

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 805
Tuesday, October 10, 2000, 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	Beach	Prather, Legal
Cooper	Butler	
White, Chair		
Perkins		
Turnbo		

The notice and agenda of said meeting was posted in the Office of the City Clerk on Wednesday, October 4, 2000, at 3:26 p.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.

UNFINISHED BUSINESS

Case No. 18873

Action Requested:

Special Exception to allow Use Unit 5 in an RM-2 zoned district (furniture maintenance facility for TU). SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located 2807 E. 10th St.

Presentation:

Mr. Beach stated that the applicant has asked for a continuance to decide on the appropriate use unit.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 18873 to the next hearing on October 24, 2000.

Case No. 18847

Action Requested:

Variance of the requirement that a mini-storage development site must have frontage on and access to an arterial street. SECTION 1216.C.3. USE UNIT 16. MINI-STORAGE; Use Conditions, located N side of Virgin, E of Sheridan.

Presentation:

Tom Christopoulos, 12113 S. Memorial, Bixby, OK 74008 was present.

Comments and Questions:

Mr. White established that this case was presented to the Board to clear up an incomplete request for relief from a previous hearing.

Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of the requirement that a mini-storage development site must have frontage on and access to an arterial street, finding that it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A part of the W/2 NW/4 of Section 26, T-20-N, R-13-E, IBM, City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Commencing at the SW/c of said W/2 NW/4 of Section 26; thence N 01°18'08" W along the W line of said Section 26, for a distance of 40.00'; thence N 88°45'25" E parallel to and 40.00' N of the S line of said W/2 of the NW/4 for a distance of 200.00' to the POB, being a 3/8" iron pin with cap; thence N 01°18'08" W parallel to the W line of said Section 26, a distance of 650.00' to a 3/8" iron pin with cap; thence N 88°45'25" E parallel to the S line of said W/2 NW/4, a distance of 209.06' to a 3/8" iron pin with cap; thence S 10°23'18" W, a distance of 510.58' to a 3/8" iron pin with cap; thence S 88°08'32" E, a distance of 27.98' to a 3/8" iron pin with cap; thence S 01°18'08" E parallel to the W line of said Section 26, a distance of 148.39' to a 3/8" iron pin with cap; thence S 88°45'25" W parallel to and 40.00' N of the S line of said W/2 NW/4, a distance of 133.54' to the POB.

Case No. 18875

Action Requested:

Minor Special Exception to permit residential accessory use (parking) on concrete driveway on Lot 7, adjacent to Lot 6, Block 5, Louisville Heights Addition. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 6, located 1712 N. Indianapolis.

Case No. 18875 (continued)

Presentation:

W. Michael Hackett, 406 S. Boulder, Ste. 642, stated he was representing his clients Ms. Delozier and Ms. Miller, who own the two lots. He stated that Lot 6 is the lot to the north where the relief is needed. Lot 7 is the lot to the south. He informed the Board that his clients operate a Day Care Home on Lot 7, which is licensed by DHS. They have been parking their vehicles on a long concrete driveway on Lot 6, to avoid traffic congestion around the day care. There are no structures on Lot 6. They request the relief to park on Lot 6 to avoid traffic congestion and benefit their customers and the neighborhood. Mr. Hackett offered that his clients would be willing to do a tie-agreement if the Board found it necessary.

Protestants:

None.

Board Action:

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Minor Special Exception** to permit residential accessory use (parking) on concrete driveway on Lot 7, adjacent to Lot 6, Block 5, Louisville Heights Addition, finding that it 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, on the following described property:

Lot 6, Block 5 and Lot 7, Block 5 of Blocks 1-9, Louisville Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18876

Action Requested:

Special Exception to allow Use Unit 17 (used car sales) in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located 11225 E. Admiral Pl.

