

CITY BOARD OF ADJUSTMENT
 MINUTES of Meeting No. 778
 Tuesday, August 10, 1999, 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
Dunham, Vice Chair Perkins Turnbo White, Chair	Cooper	Arnold Beach Stump	Jackere, Legal Dept. Prather, Legal Dept. Ackermann, Zoning Official Ballentine, Code Enforcement Parnell, Code Enforcement

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, August 5, 1999, at 10:45 a.m. as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** the Minutes of June 22, 1999 (No. 775).

MINUTES:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** the Minutes of July 13, 1999 (No. 776).

UNFINISHED BUSINESS

Case No. 18471

Action Requested:

Variance to permit the proposed University of Tulsa Tennis Center in an RM-2 District abutting an arterial street to be 55' from the centerline of South Delaware Avenue.
SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 5, located West side of South Delaware Ave. between East 10th Street, South Columbia Ave. & East 6th Street.

Presentation:

The applicant, **Charles E. Norman**, was represented by **Bill LaFortune**, 2900 Mid-Continent Tower, Tulsa, OK. Mr. LaFortune mentioned to the Board that this is a continuance of the case heard on July 27, 1999. The application before the Board today is to allow the proposed Tennis Center to be setback 55' from the centerline of South Delaware Avenue. Mr. LaFortune stated that the Tulsa Metropolitan Area Planning Commission (TMAPC) on February 11, 1998 amended the Major Street and Highway Plan and in that amendment designated South Delaware Avenue from I-244 to 11th Street as a Secondary Arterial street rather than a Residential Collector street. Under the previous designation (Residential Collector) the setback would have been 40' from the centerline. The proposed setback of 55' was in compliance with the previous street designation. However, the recent amendment to the Major Street and Highway Plan was overlooked in the planning of the Tennis Center. The Secondary Arterial setback would require 85'. Mr. LaFortune asked the Board to approve the application.

Interested Parties:

Chris Jones, Executive Director, Kendall-Whittier Ministry, 76 North Zuni Avenue, Tulsa, OK 74110, stated that he submitted a request for continuance on this hearing. Mr. Jones mentioned that he has met with Mr. Norman and Mr. Shipley. Mr. Jones withdrew his continuance request after that meeting. Mr. Jones is concerned about the traffic flow along Delaware Avenue and what effect this will have on the proposed widening of Delaware Avenue.

Comments and Questions:

Mr. Stump mentioned that the widening of Delaware to four lanes in this area is a capital improvement project that was requested by Public Works in 1997. It was incorporated into the Kendall-Whittier Plan the same year. Mr. Stump does not think the Tennis Center will be a detriment to this plan, it will be more of a pedestrian entrance with parking in the rear rather than parking in the front.

Applicant's Rebuttal:

Mr. LaFortune assured Mr. Jones that this variance would not, in any way, change the plan and would not affect Delaware Avenue as it exists now.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **APPROVE Variance** to permit the proposed University of Tulsa Tennis Center in an RM-2 District abutting an arterial street to be 55' from the centerline of South Delaware Avenue, finding that the hardship meets the requirements of Section 1607.C. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 5** per plan, on the following described property:

A tract of land that is all of Block 9 Highlands 2nd Addition, Part of Blocks 14, 15 and 16 of Highlands Addition, vacated E. 7th St. S. lying between Blocks 15 and 16 and vacated E. 8th St. S. lying between Blocks 14 and 15, City of Tulsa, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Beginning at a point that is the NW/c of Block 9 of Highlands 2nd Addition; thence N 89°40'27" E along the Nly line of said Block 9 and along the Sly right-of-way line of E. 6th St. S. for 612.64' to the NE/c of Block 9, said corner also being on the Wly right-of-way line of S. Delaware Ave.; thence due S along the Ely line of Block 9 and the Wly right-of-way line of S. Delaware Ave. for 89.00' to the SE/c of said Block 9, said corner also being on the Nly line of Block 16 of Highlands 2nd Addition, and 25.00' Wly of the NE/c of said Block 16; thence due S along the Wly right-of-way line of S. Delaware Ave. and parallel with as measured 25.00' Wly of the Ely lines of Blocks 16, 15 and 14 of Highlands Addition for 931.00' to a point on the Sly line of said Block 14, said point also being on the Nly right-of-way line of E. 10th St. S.; thence S 89°40'27" W along the Sly line of Block 14 and the Nly right-of-way line of E. 10th St. S. for 610.70' to the SW/c of Block 14, said point also being on the Ely right-of-way line of S. Columbia Ave.; thence N 00°06'33" W along the Wly lines of Blocks 14, 15 and 16 of Highlands Addition and Block 9 of Highlands 2nd Addition and also along the Ely right-of-way line of S. Columbia Ave. for 1020.00' to the point of beginning of said tract of land

*****.

NEW APPLICAITONS

Case No. 18474

Action Requested:

Variance from the 5' side yard setback on the East boundary. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** and a Variance from the 20' rear yard setback to permit attaching a detached garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 321 East 29th Place South.

