

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 826
Tuesday, September 11, 2001, 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	Turnbo	Beach	Boulden, Legal
Cooper	Perkins	Butler	
White, Chair			

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Friday, September 7, 2001, at 11:50 a.m., as well as at the City Clerk's office, City Hall.

After declaring a quorum present, Chair, White called the meeting to order at 1:07 p.m.

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

UNFINISHED BUSINESS

Case No. 19189

Action Requested:

The applicant, **Steve Liggett**, asked for a continuance of the case because the notice needs to be changed.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Cooper "aye"; no "nays"; no "abstentions"; Turnbo, Perkins "absent") to **CONTINUE** Case No. 19189 to the meeting on October 9, 2001.

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

Case No. 19194

Action Requested:

Mr. Moody asked for Case No. 19194 to be continued to the meeting on September 25, 2001.

Board Action:

On **MOTION** of **Cooper**, the Board voted 3-0-0 (White, Dunham, Cooper "aye"; no "nays"; no "abstentions"; Turnbo, Perkins "absent") to **CONTINUE** Case No. 19194 to the meeting on September 25, 2001.

Case No. 19012

Action Requested:

Roy Johnsen, stated he was representing the applicant, Graham Brothers Entertainment. He asked for a continuance because Mr. Gearhart, President of the company, could not be here since all flights were cancelled. Mr. Gearhart would be able to speak to the issues that need to be considered.

Interested Parties:

Greg Crawford, 900 OneOk Plaza, stated his firm represents the Burning Tree Neighborhood Association. He stated that they have no objection to the continuance, considering the national crisis that has taken place this day. He offered to distribute exhibits to the Board for the next hearing. Mr. Boulden was not in favor of giving them to the Board, but he was willing to receive one. Mr. White commented to Mr. Boulden that it helps to obtain information ahead of time, especially when it is a large packet instead of trying to read it during the meeting.

Mr. Johnsen informed the Board that it would probably take twenty minutes to present his case. Mr. Crawford commented that if it takes Mr. Johnsen twenty minutes that he would want the same amount of time. Mr. White asked if they would be the only two speaking or if others would also speak. Mr. Johnsen replied that Mr. Gearhart would also speak. Mr. Crawford replied that Mr. Speiglberg and some residents would want to speak.

Frank Speiglberg stated he was also counsel for the neighborhood and a resident of Burning Tree. He explained that one interested party present today wanted the case to be heard today, but she understands the circumstances.

Mr. Boulden stated for the record that the circumstances to which people are referring, are the plane hijackings that crashed into the World Trade Center Towers and the Pentagon this morning. All flights were grounded and Mr. Gearhart, a main speaker for the application could not get here in time for the meeting.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Cooper "aye"; no "nays"; no "abstentions"; Turnbo, Perkins "absent") to **CONTINUE** Case 19012 to the meeting on September 25, 2001 at the end of the agenda.

Case No. 19048

Action Requested:

The applicant was not present. Case No. 19048 was tabled to later on the agenda.

Case No. 19099

Action Requested:

Special Exception to permit vehicle repair in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 17, located 5929 S. Peoria.

Presentation:

Joe Seibert, 1371 E. 27th St., stated he owns property at 5929 S. Peoria, approximately 2 acres. He desires to lease out the property for various businesses. The front of the property will be used for the sale of hot tubs and spas. The back half of the first lot and all of the south lot they propose to lease for vehicle repair.

Frazier Gonzales, of Broken Arrow, proposes to run an auto repair shop and detailing.

Comments and Questions:

Mr. Dunham commented that there couldn't be any outside storage or display of merchandise, including no autos for sale, inoperable vehicles for an undue amount of time. He also asked about the mention of a mini-storage on the south half of the tract. Mr. Gonzales replied that he was not going ahead with that idea. Mr. Dunham noted that the only building the applicant would occupy would be the one in the back. Mr. Gonzales responded in the affirmative. Mr. Cooper asked if there would be a paint booth. Mr. Gonzales replied there would not be a paint booth.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Cooper "aye"; no "nays"; no "abstentions"; Turnbo, Perkins "absent") to **APPROVE** a **Special Exception** to permit vehicle repair in a CS district, noting this is only for the rear building and with condition of no outside storage or display of merchandise for sale, and no inoperable vehicles be permitted on the premises in excess of 48 hours, 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 8 and 9, less W 15' thereof for street, Southlawn Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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

without people going through his home. He added that he has a large screen for a projection television that requires the extra height.

Interested Parties:

Mr. White noted a letter of opposition from Nona Trouba.

