

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 807
Tuesday, November 14, 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
Cooper
Turnbo
White, Chair
Perkins

Beach
Butler
Stump

Prather, Legal
Parnell,
Neighborhood Insp.

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, November 9, 2000, at 8:44 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.

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Request for Continuance

Case No. 18883

Action Requested:

Mr. Beach stated that the applicant made a timely request for continuance. He added that the approval granted by the Board of Adjustment is being appealed to District Court. He indicated that the continuance request is to allow time for the case to go through court.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **Continue** Case No. 18883 to February 27, 2001.

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Case No. 18924

Action Requested:

Mr. Beach stated that the applicant made a timely request for Continuance to December 12, 2000.

Case No. 18924 (continued)

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. 18924 to December 12, 2000.

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MINUTES:

On **MOTION** of Turnbo, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** the Minutes of September 26, 2000 (No.804), as amended.

On **MOTION** of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** the Minutes of October 10, 2000 (No.805).

On **MOTION** of Perkins, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of October 24, 2000 (No.806).

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UNFINISHED BUSINESS

Case No. 18892

Action Requested:

Variance of the required 25' rear yard to 17'1" for an addition to the existing dwelling. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 5804 S. New Haven.

Presentation:

John Schaffer, 320 S. Boston, stated he is an attorney representing Donald and Jacquelyn Cohen, owners of the subject property. He added that Paul Whitaker the applicant is the builder. He submitted a site plan, survey, map and minutes of previous actions (Exhibit A-1, A-2, and A-3). Mr. Schaffer informed the Board that they want to add a fourth bedroom to their three-bedroom home. He pointed out that the back property line tapers and there are some mature trees on the south in the back yard. The neighbors immediately to the west, north and south have no objections to this application.

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 the required 25' rear yard to 17'1" for an addition to the existing

Case No. 18892 (continued)

dwelling, per plan, finding the hardship to be the configuration of the lot and mature trees in the back yard, on the following described property:

Lot 5, Block 1, Rustic Hills II, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18893

Action Requested:

Special Exception to permit auto salvage in an IM district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 28, located 13805 E. Apache.

Presentation:

Paul Mauldin, owner of the subject property, stated he hopes to accommodate auto recycling. He stated there are four recyclers in the area, and so it would be in harmony and not injurious to the neighborhood.

Comments and Questions:

Mr. Dunham noted that the staff comments indicated there should be screening on the west property line. There is auto salvage on that property, which is zoned AG. He informed the applicant that the Code requires the screening or he needs relief from that requirement.

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 ***Special Exception*** to permit auto salvage in an IM district; and to **Continue** Case No. 18893 December 12, 2000 for relief of screening requirement.

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Case No. 18894

Action Requested:

Special Exception for a manufactured home in an RS district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Special Exception of the one-year time limit to indefinite. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located NE of W. 37th Pl. & S. Nogales.

Case No. 18894 (continued)

Presentation:

Kirby Ellis, stated he owns the subject property, and would like to move a mobile home on the lot, for an indefinite time.

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 Special Exception** for a manufactured home in an RS district; and a Special Exception of the one-year time limit to indefinite, on condition that all requirements be met for permits, inspections, tie-downs, and skirting, on the following described property:

Lot 11, Block 1, First McBirney Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18895

Action Requested:

Appeal from decision of Neighborhood Inspections that existing duplex is an unlawful use of the subject tract. OR In the alternative a Special Exception to permit a duplex dwelling in an RS-3 zoned district. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 7, located 1219 S. Florence.

Presentation:

Sam P. Daniel, III, stated that he was representing Dan Perry. He stated that they were not aware there were so many protests. He suggested to the Board that they would be willing to continue the case in order to meet with the protestors.

Comments and Questions:

Mr. White asked if the applicant had met with any of the neighborhood. Mr. Daniel replied that he had not and was not notified that there would be protest. Mr. Dunham commented that the controversy appears to be whether the house has been an existing duplex or is being converted to a duplex. Mr. Daniel responded that their opinion was that it was an existing duplex when purchased by his client. He added that they do not have anyone to verify that. Mr. White stated that the request for a continuance is untimely and there has been sufficient time to contact the neighborhood association.

