a revised plot plan (Exhibit E-1) and informed that the original mini-storage plan was previously approved by the Board. He stated that the building to the south has been moved from 1' to 5' from the property line to permit the installation of utility lines; which were later placed underground. Mr. Schwerts requested that he also be permitted to change the distance between two of the buildings from 22' to 30', and to connect a long narrow building on the east property line to the building directly to the west. He pointed out that the revised plan will reduce the number of driveways and provide more space between the buildings.

Case No. 17024 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** an amended site plan previously approved (BOA-16712); per amended site plan submitted; finding that the minor changes to the plan will not have a negative impact on the area, or violate the spirit and intent of the Code; on the following described property:

Lots 6, 7, 8 and 9, Block 1 and Lot 10, except the south 40' Block 1 and the west 121.03' Lot 1, Block 1 except the south 190', City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 17004

Action Requested:

Appeal of the decision of an administrative official that the carport addition is not a part of the existing garage and will serve only as a cover prior to entry into the garage, or in the alternative, a variance of the required setback from the centerline of West 12th Street from 45' to 35.5' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1127 South 53rd West Avenue.

Presentation:

The applicant, **Frank Lamb**, 1127 South 53rd West Avenue, informed that the existing carport is not attached to the garage, but is a covered parking area.

Comments and Questions:

Mr. White informed that the structure does not encroach into the street right-of-way, but is very close to the property line (approximately 4'). He noted that there are no curbs in the area.

In reply to Ms. Turnbo, Mr. Jackere advised that Code requirements regarding averaging to permit setback encroachments on abutting lots on both sides of the subject property would not be applicable in this case.

Mr. Gardner advised that the neighborhood is unique because, although zoned for multifamily use, the area has developed single-family. He pointed out that multifamily zoning has fewer restrictions in regard to setbacks than single-family zoned property.

Ms. Abbott stated that she would not have been supportive of the application if the applicant had requested approval of the carport before it was constructed.

Case No. 17004 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **DENY** the **Appeal** and **UPHOLD** the decision of an administrative official.

On **MOTION** of **WHITE**, the Board voted 3-1-0 (Bolzle, Turnbo, White, "aye"; Abbott, "nay"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **variance** of the required setback from the centerline of West 12th Street from 45' to 35.5' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, subject to the carport being 18' by 20' and extending no closer than to the property line than 4'; and subject to the sides of the carport remaining open; finding that, although zoned multifamily, the area is developed single-family; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

Lot 6, Block 1, Cunningham Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17010

Action Requested:

Special Exception to permit a Creek Indian community and cultural center in an RS-3 and CS zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located north of the northwest corner of 81st Street South and South Union Avenue.

Presentation:

The applicant, **Muscogee Creek Nation**, PO Box 180, Okmulgee, Oklahoma, was not represented.

Comments and Questions:

Mr. Beach informed that the applicant requested by phone (April 24, 1995) that Case No. 17010 be continued to May 9, 1995. He added that the application was not properly advertised and suggested that the application be continued as requested.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 17010 to May 9, 1995 to permit additional advertising.

Case No. 17011

Action Requested:

Special Exception to permit a produce stand in a CS District, variance of the setback from the centerline of Sheridan Road and a variance of the time limitation to permit the use for 2 years - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 8104 South Sheridan Road.

Presentation:

The applicant, **Mike McLearn**, 8104 South Sheridan, requested that he be permitted to continue to operate a produce stand and Christmas tree sales lot as he has in previous years. He pointed out that another nearby produce stand received a two-year approval. A location map was submitted (Exhibit F-1).

Comments and Questions:

Mr. White asked if the temporary frame buildings are located on the subject property, and Mr. McLearn replied that he subleases two of the four buildings in order to get the required space for his produce stand.

In reply to Mr. Bolzle, Mr. McLearn stated that the hours of operation will be similar to those approved in previous years.

Mr. Gardner noted that the produce stand around the corner from the proposed site was approved for a two-year period. He pointed out that similar uses have been approved for one year and, if found to be compatible with the area, are then approved for a longer period.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to permit produce and Christmas tree sales in a CS District, **variance** of the setback from the centerline of Sheridan Road from 100' to 56' and a **variance** of the time limitation to permit the use for 2 years - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; subject to days and hours of operation being May 15 to September 15 and November 25 to December 25 (1995 and 1996); 8 a.m. to 8 p.m.; finding that the temporary use has previously operated at this location and has proved to be compatible with the area; on the following described property:

Case No. 17011 (continued)

Lots 1 and 2, Block 1, Lucenta Addition, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. White asked that Staff request that Code Enforcement investigate the status of the four temporary buildings on the property.

Case No. 17012

Action Requested:

Variance to permit an oversized accessory building (3200 sq ft) on a 2.5-acre tract and a variance to permit a gravel driveway - **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; **SECTION 210.C. YARDS** - Use Unit 6, located 7955 South 23rd West Avenue.