John McLain, 3721 S. 26th W. Ave., submitted two letters of opposition and photographs (Exhibits B-2 and B-3). He stated a complaint that the applicant started a deck on the back of his house two years ago and it has not been completed. The photographs show junk in the yard and fencerow and the incomplete deck. He expressed concern that the building will be started and not finished.

Billie C. Linch, 11811 E. 91st, Broken Arrow, expressed concern for possible decreased property value and increased taxes from this project. She also objects to a building of that size in the neighborhood.

Mildred Crouch, 2512 W. 37th St., stated that she suspects the applicant of planning for a business to entertain teenagers. She added that it is a dead end street and would oppose an increase in the noise level that this could cause. She complained that the applicant promised he would put all of the junk in the yard into his garage three years ago and it is still in the yard.

Madelene Collier, 3705 S. 26th W. Ave., stated she is a neighbor around the corner from the subject property. She stated that a lot of teens parking there would increase the current parking problems.

Applicant's Rebuttal:

Mr. McCall stated this is to be a game room for personal use. It would be a place for storing his collections, and for his family and friends to enjoy. He stated he has no intention of using it for a business.

Comments and Questions:

Mr. Boulden asked if he could eliminate the kitchen facilities. Mr. McCall wanted to have restroom facilities and not necessarily cooking facilities but a sink. Mr. Beach specified that a toilet and lavatory is acceptable.

Board Action:

On **MOTION** of **Cooper**, the Board voted 3-0-0 (White, Dunham, Cooper "aye"; no "nays"; no "abstentions"; Turnbo, Perkins "absent") to **DENY** a **Variance** of maximum allowable floor area for detached accessory buildings from 750 sq. ft. to 2,076 sq. ft., finding a lack of hardship.

Case No. 19187

Action Requested:

Variance of side yard setbacks of 5' and 10' down to 0' for existing carports on each side, which are built to the lot line. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS -- Use Unit 6, located 5623 S. Birmingham.

Presentation:

Bill Campbell, 5623 S. Birmingham, stated that he has two carports built by Standard Builders. He discovered that the builder did not get permits to build them. One carport has storm damage and needs to be repaired.

Comments and Questions:

Mr. Dunham asked how long the carports have been there. Mr. Campbell stated the carports have been there for four years. Mr. Dunham commented that it appeared there was some remodeling in progress on the house. He explained that he hired someone to put in two windows and in the process they damaged his carport. He added that he replaced the air vent to the attic for better circulation in the attic. Mr. Beach asked what prompted this application. Mr. Campbell replied that to make the repairs he needed a permit and was directed to seek this relief from the Board of Adjustment. Mr. Dunham asked Mr. Beach about the issue that the carports exceed the 500 square feet of allowable detached accessory buildings. Mr. Beach replied that it would need additional relief.

Interested Parties:

Michael Dan Rankinson, 5619 S. Birmingham, stated that he was representing the neighborhood association. He added that he lives adjacent to Mr. Campbell on the north. He submitted photographs (Exhibit C-1). He made complaints of the applicant adding a second story to his home in the midst of one-story homes, and all the way out on both side yards. Mr. Rankinson stated that he built an eight-foot screening fence to block the view but above that fence he can see insulation hanging out of the applicant's unfinished exterior walls, poison ivy growing up the side of the house, an overhang of the roof less than four feet from his own property line. He listed numerous other unsightly things on the subject property including a collapsed roof to a storage area.

David Kennedy, 2606 E. 56th St., stated he lives across the street from the subject property. He expressed concern that the carports are not up to code and he objects to a variance.

Applicant's Rebuttal:

Mr. Campbell indicated that the remodeling work was not finished and he was waiting on a window on order to come in. Mr. Dunham asked what the carports are being used for. Mr. Campbell indicated they were used for storage of various items. Mr. Cooper asked for the hardship. Mr. Campbell stated there was not enough space in the back of his yard to do projects for his rental property.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Cooper "aye"; no "nays"; no "abstentions"; Turnbo, Perkins "absent") to **DENY** a **Variance** of side yard setbacks of 5' and 10' down to 0' for existing carports on each side, which are built to the lot line, for lack of hardship.

Case No. 19188

Action Requested:

Variance of the setback for an accessory building in an RS-3 district from 3' from property line to 2'. SECTION 210.B.5.b. YARDS, Permitted Obstructions in Required Yards -- Use Unit 6; a Variance of allowable 500 sq. ft. to 768 sq. ft. for an accessory building. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions; a Variance of accessory building height from 18' to 21'. SECTION 210.B.5.a. YARDS, Permitted Obstructions in Required Yards; and a Variance of allowable 30% coverage of required rear yard to 48% (or 480 sq. ft.). SECTION 210.B.5.a. YARDS, Permitted Obstructions in Required Yards, located 2232 E. 17th Pl.