Mr. Daniel continued with his presentation. He noted that the applicant has obtained a building permit, and cleaned up debris from a house fire. He stated

that this addition to the city was made in the 1920's and all lots were platted to Code, therefore the size of the lot and frontage should not be held to the new Code, but grandfathered in. The owner has a good reputation for his rental properties, and takes good care of them. He stated that according to maps at INCOG, there are numerous Variances and Special Exceptions for properties in the area, with multiple bed and breakfasts, duplexes, and garage apartments.

Comments and Questions:

Ms. Perkins asked Mr. Daniel what site plan or other was given to the City for a building permit. Mr. Daniel referred the question to **Dan Perry**, 3234 E. 15th St., stated he met Paul Ennox, Building Inspector at the subject property. Mr. Ennox agreed that it was an existing duplex and instructed him that since he was not making any structural changes, just cabinetry and various repairs, that he only needed a repair permit. Ms. Perkins asked for the applicant to identify the color codes used in a map that was submitted for the applicant. He introduced John Sipes to identify the exhibit. **John Sipes**, 1928 S. Florence Ave., stated that everything in blue is a duplex area and in green is a garage apartment. Ms. Perkins asked where he got this information. Mr. Sipes replied some of it was from court records, part of it is from his knowledge of the area. Ms. Perkins asked if he brought copies of the court records. He did not have copies. He stated that Jenny with INCOG confirmed that the properties marked in blue were duplexes. Mr. White pointed out that many of those were non-conforming use, but this one is not or would require the applicant to prove that it was a non-conforming use.

Protestants:

David Gurthet, Inspection Supervisor for Neighborhood Inspections, stated that he is the one that initiated the notice to the applicant. He stated he had personal knowledge of this house when occupied by the former owner. The City had to clean up the property on a monthly basis, and then the house caught fire due to a 'meth lab' explosion. The resident moved into the back portion of the structure. During that time he was the only occupant of the structure and no use as a duplex, and was not a duplex for 36 consecutive months.

Mora Robertson, 1320 S. Florence Ave., stated that she is a member of the Renaissance Neighborhood Association. The neighborhood has been transitioning away from multiple family rental use to single-family owner occupied use. The property value has increased. She submitted a petition (Exhibit B-2) of protest.

Joseph Rhoar, 1228 S. Florence Ave., stated that he used to go into the house and the house has never been a duplex. The bathrooms and kitchen were common to both parts of the house.

Jeff Callahan, stated he owns property at 1240 S. Florence Ave. He commented that there is a wall separating two sides of the house and two electrical boxes. He would like to see it returned to a single-family dwelling.

Buddy Edwards, 900 OneOk Plaza, stated he was an attorney, representing the homeowner at 103 S. Florence. He indicated that a duplex would decrease property value, and that the neighborhood is transitioning to single-family dwellings.

Jenny Rhoar, 1228 S. Florence Ave., state she has lived in the neighborhood since 1986. Her protest was for the reasons as listed above.

Fran Pace, 1326 S. Florence Ave., stated that she lives one block south of the subject property. She called the Board's attention to Title 42, Section 404.C. and its requirements.

Linda Stalcupp, 1220 S. Florence, stated that the neighborhood association has been working with the University of Tulsa and various other communities on parking situations. She noted that on the west side of Florence Ave. there is no parking during events. She feels a duplex would involve more parking needs.

Applicant's Rebuttal:

Mr. Daniel reminded the Board that part of the house was rented out at one time. The lapse in use as a duplex was brought about by the fire, and possible control of the property as a crime scene. It could not be restored without a building permit, which was issued for repair of a duplex. Mr. Perry stated that there were two kitchens, two baths, and one electric meter.