Presentation:

The applicant, **Casey Goodwin**, 7955 South 23rd West Avenue, submitted a plot plan (Exhibit G-2) and a packet (Exhibit G-1) containing photographs and a letter of support. Mr. Goodwin stated that he has purchased an additional 2.5-acres of land and is proposing to construct a large accessory building for storing personal items.

Comments and Questions:

Mr. Jackere asked if the building will be used for a business, and Mr. Goodwin replied that he is in the construction business and is using his equipment to improve the property, but will not store construction equipment or operate a business in the building.

Interested Parties:

John West, 7901 South Yukon Avenue, informed that he lives on the street to the east of the subject property, and voiced a concern that a business will be operated at this location and that construction equipment will be parked on the property. He pointed out that the proposed facility is a massive structure, with two large bays, which is not customarily seen in a residential neighborhood. Mr. West stated that the view from his dwelling is in the direction of the large building. He advised that he is not appearing as a protestant, since the applicant has stated that he will not operate a business or store equipment on the property.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** to permit an oversized accessory building (3200 sq ft) on a 2.5-acre tract and a **variance** to permit a gravel driveway - **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; **SECTION 210.C. YARDS** - Use Unit 6, per plan; subject to no business operation on the property; subject to the driveway being

Case No. 17012 (continued)

covered with a hard surface material no later than 6 months from this date; finding that the large lot can accommodate the proposed building, and that approval of the request will not be detrimental to the area; on the following described property:

SW/4, NE/4, SW/4, SE/4, Section 10, T-18-N, R-12-E, Tulsa County, Oklahoma.

Case No. 17013

Action Requested:

Variance of the setback from the centerline of Harvard Avenue from 50' to 40' to permit a railing around an outdoor eating area - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 12, located 1534 South Harvard Avenue.

Presentation:

The applicant, **Paul Jackson**, 1510 South Florence Avenue, submitted a plot plan (Exhibit H-3) and requested permission to install a railing around an outdoor eating area. He submitted photographs (Exhibit H-2) and a petition of support (Exhibit H-1).

Comments and Questions:

In reply to Mr. White, Mr. Jackson noted that the railing will not interfere with individuals walking in the area.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the setback from the centerline of Harvard Avenue from 50' to 40' to permit a railing around an outdoor eating area - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 12; per plan submitted; subject to the execution of a removal contract; finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 9, Block 1, Exposition Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17015

Action Requested:

Special Exception to permit an enclosed skating rink in an IL District - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 19, located 9810-A East 58th Street.

Presentation:

The applicant, **Robert Lukken**, 3405 South Florence, requested permission to operate an indoor skating rink at the above stated address. He explained that the building in question is one of five buildings in the complex and is located to the front of the lot on the west side. A plot plan (Exhibit J-1) was submitted.

Kirk Wells, 12609 East 17th Street, informed that an in-line skating/hockey facility and a pro shop are proposed for the warehouse building.

Comments and Questions:

In reply to Ms. Turnbo, Mr. Wells stated that the pro shop will open at 10 a.m. and the practice times will be from 5 p.m. to 10 p.m., Monday through Friday. He informed that league play will be scheduled on Saturday and Sunday, 8 a.m. to 10 p.m.

Mr. White inquired as to the attendance, and Mr. Wells stated that only two teams (16 to 20 players) will be on the premises at any given time, with spectators numbering approximately 20.

In reply to Mr. Bolzle, the applicant stated that there is sufficient parking to accommodate the use.

Ms. Turnbo asked if the other buildings have daytime uses, and the applicant answered in the affirmative.

Mr. Wells informed that all skating will be inside the building and the rink will not be used until 4 p.m.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to permit an enclosed skating rink in an IL District - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 19; per plan submitted; subject to skating being Monday through Friday, 4 p.m. to 10 p.m., Saturday and Sunday, 8 a.m. to 10 p.m.; finding the use to be compatible with the area and in harmony with the Code; on the following described property:

Case No. 17015 (continued)

Lot 7, Block 18, less west 108' and east 146.07' Tulsa Southeast Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17017

Action Requested:

Variance of the required setback from 15' to 10' to permit an addition to the existing encroaching building - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3948 East 31st Place.

Presentation:

The applicant, **Billy Crow**, 3948 East 31st Place, submitted a plot plan (Exhibit K-1) for a proposed addition to an existing older dwelling that was constructed over the current required setback. He informed that the new addition will be set back 1' farther than the remainder of the house.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that Pittsburg Avenue, as designated on the map, has never been improved at this location.

Protestants: None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required setback from 15' to 10' to permit an addition to the existing encroaching building - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the addition will be set back 1' farther than the existing dwelling; and finding that the street nearest the addition has never been improved; on the following described property;

Lot 8, Block 2, Dartmoor Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:25 p.m.

Date Approved 9 May, 1995



via Chairman