Presentation:

Ann Sallee, 2232 E. 17th Pl., stated that she started the project on the subject property in February, 2001. She contacted the City of Tulsa and was informed that the square footage could be up to 750 square feet. She added that she is 18 square feet over the allowable. She obtained her bids by July and found that June 1, 2001 the code had changed. She plans to remove the existing garage and replace with a new garage with loft for storage.

Comments and Questions:

Mr. Dunham confirmed that the applicant was willing to drop her request for the variance of size, height and setback and the variance of the allowable coverage of required rear yard. He also determined that she was willing to amend the second variance requested.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Cooper "aye"; no "nays"; no "abstentions"; Turnbo, Perkins "absent") to **APPROVE** a **Variance** of allowable 500 sq. ft. to 750 sq. ft. for an accessory building, with condition that existing garage be removed; and the **Variance** of allowable 30% coverage in the rear yard to 42% to allow a 750 square foot building be approved, finding the hardship to be the configuration and width of the lot, and that it would be difficult

Presentation:

Stephen Schuller, 500 OneOk Plaza, 100 W. 5th St., stated he was representing Mr. and Mrs. Wanenmacher. The applicants constructed a wall on the Harvard Ave. right-of-way. It is a sand colored, split-faced concrete blocks, with decorative side facing Harvard Avenue for aesthetics. They were not aware of the height restriction until the wall was completed and they received the zoning violation notice. They had attempted to match the fence height to a fence to the south of the property.

Comments and Questions:

Mr. White asked if they have obtained a permit. Mr. Schuller replied that the builder was unaware that a permit was needed for this type of structure. He added that his clients planted numerous landscaping along the wall, several loads of topsoil, and over 2,000 flowering evergreen plants. The plantings were defective and most of them died, so they plan to replant in the spring. Mr. Schuller pointed out that because of construction of this wall and the supports within, it is impossible to just cut off the top three or four feet of the wall. That is why they decided to come before the Board instead of just lowering the wall. Mr. Schuller pointed out there are a lot of fences along Harvard Avenue in this area similar in height. Photographs were submitted to the Board (Exhibits E-3 and E-4).

Interested Parties:

Three letters of support (Exhibits E-1 and E-2) were submitted to the Board. There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Cooper "aye"; no "nays"; no "abstentions"; Turnbo, Perkins "absent") to **APPROVE** a **Special Exception** of fence height from 8' to 11'6" in an RS-2 district, for the existing fence, 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:

A tract of land in the SE/4 NE/4 NE/4 SE/4 of Section 32, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: commencing at a point on the E line of Section 32, T-19-N, R-13-E, said point being 660.84' S of the NE/c SE/4 and 1982.50' N of the SE/c of Section 32; thence S 89°59'47" W a distance of 50' to the POB; thence S 89°59'47" W a distance of 115.00'; thence due N 150.21'; thence due E 100'; thence S 45° E a distance of 21.23'; thence due S parallel to the E line of Section 32, a distance of 135.20' to the POB.

Case No. 19195

Action Requested:

Special Exception to allow an office building (OL – Use Unit 11) to be built in an RM-1 area. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 11, located S of Pine St., W side of Norfolk Ave.

Presentation:

Hurst Swiggart, stated they propose to build a single-story office building.

Mike Parks, 1304 W. Los Angeles, Broken Arrow, state the building is approximately 1500 square feet. He submitted preliminary site plans (Exhibits F-1 and F-2).

Interested Parties:

John Alexander, 3224 N. Harvard, stated he is a neighbor in the area and is interested in the plans. The Board gave the applicant time to show the site plans to Mr. Alexander. Mr. Alexander requested that the applicant place the driveway to the other side of the building and to build the building further from his own property.

Applicant's Rebuttal:

Mr. Parks stated that he would discuss Mr. Alexander's request with the owner to consider the change.

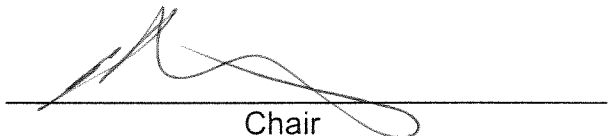
Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Cooper "aye"; no "nays"; no "abstentions"; Turnbo, Perkins "absent") to **APPROVE** a **Special Exception** to allow an office building (OL – Use Unit 11) to be built in an RM-1 area, 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:

S 30' of Lot 3, all of Lot 4, and E 5' of vacated alley adjacent on the W, Block 1, Liberty Addition, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 4:03 p.m.

Date approved: October 9, 2009


Chair