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** the Appeal from decision of Neighborhood Inspections that existing duplex is an unlawful use of the subject tract, and seconded by Perkins.

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **Deny** a ***Special Exception*** to permit a duplex dwelling in an RS-3 zoned district, seconded by Perkins. Ms. Turnbo added that the neighbor living diagonally across the street stated that the dwelling was not used as a duplex since 1986. Ms. Turnbo stated that there were some duplexes in the neighborhood farther to the east, located on corners of blocks. A duplex in the middle of the block at this location would require too many variances, cause parking problems, and would be very injurious to the neighborhood.

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Case No. 18897

Action Requested:

Special Exception to allow multifamily (25 dwelling units) in a CS zoned district.
SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS –
Use Unit 8, located SE/c E. 44th Pl. & S. Peoria.

Presentation:

Sam Beakey, 507 S. Rockford, stated he is a partner that owns the property. He pointed out that the dwellings are multi-family duplexes on the subject site. He stated that Mr. and Mrs. Gale Harris, the previous owners, had obtained a CS zoning. Mr. Beakey added that his partnership has been unable to sell it as commercial property. They have considered building some brownstones or lofts on the property, if they could obtain a Special Exception. Mr. Beakey informed the Board that they met with the Brookside Homeowners Association to discuss the things they have considered. The homeowners appeared to be concerned that they would tear down the duplexes and replace them with something similar, which they will not do.

Comments and Questions:

Mr. Dunham mentioned the staff comment that no parking or drives should be on the east side of the property adjacent to the single-family residences. He also informed the applicant that he would need to submit a site plan to be approved. Mr. Beakey submitted a site plan. Mr. Beakey responded that parking was discussed with the homeowners association. He stated that there is overflow parking on 44th Place between the platted area, the Riviera Apartments, and the current duplexes.

Mr. Beach stated that staff would require more time to review the site plan before it could be presented for approval.

Interested Parties:

David Paddock, 1101 E. 34th St., Vice-President of Zoning for the Brookside Neighborhood Association, stated their appreciation for the applicants meeting with the association and indicated the neighbors were in favor of the project. He added that they would like to meet with them again to discuss the site plan, easements, landscaping, lighting, and windows.

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 **Special Exception** to allow multifamily in a CS zoned district, subject to submitting a detail

Case No. 18897 (continued)

site plan to the BOA for approval, 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:

N/2 Lot 11, and Lots 12, 13 and 14, Block 5, Wilder Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18898

Action Requested:

Special Exception to allow car sales and storage facility in CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 23, located 2220 E. 3rd St.

Presentation:

Trevon Martin, (address not stated) presented the case for his father. He stated that it would help if they could have their used car lot next to their business, rather than at another location.

Comments and Questions:

Ms. Perkins referred to photographs submitted to the Board, revealing inoperable vehicles, auto parts, and no screening. Mr. Martin responded that the lot has been cleaned up. Mr. White commented that the Board has received several protest letters.

Protestants:

Maria Barnes, stated she was President of the Kendall-Whittier Neighborhood Association. She read her letter to the Board in protest of this application, stating it does not promote the highest and best use for this property and is not in the best interest of the neighborhood.

Fran Pace, 1326 S. Florence Ave., asked for clarification of the application. She stated that she protests the application because it is so vague.

Dan McCaskill, 2437 E. 3rd St., stated he sent the Board a letter and he is a neighbor within two blocks of the subject property. He stated his concern that it could become more like a salvage yard as one such business in the neighborhood.

Mr. White asked **Candy Parnell**, with Neighborhood Inspections, to offer any information pertinent to this case since she issued the citation. Ms. Parnell indicated that the applicants have shown a total disregard for the City ordinances, since they first appeared before the BOA in 1993. She stated that her office has sent them numerous notices to clean up the property, and they have refused to comply. She added that they have written four citations and taken Mr. Martin to

Case No. 18898 (continued)

court. She stated that she has no reason to believe that they will comply in the future, and in her opinion the use has outgrown the property.