Presentation:

Betty J. Durbin, 3611 S. 130th E. Ave., stated that she is the owner of Second Childhood Cars and Toys, currently located at 102 S. 111th E. Ave., Wagonwheel Trade Center. She added that they specialize in smaller motorcycles and ATV's for children. She informed the Board that they are required to have a used motor vehicle license from the State of Oklahoma, which requires they have a zoning approval for a Use Unit 17. Ms. Durbin stated that they sell newer model used cars, and usually have no more than five at a time. She indicated that since they don't make much on the motorcycles and ATV's, they sell the cars so they can make enough to buy more of

Case No. 18876 (continued)

the smaller products. She stated that their focus is on selling items for children and families.

Comments and Questions:

Mr. White asked for the proposed hours of operation. She replied they are open Tuesday through Friday, 10:00 a.m. to 6:00 p.m., and Saturday 10:00 a.m. to 4:00 p.m.

Protestants:

Wayne Bohanon, 10617 E. 1st St., stated he is the President of Wagonwheel Neighborhood Association. He stated that they oppose the used car lot at this location because they believe it would bring down the value of their property.

Gretchen Battaglia, 341 S. 117th E. Pl., submitted letters to the Board (Exhibits B-1, B-2), which she read aloud. The first letter from John L. Roy, 9018 E. 38th St., representing East Tulsa Mingo Valley Association, stated that they do not oppose this application, but ask for some conditions. They asked that if the existing chain link fence is to remain that the remainder of the frontage on Admiral Pl. and Garnett would have a fence or barrier no higher than three feet; customer parking exempt from three foot barrier; if the existing chain link fence is removed then the south and east side of the lot would have a fence or barrier no higher than three feet and again customer parking exempt from the three foot barrier; no banners, streamers or advertising hung from poles, light poles, buildings or canopies; no light shining directly on an R district; only light mechanical work on vehicles and must be performed inside a building; and no outside storage other than inventory for sale. The second letter was from Nancy Craten, representing Western Village and all of their good neighbors. The letter stated that their association was not notified of this proposed action until they received the agenda on Saturday before the hearing. The letter stated that the subject property was much too small for a used car lot. Ms. Craten suggested that the applicant be given a four-month temporary approval to see if it works out. She also lists a safety concern for children trying out the equipment for sale, especially when Admiral is widened.

Applicant's Rebuttal:

Ms. Durbin reminded the Board that they are located in the Wagonwheel Trade Center. She stated that she spoke with a Phil Kearns of the neighborhood association and informed them that the neighbors are concerned that the subject property would look like a nearby unattractive used car lot. She submitted photographs (Exhibit B-3) of their existing location and their new location, and Doc's Corvettes. She informed the Board that her family has lived and still lives in the neighborhood her entire life. She stated that they have had this business in the area since May, 1999, without complaints, and operating within the law. She added that their intention is to increase the value of the area, because that is

Case No. 18876 (continued)

where they live. She also informed the Board that they have a lease-purchase contract on the property.

Comments and Questions:

Mr. Dunham asked Ms. Durbin if she had seen the letter from John Roy. Ms. Durbin replied that they have no intention of tearing the fence down or building other fences. She stated that if it would make the property safer, then they would do whatever they could to make it safer. Mr. Dunham asked about lighting. She replied they are surrounded by two CS locations so outside lighting would not affect residences. She added that if they put in a light, it would be in the front of the property and would be directed into the fenced area. Mr. Cooper asked about car repairs. She replied that no auto repair would be done on the property. She stated they would not have any vehicles that require repair.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins "aye"; Cooper "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow Use Unit 17 (used car sales) in a CS zoned district, on the following conditions: 1) primary business is sale of ATV's and motorcycles, used car sales incidental to the primary use and limited to no more than six used cars offered for sale; 2) no inoperable cars or vehicles stored on the lot and no repairs made on the premises; 3) days and hours of operation would be Tuesday through Friday 10:00 a.m. to 6:00 p.m., and Saturday 10:00 a.m. to 5:00 p.m.; 4) any lighting erected would be directed down and away from any residential neighborhoods; 5) no banners, streamers or advertising material be hung from poles, light poles, buildings or canopies, on the following described property:

471' S and 50' W of NE/c of Lot 1, W 150' S to a point 75' N on S line E 150', thence N to POB, City of Tulsa, Tulsa County, State of Oklahoma.