Presentation:

The applicant, **David C. Cameron**, 900 Oneok Plaza, Tulsa, OK, submitted a site plan (Exhibit A-1) and stated that he represents the owners, David and Sara Carlson. The Carlson's have room on the front of their property to add an addition but did not want to damage the appearance of the neighborhood. They decided to place the addition behind the garage and connect the house and garage with a covered walkway. The

Case No. 18474 (continued)

garage, as it currently exists, encroaches into the side yard and into the rear yard. the expansion will encroach further into the setbacks. Mr. Cameron mentioned that the Carlsons have been in contact with their neighbors and the neighbors have no problem with the addition.

Interested Parties:

None.

Comments and Questions:

Mr. Dunham asked the applicant if the new addition will be for additional living space or an office? Mr. Cameron replied that it will be for the use of a home office but not utilized as a home occupation.

Mr. White inquired of Mr. Beach as to his comments about the relief not being needed. Mr. Beach stated that the site plan shows a covered walkway connecting the existing garage with the house. The implication was that it would make the garage attached to the main house. If it were attached, then it would be in violation of the setbacks on both the side and the rear. Mr. Beach reminded the Board of a previous conversation regarding "structurally a part thereof". The primary consideration is whether or not the attachment device, the walkway, is an integral part of the house and the garage or would the house and garage be able to stand alone without the walkway. If they can stand alone without the walkway then the walkway does not serve to "attach" the garage to the house and it is still detached.

Board Action:

The Board determined that no relief was needed and the item was **STRICKEN** from the agenda.

Case No. 18475

Action Requested:

Variance of the required rear yard of 25' down to 5'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 1601 East 36th Court South.

Comments and Questions:

Mr. Beach informed the Board that this case was withdrawn by the applicant.

Board Action:

None taken.

Case No. 18477

Action Requested:

Variance of the required setback from the centerline of Norfolk Avenue of 45' down to 33.2'. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6;** Variance of the required one-story height limit for an accessory building to two-story. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards;** Variance of the maximum floor area for accessory building of 750 square feet to 1,440 square feet. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards;** Variance to allow two dwelling units per lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD;** Variance of required land area per dwelling unit. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS;** Variance of required livability space per dwelling unit. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS;** Variance from the required number of parking spaces from four to zero. **SECTION 1206. USE UNIT 6. SINGLE-FAMILY DWELLING,** located at 1103 East 36th Street.

Presentation:

The applicant, **Jack Stacy**, 4248 South Norfolk, Tulsa, OK 74105, submitted a site plan (Exhibit B-1), photos (B-2) and stated that his son purchased the home three years ago to be used as rental property. Mr. Stacy indicated that the home is in need of repair. While in the process of rebuilding the garage they decided to build a two car garage with a rental facility above the garage. Mr. Stacy mentioned that within one block of this house there exists seven duplexes and four garage apartments. There is space for four off-street parking spaces. The proposed garage apartment will have outside access and will have access to a utility room. Mr. Stacy is in the process of making substantial improvements to the existing house.

Interested Parties:

David Paddack, Zoning Chairman, Brookside Neighborhood Association, 1101 East 34th Street, Tulsa, OK 74105, stated the Association opposes this application. This area is zoned RS-3 and not RM. Mr. Paddack indicated that Norfolk is a very narrow street. Mr. Paddack asked the Board to deny the application.

Gabrielle W. Jones, 1123 East 36th Street, Tulsa, OK, stated that this application would drastically alter the landscape of this area. Ms. Jones mentioned that duplexes are very rare in this area. Ms. Jones urged the Board to deny the application.

Byron Brown, 1040 East 35th Place, Tulsa, OK, submitted a written objection from the Sparks who own property adjacent to the subject property (Exhibit B-3). Mr. Brown also submitted a petition signed by eleven property owners in the area (Exhibit B-3). Mr. Brown indicated that the property is too small to handle the proposed use. He is also concerned about the street being so narrow. Mr. Brown submitted a photo of the subject property and Norfolk Street (Exhibit B-4).