Applicant's Rebuttal:

Mr. Martin stated that they have been located there for twenty years and they would lose half of their business, from people not knowing their new site.

Comments and Questions:

Ms. Turnbo pointed out that auto storage is not within the Board's power to approve.

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** a ***Special Exception*** to allow car sales and storage facility in CS zoned district, finding that it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare.

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Case No. 18899

Action Requested:

Variance of front building line requirement of 25' to 5' for construction of a carport. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance to allow a detached accessory building in the front yard. SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions, located 2877 E. 44th Pl. N.

Presentation:

William Robison, 4808 S. Elwood, stated he is a general contractor, and builds carports. He described the carport as open on all sides, and gave dimensions.

Comments and Questions:

Mr. Cooper commented that the BOA has previously considered if the carport was an integral part of the house, and this one is not. He also pointed out that there has been no hardship stated. Mr. Beach quoted the zoning code, that it is required to be an integral part of the house.

Protestants:

None.

Board Action:

On **MOTION** of **Cooper**, the Board voted 4-1-0 (White, Turnbo, Perkins, Cooper "aye"; Dunham "nay"; no "abstentions"; no "absences") to **DENY** a ***Variance*** of front building line requirement of 25' to 5' for construction of a carport; and a

Case No. 18899 (continued)

Variance to allow a detached accessory building in the front yard, finding there is no hardship.

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Case No. 18900

Action Requested:

Special Exception for a Use Unit 12a to be located within 150' of an R zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 12a; and a Variance of required parking of 38 spaces to 6 spaces. SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements, located 1011 W. Newton.

Presentation:

Harold Weiss, 1011 W. Newton, stated he has been running his business in this location for approximately fifteen years. He indicated that his business was under the grandfather clause.

Comments and Questions:

Mr. White asked if the six parking spaces were adequate, with those shared with the barbershop. Mr. Weiss responded that he owned the barbershop, and that there was also a gravel parking lot. Mr. Cooper asked how long the bar has been established. Mr. Weiss responded since about 1985, and it was a bar for the last 30-40 years.

Interested Parties:

Joe Williams, City Councilor in District 1 where the business is located. He stated his support of this application. He informed the Board of the applicant's involvement in helping youth to decrease violence. He stated that the applicant uses part of the profits from this business to promote positive and constructive activities for youth. Since 1994 as a City Councilor, he has never received any kind of complaint from a neighbor or anyone regarding this establishment. He indicated that most of the patrons are business people that use the place for networking, not loud or crowded at any time. There is a lot of vacant property around it, so it does not interfere with residential parking.

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 **Special Exception** for a Use Unit 12a to be located within 150' of an R zoned district; and a **Variance** of required parking of 38 spaces to 6 spaces, finding the hardship to be

Case No. 18900 (continued)

there are a number of adjoining parking spaces available, and no history of parking problems, on the following described property:

Lots 1-3, Block 2, Osage Place Addition, City of Tulsa, Osage County, State of Oklahoma.

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Mr. White out at 2:55.

Case No. 18901

Action Requested:

Special Exception for a single-family dwelling in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit; and a Variance of required setback from an R district to 5'. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, located 1504 & 1508 N. Boston Pl.

Presentation:

Ellia Gist, 501 E. Young Pl., stated that they requested the relief because the property was sold through the Tulsa Development Authority to them as residential property. She stated that Lot 12 has some CS zoning.

Comments and Questions:

Mr. Beach stated that he needed to ask some questions to determine if the applicant actually needs this relief.

Rickey Gist arrived and Ms. Gist suggested he answer the questions. **Rick Gist**, stated his address, 501 E. Young Pl.

Mr. Beach asked if the applicant planned to expand the construction onto Lot 12.

Mr. White in at 2:58.

Mr. Gist responded that they plan to build a gazebo, and recreational items on that side of the house. Mr. Beach stated that for accessory residential use on Lot 12, they would need the relief.