*.*****.

Case No. 18877

Action Requested:

Variance of setback requirements from 1200' spacing and setback from R district to replace an existing two "I" beam pole sign with monopole sign. SECTION 1221.F.2. & 4.b. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs – Use Unit 21, located East of NE/c E. Admiral Blvd. & Rockford.

Presentation:

John W. Moody, attorney, stated they would not need the 1200' spacing and withdrew that part of the request, as there is not another sign within the 1200'. He pointed out that the subject property is surrounded by CH, Industrial zoning and

Case No. 18877 (continued)

multiple uses in an RM-2 zoned area. Mr. Moody submitted a photograph to the Board (Exhibit C-1). He stated that his clients want to replace an older twin I-beam sign with a monopole sign, which complies with the requirements of the sign code. The narrowness and small size of the lot is the hardship and the reason for their inability to comply with the code.

Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of setback requirement from R district to replace an existing two "I" beam pole sign with monopole sign. SECTION 1221.F. 4.b. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs – Use Unit 21, per plan submitted, finding that it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 14, Block 7, Lynch and Forsythe's Addition, City of Tulsa, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*.*.*.

Case No. 18878

Action Requested:

Special Exception to use as a construction office and model home during the sound attenuation project for Tulsa Airports Improvements Trust. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2; and a Variance for setbacks for construction trailer. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 7887 E. Independence.

Presentation:

Bob Parmele, 5109 S. Wheeling, with Cinnabar Service Company, stated that his company has been selected by the Tulsa Airport's Improvement Trust to conduct their sound attenuation program. This program includes almost 1700 homes around the Tulsa International Airport. The purpose of this home would be as a model home to give people an example of the quality and to see the effect of sound attenuation improvements. The home would also be used as an office for the duration of the project. Mr. Parmele added that hard surface parking, landscaping, and a screening fence on the north and west property line would be provided.

Comments and Questions:

Mr. Dunham asked Mr. Parmele how long he would expect the need for the construction trailer. Mr. Parmele responded they would need it for the five-year program. He added that they are looking at an alternate site on the airport property for the trailer. Mr. Cooper asked should the Board grant a five-year limit, if that would be sufficient. Mr. Parmele agreed with that, and stated that at the end of the project they would restore the property by removing the hard surface and sod the yard, and add landscaping as needed to sell as a single-family dwelling unit. Mr. Beach informed the applicant that the trailer would require the same setbacks as the home and he would need more relief.

Protestants:

Debbie Lampkins, 7841 E. Independence, stated that she does not object to the model home, but she objects to the trailer because it would impede vision for traffic. She was also concerned that it might encourage too much traffic congestion and intensity for a residential neighborhood.

Larry Brandt, 7845 E. Independence, objected to the application for this use of the property because of the congestion it would cause in the neighborhood.

Vernon Hensley, 7863 E. Independence, does not object to the house as a model, but objects to the trailer for the same reason as previous protestants.

Ed Collins, 8973 S. 73rd E. Ave., stated he owns the property two lots south of the subject property. He added that it is 75' wide and 400' deep. He suggested to the applicant that his own property would be available to lease or purchase for a trailer or for construction, with an existing driveway for ingress and egress to Memorial without causing congestion.

Applicant's Rebuttal:

Mr. Parmele corrected the misunderstanding regarding the trailer. He stated it would be used as an office for the construction manager, architects and engineers, and no construction done on site or construction material stored on site. It would be a place for contractors to meet and do their work. He pointed out that the trailer would be on the north side of the house and the ingress and egress would be on Memorial to prevent congestion on Independence.

Comments and Questions:

Mr. Dunham asked where the parking would be located. Mr. Parmele replied that parking would be on the east side and the access would be from the driveway on Memorial. Mr. Cooper asked about the number of homes that might be part of the project. The applicant replied that 1200 was the initial estimate, but after research they found that 1690 homes would be eligible for this project. Mr. Cooper asked for an estimate of the peak number of visitors to the site per day. Mr. Parmele

Case No. 18879 (continued)

garages. He added that the neighbors on that side of the subject property have no objection to this application. He stated that the project does require the variances requested to meet requirements and obtain the building permit.