Case No. 18477 (continued)

Nancy Apgar, Vice President of Zoning for the Brookside Neighborhood Association, stated that the lots are all 50' x 140' and are not large enough for two dwelling units. Ms. Apgar explained that the duplexes in the immediate area are at least twenty years old and they fit the neighborhood very well.

Applicant's Rebuttal:

Mr. Stacy mentioned that there are also many garage apartments in the area. Mr. Stacy stated that they will upgrade the neighborhood by spending several thousand dollars on improvements to the property.

Comments and Questions:

Ms. Perkins asked Mr. Stacy if he says there is adequate parking on the property, why is he asking for a variance from four spaces to zero spaces? Mr. Beach spoke to Mr. Stacy and informed him that if he adds a second dwelling, there is a requirement on the site for four parking spaces (two per dwelling). What is shown on the site plan is zero spaces. There is a garage shown on the property with a driveway but there is not enough space between the garage and the property line to get the cars all the way off of the street right-of-way. Mr. Stacy mentioned that there are people who live there now and they put two cars in the driveway everyday.

Mr. Dunham asked Staff about other duplexes adjacent to this property. Mr. White mentioned that they received a variance in 1971.

Ms. Perkins asked the applicant what the hardship is? Mr. Stacy mentioned none. His son bought the property to be utilized as rental property to put his kids through college.

Ms. Turnbo feels that this would be too much for one 50' wide lot. Mr. White feels that this would be detrimental to the neighborhood.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY Variance** of the required setback from the centerline of Norfolk Avenue of 45' down to 33.2'. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; Variance** of the required one-story height limit for an accessory building to two-story. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards; Variance** of the maximum floor area for accessory building of 750 square feet to 1,440 square feet. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards; Variance** to allow two dwelling units per lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD; Variance** of required land area per dwelling unit. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS; Variance** of required livability space per dwelling unit. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS; Variance** from the required number of parking spaces

Case No. 18477 (continued)

from four to zero. **SECTION 1206. USE UNIT 6. SINGLE-FAMILY DWELLING**, finding that it would be detrimental to the neighborhood, on the following described property:

W/2, S/2, Lot 1, Block 3, Peoria Gardens Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18478

Action Requested:

Special Exception to permit a fence to exceed 8' in height along South Lewis Avenue. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, located 2404 East 27th Place.

Presentation:

The applicant, **John S. Cowen**, 2404 East 27th Place, submitted a site plan (Exhibit C-1) and stated that he is the homeowner. Mr. Cowen informed the Board that he has already constructed the fence. Construction of the fence was started before he was aware that they were in violation of the Zoning Code. Mr. Cowen finished construction of the fence while he applied for the relief needed. He explained that the fence does not pose any detriment to the neighborhood because both properties on either side have fences higher than his. Mr. Cowen submitted photos of his fence and other fences in the area (Exhibit C-2). He mentioned that his driveway backs onto Lewis and the fence is mainly for security reasons.

Comments and Questions:

Mr. Stump mentioned to the Board that the applicant's fence is located in the planned right-of-way and needs additional relief. The fence needs to be moved 10' back to be out of the planned right-of-way. Mr. Jackere informed the Board that they could approve the height but the location would have to be continued.

Mr. Dunham asked Staff if they could foresee any problems with approving the location of the fence? Mr. Stump stated there is a problem with the location because other people looking at the applicant's fence will assume it is permissible to build their fence in the same location. Mr. Beach mentioned that a removal contract would be mandatory.

Mr. Cowen mentioned to the Board that the wall location is clearly shown on the building permit drawings. The height was not clearly designated but the location was.

Interested Parties:

Mr. White mentioned that there was one phone call in opposition from Mrs. Jules Charles stating that the wall is too close to the street (Exhibit C-3).

Case No. 18478 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE *Special Exception*** to permit a fence to exceed 8' in height along South Lewis Avenue, finding that the special exception 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. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, and **CONTINUE** the application to September 14, 1999 to allow for additional relief for the location of the fence on the following described property:

Woody Crest Subdivision, Lot 7, Block 3, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Case No. 18479

Action Requested:

Variance from the required 100' from the centerline of Sheridan to 59' and the required 55' setback from the centerline of Tecumseh to 30' on the IM portion of the tract. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** and **SECITON 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 23**, located 1800 North Sheridan.