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 **Special Exception** for a single-family dwelling in a CS zoned district; and a **Variance** of

Case No. 18901 (continued)

required setback from an R district to 5', finding it would 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:

Lots 11 and 12, Block 2, Melrose Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18902

Action Requested:

Variance from required minimum building setback from centerline of abutting freeway service road, to permit expansion of store building. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 14; a Variance from requirement that off-street parking spaces and required off-street loading berths be located on lot containing use for which such required spaces and berths are to be provided, to permit such spaces and berths to be located on adjoining lot. SECTION 1301. GENERAL REQUIREMENTS; and a Variance from requirement that off-street parking areas be set back from centerlines of abutting streets by certain specified distances, to permit parking spaces along property boundaries and within specified distances of freeway service road and arterial street right-of-way. SECTION 1302. SETBACKS, located 16505 E. Admiral Pl.

Presentation:

Stephen A. Schuller, 100 W. 5th, Ste. 500, stated he came as attorney on behalf of Quik Trip Corporation. He added this is regarding the Quik Trip store at 165th E. Ave. and I-44.

Comments and Questions:

Mr. Dunham asked if the site plan submitted is the one Quik Trip plans to use on this site. Mr. Schuller responded that it is.

Interested Parties/Protestants:

There were no parties who wished to speak.

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** from required minimum building setback from centerline of abutting freeway service road, to permit expansion of store building; a **Variance** from requirement that off-street parking spaces and required off-street loading berths be located on lot containing use for which such required spaces and berths are to be provided, to permit such spaces and berths to be located on adjoining lot; and a **Variance** from requirement that off-street parking areas be set back from centerlines of abutting streets by certain specified distances, to permit parking

Case No. 18902 (continued)

spaces along property boundaries and within specified distances of freeway service road and arterial street right-of-way, per plan submitted, finding 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:

Lots 1 and 2, Block 1, Dixie Hill Center Addition, a Subdivision of City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18904

Action Requested:

Special Exception to permit an auto painting shop within 150' of an R district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located 2615 S. Harvard.

Presentation:

Ron Hendryx, 8903 N. 104th E. Ave., stated they want to move the Crown Auto Body shop to a new vacant site. The property is zoned CH and the property abuts a residential area containing four houses on the south. His partner has contacted these residents regarding the type of business they want to build. Mr. Hendryx stated that this is a high quality collision repair and painting facility.

Comments and Questions:

Ms. Turnbo asked if all of the painting would be fully contained within the building, without fumes, and no outdoor painting. Mr. Hendryx responded in the affirmative. He further stated that the site plan he submitted shows the exhaust stack, which filters out the paint. The closest point of contact with a residence would be 300'. The self-contained paint booths filter through the floor, ceiling and through the suction grates, so the micron levels are brought down to minuscule amounts.

Protestants:

Nelson Rice, 3342 E. 25th, stated he lives north of the Broken Arrow Expressway. He stated his concern that the zoning is CH, and yet heavy retail stores surround it, and a paint shop is not consistent.

Applicant's Rebuttal:

Chris Harris, 9824 S. 92nd E. Ave., stated that he appreciated Mr. Rice' concerns. However, the caliber of collision repair business is a high quality business. He described the repair center as well contained with an attractive appearance. He went into some detail of the booths' design and function to protect the atmosphere and the image of their business.

Case No. 18904 (continued)

Comments and Questions:

Ms. Turnbo commented that the BOA approved the same type of center for Chris Nichols. Mr. Stump asked if the applicant intends to use access from 27th St. Mr. Harris replied that they plan to construct new fence and prohibit access from 27th.

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 **Special Exception** to permit an auto painting shop within 150' of an R district, on conditions that all painting and related activities be conducted within the building, all permits, licenses and inspections be obtained, and all access from Harvard Ave., 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:

Lots 14, 8 and the N 40' of Lots 9, 10, and 11, Kirkmore Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18905

Action Requested:

Variance of minimum rear yard from 25' to 10' to make an addition to a dwelling and attaching to a detached garage. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 1503 E. 27th St. S.