Comments and Questions:

Mr. Dunham questioned Mr. Mitchell about use of the addition as a rental unit. Mr. Mitchell replied that they were so cautioned against the use of the addition for a rental dwelling unit. He stated that it would have a bathroom but not a kitchen.

Protestants:

None.

Board Action:

On **MOTION of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of one-story height limit for detached accessory building to two-story; a **Variance** of 20% requirement for required rear yard from 248 square feet to 362 square feet; and a **Variance** of 750 square feet maximum for detached accessory building to 1296 square feet, on condition that addition to the garage be for a family room and restroom, specifically be prohibited from a rental unit or unit for a second dwelling, finding the hardship to be the size of the lot, and the fact that there are numerous examples of two-story garages in the immediate area, on the following described property:

Lot 21, and the E 4' of Lot 20, Block 1, Southmoor Addition, City of Tulsa, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*.*.*.

Case No. 18881

Action Requested:

Minor Special Exception to allow parking recreational vehicles in front yard in RS-3 zoned district. SECTION 402.B.7.c. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6, located 12132 E. 36th St.

Presentation:

Michael McCoy, 404 W. Broadway, Broken Arrow, attorney with Gunter and Associates, and a friend of Andrew Stenberg, the applicant. He submitted photographs of the subject property to the Board (Exhibit E-1). He stated that the applicant added a driveway to park his motor home twelve feet from the curb. There is not enough side yard on either side of the house to allow for parking his boat or motor home in the back yard.

Comments and Questions:

Mr. Cooper asked if there was anything preventing the applicant from storing one or more of these vehicles in a mini-storage. Ms. Perkins asked how many other neighbors park that many large vehicles in front of the house. Mr. Stenberg replied that he counted 15 improperly parked vehicles on two different routes out of his neighborhood and 10 violations on a third route. She asked how many of them park three such large vehicles. Mr. Stenberg replied that they have five drivers in the family and use four cars. Mr. White asked if they have four cars in addition to the boat and motor home. Mr. Stenberg replied in the affirmative. Mr. Cooper asked how many citations and complaints he received on these vehicles. Mr. Stenberg responded that he did not know, and as he has received the citations he has taken steps to correct the problems. Ms. Turnbo asked why he didn't park the boat in the garage. Mr. Stenberg stated that it would not fit.

Protestants:

Mr. White stated he had a letter of opposition from a neighbor across the street. Mr. White also stated that from Neighborhood Inspections, he had an accumulation of a current complaint of June 27, 2000, two notices of violation, three criminal citations, a copy of a prosecution report, copies of ten previous complaints on the property called in since February 1991.

Applicant's Rebuttal:

Mr. McCoy responded that he represented Mr. Stenberg in the prosecution case also. He stated that if it were necessary to bring in the neighborhood to say they don't object except for one person across the street that has filed all of the complaints. He added that Mr. Stenberg was not in compliance at the time that he received the citations, and went to INCOG to find out how to correct the problem. He was advised to build the second driveway and now the City of Tulsa is willing to dismiss the case.

Comments and Questions:

Ms. Perkins commented on the large size of the recreation vehicles and multiple personal vehicles, and asked where they are all parked. Mr. Stenberg directed the Board's attention to the photographs provided showing how they are parked except for the van, which he parks on the street.

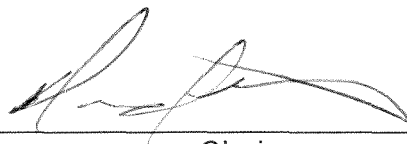
Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** Case No. 18881, finding the intensity too high for a residential neighborhood, and finding it would cause substantial detriment to the public good and impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

*****.

There being no further business, the meeting was adjourned at 2:29 p.m.

Date approved: NOVEMBER 17, 2000

A handwritten signature in black ink, appearing to be "R. J. ...", written over a horizontal line.

Chair