Presentation:

The applicant, **Pat Garner**, 111 North Main, Sand Springs, OK, 74063, submitted a site plan (Exhibit D-1) and stated that he represents Maxwell Supply Company, the owner and occupant of the business. Mr. Garner mentioned that they would like to rebuild on the existing site. Maxwell Supply has occupied the corner since 1975. Maxwell Supply is a construction supply company. The property is zoned in two classifications, one is CH and one is IM. The setback in CH is zero and there is no problem with the setback on that side. On the IM portion of the tract there is a 25' setback on the north and 50' on the east.

Comments and Questions:

Mr. White asked the applicant if the structure will be enclosed? Mr. Garner replied that it will be enclosed on the north, the west and the east.

Interested Parties:

None.

Case No. 18479 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE Variance** from the required 100' from the centerline of Sheridan to 59' and the required 55' setback from the centerline of Tecumseh to 35' on the IM portion of the tract, finding the hardship to be the configuration of the lot and anything less than this would require the applicant to have exposed storage. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** and **SECITON 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** – Use Unit 23, per plan submitted, on the following described property:

Lots 1, 2, 3, 4 and 5, all in Block 6, Houston Addition to the City of Dawson, now an addition to the City of Tulsa, and that part of the NE/4 of the SE/4 of Section 27, T-20-N, R-13-E of the IBM, more particularly described as: Beginning at a point 857' S and 30' W of the NE/c of the SE/4 of Section 27, T-20-N, R-13-E, Tulsa County, Oklahoma, thence S 100'; thence W 194.15', thence N 100', thence E 194.15' to the point of beginning and that part of the NE/4 of the SE/4, Section 27, T-20-N, R-13-E, more particularly described as: Beginning at a point 957' S and 30' W of the NE/c of the SE/4 of Section 27, T-20-N, R-13-E, thence S to the N line of the Frisco Railroad right-of-way; thence SW along said Railroad right-of-way to the SE/c of Lot 5, Block 6, Houston Addition to the City of Dawson; thence N 80.4' to a point; thence E 194.15' to the point of beginning all being in the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18480

Action Requested:

Variance of 1,200' spacing requirement between outdoor advertising signs to 940' to permit relocation of existing sign. **SECTION 1221. F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs** – Use Unit 21, located North & East of NE/c US 169 & South Mingo.

Presentation:

The applicant, **John W. Moody**, 7146 South Canton, stated that he represents Stokley Outdoor Advertising. Mr. Moody submitted a site plan (Exhibit E-1) and indicated that the sign is located adjacent to Highway 169 on the west side. The Oklahoma Turnpike Authority is widening the interchange at this location. As a result of that widening, the Authority had to condemn additional right-of-way from the owner of the property. This sign was already in existence and was approved at a location on the former T-Town Golf center. Mr. Moody mentioned that Mr. Stokley also had a sign further to the north, south of 91st Street, which also had to be moved as a result of the condemnation for the highway. Mr. Moody stated that Mr. Stokley was not compensated for the fair market value of the sign. He accepted the actual cost of the sign and not the fair market value of the sign. Mr. Stokley believed that he would be able to just move the sign back. Mr. Moody submitted an affidavit signed by Mr. Stokley (Exhibit E-2) attesting to the fact that he had the signs on the property and the

price of the sign. As a result of the taking, the tract is irregular in shape and it would work a tremendous hardship on the property owner unless the variance is granted. Mr. Moody submitted a site plan to the Board showing the proposed new development of the land and the possible sign location in regard to the new development. The east end of the tract will have a detention facility. Mr. Moody stated that the two major users of the sign are Jim Norton Toyota and Spirit Bank. He submitted letters from both users explaining how important this sign is to their business (Exhibit E-3). Mr. Moody asked the Board to approve this application.

Interested Parties:

None.

Comments and Questions:

Mr. White asked Mr. Moody if the sign will need additional relief for height due to the height level of the new expressway? Mr. Moody believes that the 60' requirement will be adequate.

Mr. Stump informed the Board that there is no development approved for this area so the Board should consider the property as raw land. Mr. Stump mentioned that the applicant has made a request to put a third billboard (that does not yet exist) up against Memorial. Mr. Stump believes that this is an effort to get 1,200' spacing from the relocated sign to the new sign they hope to put up. The existing location is a considerable distance to the southwest of where they are proposing this sign. It is not in the exact location of the old sign. Mr. Stump believes that this is a self-imposed hardship.

Mr. Moody stated that the other sign request was made by Mr. Smith many months ago. He has a sign on the property which was the sign for the T-Town Golf Center which he wanted to move and retain. At this time, there is no decision as to whether or not they will proceed with that application.