Presentation:

Ralph Klumpp, (no address stated), stated he was a builder representing clients at 1503 E. 27th St. He stated the existing house and garage were built in 1927, and the garage is 10' from the property line. He explained that the addition planned would be 36' from the property line. Mr. Klumpp noted that this would provide security and access from the garage to the house protected from weather elements.

Comments and Questions:

Mr. Dunham asked if staff has reviewed the site plan and found satisfactory. Mr. Beach agreed that the reason for the application was because the two structures are being joined.

Protestants:

None.

Case No. 18905 (continued)

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 minimum rear yard from 25' to 10' to make an addition to a dwelling and attaching to a detached garage, finding this is an addition to an existing structure, and 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 28, Amended plat of Rock Bridge Park, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18906

Action Requested:

Minor Variance of required front yard from 30' to 25' to permit an addition to an existing dwelling. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 1234 E. 24th St.

Presentation:

Fred Bosworth, stated they are doing some remodeling and need a Variance to add a garage. He contacted his neighbors and verified that they knew about the hearing in case they had any concerns.

Comments and Questions:

Mr. Dunham asked if the plan submitted is the one the applicant intends to build. Mr. Bosworth responded that it is.

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 **Minor Variance** of required front yard from 30' to 25' to permit an addition to an existing dwelling, per plan submitted, finding the hardship to be the configuration of the lot, on the following described property:

All of Lot 1, and part of Lot 2, Block 2, Sunset Park Third Resubdivision, City of Tulsa, Tulsa County, State of Oklahoma, said part of Lot 2 being more particularly described as follows: Beg. At the NEly/c of said Lot 2, thence in a SWly direction along the Nly line of said Lot 2, a distance of 10.47'; thence in a SEly direction on a straight line to the SE/c of said Lot; thence in a Nly direction a distance of 147.2' to the NEly/c of said Lot, the POB, all in Block 2, Sunset Park Third Resubdivision and

Case No. 18906 (continued)

a part of Lot 2, Block 2, Sunset Park Third Resubdivision, being more particularly described as follows, to-wit: commencing at the NEly/c of said Lot 2; thence in a SWly direction along the NWly line of said Lot 2, a distance of 10.47' to a point of tangency (being monumented by a 5/8" iron pin); thence in a SEly direction on a straight line toward the SEly/c of said Lot 2, a distance of 72.97' to a point of intersection with the Wly edge of an existing wood fence, said point being the POB; thence continuing along said straight line toward the SEly/c of said Lot 2, a distance of 68.07' to the SEly/c of said Lot 2 (being monumented by a 3/4" iron pin); thence in a SWly direction along the Sly line of said Lot 2, a distance of 2.90' to a point of intersection with the Wly edge of an existing wood fence; thence in a NWly direction along the Wly edge of said fence, a distance of 68.33' to the POB.

*****.

Mr. Dunham stated he would abstain from Case No. 18908.

Case No. 18908

Action Requested:

Special Exception to allow Use Unit 17 (Motorcycle Sales) in a CS zoned district.
SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS –
Use Unit 17, located 3637 S. Memorial Dr.

Presentation:

Wayne Alberty, 201 W. 5th, Ste. 570, stated he is with the architects and planners for the owner of C & C Harley Davidson. He reminded the Board that they appeared on September 12, 2000 with an application for a Variance of setback at the current location. Since then the owner believe it would be in their best interest to relocate the business to a larger location at the site of the former Harvest Buffet on Memorial. They believe the proposed development would be an enhancement of the property. He submitted an amended site plan (Exhibit I-1). He informed the Board that the owner and his wife visited the residential neighbors within the notice area that were at home. The results were extremely favorable, and only one neighbor asked for an increased landscape area on the east boundary. The owner agreed to that request.

Comments and Questions:

Mr. Beach asked if there would be any outdoor storage of motorcycles offered for sale on the property. Mr. Alberty replied that they planned for motorcycle parking in the front, and have considered occasionally displaying motorcycles in the front as designated. Mr. Beach stated that it is prohibited within 300' of an R district. Mr. Alberty responded that In that case they would not propose any outdoor storage of motorcycles at this time.

Interested Parties/Protestants:

None.

Case No. 18908 (continued)

Board Action:

On **MOTION** of **Perkins**, the Board voted 4-0-1 (White, Turnbo, Perkins, Cooper "aye"; no "nays"; Dunham "abstained"; no "absences") to **APPROVE** a **Special Exception** to allow Use Unit 17 (Motorcycle Sales) in a CS zoned district, per amended plan submitted, 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 1, 2, and 3, Block 1, Lazy Circle Acres Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18907

Action Requested:

Request extension of 1-year limit to provide paving to an additional 1 year, located 251 N. Memorial Dr.

Presentation:

Freeman Bertwell, 561 N. Memorial, asked for an extension of one year to prevent killing 35 mature trees. He was told that the ordinance requiring the hard surface for parking might be changed soon.

Comments and Questions:

Ms. Turnbo commented that he was to have paved the lot in 1999. She also asked the applicant if he could not blacktop around trees. He replied that the roots are at the top of the ground and it would kill the trees. Mr. Stump offered a point of information that the City Council directed the planning commission to hold a public hearing on amending the requirement for paved parking. That hearing was held regarding exemption from requirement to pave of parking areas that existed before 1970 and continue to exist since then. The planning commission recommended that only parking accessory to single-family residential be exempt. The City Council is now considering the issue.

Ms. Perkins commented that she observed numerous inoperable vehicles stored without any order, which does not comply with the zoning code.

Ms. Parnell, with Neighborhood Inspections, stated that Mr. Bertwell has been established there since 1957. The protestant no longer lives in the neighborhood, and they have never received any other complaints from the neighbors.

Board discussion ensued.

Protestants:

None.

Case No. 18907 (continued)

Board Action:

On **MOTION** of **Perkins**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Request extension of 1-year limit to provide paving to an additional 30 days, on the following described property:

Lot 10, Block 1, Mingo Heights, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No.18909

Action Requested:

Special Exception to permit Use Unit 6 in a CH zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6 & 12; and a Variance from the requirement that the core living area must be a minimum of 20' x 20'. SECTION 1206.C.1.c. USE UNIT 6. SINGLE-FAMILY DWELLING, located 1733 S. Boston Ave.

Presentation:

Amanda Lawhon, 1733 S. Boston Ave. presented her plan to build a two-story house with a coffee/tea shop on the first level, and her residence with separate exterior entrance on the second level. The lot is zoned CH within residential neighborhoods. The style and architecture would be residential and in character with neighborhood. She submitted a site plan (Exhibit J-1). She applied for the Special Exception to be approved by concept. She has since consulted with the architect and found that she can build a structure of 25' x 32'. She asked to withdraw the Variance request.

Comments and Questions:

Mr. Dunham asked if the applicant was aware of the parking and landscaping requirements. Ms. Lawhon responded that her plans do comply with the requirements.

Interested Parties/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 **Special Exception** to permit Use Unit 6 in a CH zoned district, the request for Variance was withdrawn, 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:

Case No. 18909 (continued)

Lot 3, Block 1, Stutsman Subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18910

Action Requested:

Variance of side yard requirement abutting a non-arterial street of 15' down to 6'7".
SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 1543 N. Norfolk.

Presentation:

Wally Wallace, 5619 E. 80th Pl., had submitted a site plan, the hardship being the size of the lot.

Protestants:

None.

Turnbo out at 3:45 p.m.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of side yard requirement abutting a non-arterial street of 15' down to 6'7", per plan submitted, finding the hardship to be that without the variance the lot would be almost unbuildable, on the following described property:

Lot 13, Block 4, Booker Washington Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18911

Action Requested:

Variance of side yard abutting a non-arterial street of 15' down to 6'7". SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 540 E. Reading.