Mr. Dunham believes that there is plenty of room to move the sign west. Mr. Gary Johnson mentioned that he works with Mr. Bill Stokley and the reason it cannot be moved to the west is because Mr. Smith, the property owner, asked them to keep it to the far corner of the property. There is also a detention area located west of the proposed sign area.

Mr. Dunham stated that if the owner simply doesn't want the sign located in a certain area, it becomes a self-imposed hardship.

Mr. Moody asked the Board to only consider whether or not this sign is appropriate in this location and disregard any information about a future sign because that application may never be made. It could be determined that the sign is not needed there.

Case No. 18480 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY Variance** of 1,200' spacing requirement between outdoor advertising signs to 940' to permit relocation of existing sign, finding that there is no hardship to support the variance. **SECTION 1221. F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs – Use Unit 21**, on the following described property:

Part of Government Lots 1 and 2, Section 19, T-18-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at a point on the S line of said Government Lot 1, said point lying 50.0' E of the SW/c thereof; thence N 1°09'35" W and parallel to the W line of said Government Lot 1 a distance of 330.00' to a point; thence N 88°58'08" E a distance of 1,169.43' to a point on the E line of said Lot 1; thence S 1°21'18" E along the said E line a distance of 127.27' to a point; thence S 65°09'49" W a distance of 0.00' to a point of curve; thence along said curve to the left, said curve having a radius of 1,290.27', a central angle of 22°13'05", a distance of 500.34' to a point of tangent; thence S 42°56'44" W a distance of 780.48' to a point; thence S 63°12'56" W a distance of 0.00' to a point of curve; thence along said curve to the right, said curve having a radius of 3,619.72', a central angle of 2°55'13", a distance of 184.49' to a point; thence N 12°28'12" W a distance of 203.96' to a point; thence N 1°09'35" W a distance of 264.68' to a point; thence S 88°50'25" W a distance of 10.00' to a point lying 50.00' E of the W line of said Government Lot 2; thence N 1°09'35" W and parallel to said W line a distance of 254.83' to the point of beginning.

Case No. 18481

Action Requested:

Approval of an amended site plan previously approved by BOA 10936 to add an addition to a church. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, located 7291 East 81st Street South.

Presentation:

The applicant, **Suzanne Taylor**, 1437 South Boulder Avenue, Suite 800, Tulsa, OK, submitted a site plan (Exhibit F-1) to the Board. Ms. Taylor explained that the church would like to add an addition to the existing church building.

Interested Parties:

None.

Case No. 18481 (continued)

Board Action:

On **MOTION** of **DUNHAM** the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** an amended site plan previously approved by BOA 10936 to add an addition to a church. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, per plan or any smaller addition, on the following described property:

S/2, W/2, SW, SE, Section 11, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18482

Action Requested:

Variance of the requirement that a detached accessory building be setback at least 20' from the street right-of-way to 5' from right-of-way. **SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6**, located 4927 East 38th Place South.

Presentation:

The applicant, **Lloyd Babcock**, Tin Man Home Improvements, 5424-B South Mingo, Tulsa, OK, submitted a site plan (Exhibit G-1) and stated that he represents Carl and Lee Briggs. The Briggs would like to construct a carport on their driveway. It is hard for Mrs. Briggs to get her car into the garage and would like to be able to leave it out under a carport.

Interested Parties:

James McCarther, 3816 South Allegheny, Tulsa, OK, stated that his property abuts this property to the north. He feels that carports are not appropriate in a neighborhood where everyone has two car garages.

Patty Day, 3801 South Allegheny, Tulsa, OK 74135, stated that this lot usually has three cars in their driveway at all times. None of them are ever put in the garage. There is no need for a carport.

Lee Briggs, 4927 East 38th Place, mentioned that she is the owner of the property. Ms. Briggs informed the Board that the garage is narrow and she has problems driving the car into the garage. Ms. Briggs feels that this carport would enhance the property. She also submitted a photo of the property (Exhibit G-2).

Mr. White mentioned that the Board was in receipt of one letter of opposition from Mr. Oxford, 3807 South Allegheny, is in opposition to the carport. (Exhibit G-3)

Case No. 18482 (continued)

Applicant's Rebuttal:

Mr. Babcock informed the Board that the carport that the Briggs selected has a wood grain finish on it. The carport will be an asset to the neighborhood.

Comments and Questions:

Mr. White mentioned that he did not see any carports in the immediate area and this one would be detrimental to the neighborhood.

Mr. Beach stated to the Board that they need to determine if this is considered "an integral part of" the structure. A detached accessory building is not permitted in the front yard. However, this is a corner lot and it could be considered as a side yard. Both yards abutting fronting the streets have enough yard to meet the front yard requirement.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY** a **Variance** of the requirement that a detached accessory building be setback at least 20' from the street right-of-way to 5' from right-of-way. **SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6**, on the following described property:

Lot 15, Block 2, Resubdivision of Lots 14 through 27, Block 2, Max Campbell 6th Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18483

Action Requested:

Variance of the rear yard setback in an AG zoned district from 40' down to 11'. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6**, located 4121 West Independence Street North.

Presentation:

The applicant, **Jim East**, 1723 South Rockford, Tulsa, OK, submitted a site plan (Exhibit H-1) and stated that he represents Tim and Tiffany Johnson. Mr. East mentioned that they would like to construct an addition to their house. Mr. East explained that the request should be from 40' down to 19½' instead of the advertised 11'.

Interested Parties:

None.

Comments and Questions:

Mr. Dunham asked Mr. East if the lot is on septic or sewer? Mr. East replied that it is on a septic system. Mr. Stump stated that the house is located toward the back of the property line.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of the rear yard setback in an AG zoned district from 40' down to 19', finding that the hardship meets the requirements of Section 1607.C., **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6**, on the following described property:

A tract or parcel of land located and being in the SE/4 of Section 32, T-20-N, R-12-E of the IBM, more particularly described as follows: Beginning 251' W of the NE/c of said SE/4 of Section 32, T-20-N, R-12-E, for the point of beginning, thence W a distance of 54.5'; thence S a distance of 200'; thence E a distance of 54.0'; thence N a distance of 200' to the point of beginning, City of Tulsa, Osage County, State of Oklahoma.

Case No. 18484

Action Requested:

Variance of required off-street parking from 207 spaces to 201 spaces. **SECTION 1211.D. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES, Off-Street Parking and Loading Requirements – Use Unit 11**, located West of SW/c 73rd Street & Lewis.

Presentation:

The applicant, **Roy D. Johnsen**, 201 West 5th Street, Suite 501, Tulsa, OK 74103, submitted a site plan (Exhibit I-1) and stated that he represents the owners of Kensington Towers. The project was processed in 1980 as a Planned Unit Development. In 1983, an amendment to the site plan was brought in to permit the addition of a drive-in bank. At that time the off-street parking requirement was 1 space per 400 square feet for office use. Because it was a PUD, the architect showed on the site plan a specific number of spaces (220 spaces). Mr. Johnsen informed the Board that he has filed concurrently an application with the Tulsa Metropolitan Area Planning Commission (TMAPC) to amend the PUD. Even in a PUD, the Zoning Code sets the minimum parking that is required. Under today's standards, they would be required to build 207 spaces. They actually have 201 spaces on the ground. The last site plan shows 220. Mr. Johnsen mentioned that a zoning review, as part of a refinancing, brought about this application. Mr. Johnsen asked the Board to substitute the As-built

Case No. 18484 (continued)

survey showing 201 spaces as an approved site plan to present to the TMAPC. Mr. Johnsen mentioned that there is room to construct 220 spaces but they would lose some landscaping. The landscaping exceeds the PUD requirement of 15% by a substantial amount. Mr. Johnsen informed the Board that the 207 spaces is based on a tenant mix which assumes 2,500 square feet of medical.

Interested Parties:

None.

Comments and Questions:

Mr. Stump mentioned that if the Board is going to approve this application they need to state that the 201 parking spaces are subject to only 2,500 being medical office and the rest being office per the site plan.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of required off-street parking from 207 spaces to 201 spaces, per plan submitted, provided that there will not be more than 2,500 square feet of medical office space, finding that the hardship meets the requirements of Section 1607.C., **SECTION 1211.D. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES, Off-Street Parking and Loading Requirements – Use Unit 11**, on the following described property:

Lot 2, Block 9, less and except the Ely 50' thereof, Kensington Block 9, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18475

Action Requested:

Refund of fees.

Interested Parties:

None.

Comments and Questions:

Mr. Beach informed the Board that it was determined that the applicant did not need the relief and Staff is recommending a full refund of fees.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a refund of fees to Ron Walker for Case No. 18475.

There being no further business, the meeting was adjourned at 2:59 p.m.

Date approved: SEPTEMBER 14, 1999



Chair