Presentation:

Wally Wallace, 5619 E. 80th Pl., was present.

Interested Parties/Protestants:

One party (name not given) asked for explanation of the applicant's request. Mr. White stated that on these corner lots the building line is further back on the side

Case No. 18911 (continued)

and would not allow a full size house without relief. No parties present wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of side yard abutting a non-arterial street of 15' down to 6'7", per plan, finding the hardship to be the size of the lot, on the following described property:

Lot 1, Block 7, Harding Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18912

Action Requested:

Variance of side yard abutting a non-arterial street of 15' down to 5'7". SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 1540 N. Frankfort Ave.

Presentation:

Wally Wallace, 5619 E. 80th Pl., was present.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of side yard abutting a non-arterial street of 15' down to 5'7", per plan, finding the hardship to be the size of the lot, on the following described property:

Lots 15 and 16, Block 5, Investors Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18913

Action Requested:

Variance of the provisions of Section 903 of the Zoning Code to reduce the required building setback from the east and north boundaries of the property under application from 75' to 0'; and a Variance removing the requirement along the north and east lot lines of the applicant's property that uses included in Use Units 11, 15, 17, 23, and 25 when located on a lot which is abutting an R district be screened

Case No. 18913 (continued)

from the abutting R district by the erection and maintenance of a screening wall or fence, located 5623 & 5629 S. 107th E. Ave.

Presentation:

Charles Norman, 2900 Mid Continent Tower, stated that the Board has before them a photograph, which is the best evidence that the existing stormwater facility is in a floodplain, and the property next to it will never be used for anything other than a detention facility.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Cooper**, the Board voted 5-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of the provisions of Section 903 of the Zoning Code to reduce the required building setback from the east and north boundaries of the property under application from 75' to 0'; and a **Variance** removing the requirement along the north and east lot lines of the applicant's property that uses included in Use Units 11, 15, 17, 23, and 25 when located on a lot which is abutting an R district be screened from the abutting R district by the erection and maintenance of a screening wall or fence, finding that the hardship is the location in proximity to the detention pond, on the following described property:

W 250' Lot 2 and 3, Block 1, Golden Valley Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Chair White announced he would abstain from this case.

Case No. 18914

Action Requested:

Minor Variance of 5' side yard requirement to 4'1" in an RS-3 district. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 4619 E. 37th Pl.

Presentation:

Jerry M. Dixon, 4619 E. 37th Pl., stated that he added onto his house several years ago. He pointed out that according to the survey platted line, the add-on is five feet. After resolving a property-line dispute with his neighbor, the property line now is closer to his house. The lot is wider in the front, slopes toward the back creating another hardship. He obtained an affidavit signed by his neighbor to the east stating he will not object to the variance requested. He stated that he had

obtained all the necessary permits, and final building inspection. He believes the addition was in harmony with other homes in the neighborhood.

Interested Parties:

Jim Sinclair, 4629 E. 37th Pl., stated he lives in the second house east of the subject property. He asked if the property line is the same as it was before.

Comments and Questions:

Mr. Dunham replied that the property line is not being changed.

Interested Parties:

Leon Newton, 3734 S. Winston, came in support of Mr. Sinclair's interests. He asked if the work has not already been done.

Comments and Questions:

Mr. Dunham stated that the applicant is simply asking for a Variance to bring his property into compliance with the zoning code. Mr. Newton responded that he has no protest.

Board Action:


On **MOTION** of **Cooper**, the Board voted 4-0-1 (Dunham, Perkins, Cooper "aye"; no "nays"; White "abstained"; Turnbo "absent") to **APPROVE** a ***Minor Variance*** of 5' side yard requirement to 4'1" in an RS-3 district, per plan and existing conditions, finding the hardship to be the shape of the lot, on the following described property:

Lot 16, Block 2, May Campbell IV Addition, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

There being no further business, the meeting was adjourned at 4:00 p.m.

Date approved: DECEMBER 12, 2000


Chair