

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 835
Tuesday, February 12, 2002, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Vice Chair
Turnbo
White, Chair
Perkins

**MEMBERS
ABSENT**

Cooper

**STAFF
PRESENT**

Beach
Butler

**OTHERS
PRESENT**

Romig, Legal
Cox, NBH Inspect.

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Thursday, February 7, 2002, at 3:48 p.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 1:00 p.m.

Dunham arrived at 1:03.

Case No. 19286

Action Requested:

Review and approval of an amended site plan for new pre-school, cafeteria and gymnasium. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 1, located SW/c E. 21st St. & S. Lewis.

Mr. Beach informed the Board that this property does not require relief. He added that because of a recent Code Amendment such existing schools were moved into a Use Unit 1 Area Wide Uses by Right. He recommended it be stricken from the agenda.

Board Action:

Mr. White stated that **Case No. 19286** is stricken from the agenda.

Lots 1-11, Block 4; Lots 1-9, Block 5, Brentwood Heights, including that part of vacated Zunis Ave. and E. 22nd St. adjacent to said lots; And a tract of land in the NE/4 NE/4 of Section 18, T-19-N, R-13-E, described as follows, to-wit: Beg. at the NE/c of said Section 18; thence Wly along the Nly line of Section 18 for 1101.50' to the Ely line of S. Yorktown Ave.; thence Sly along said Ely line produced for 150.00'; thence to the right on a curve with a radius of 1680.08' for 344.90'; thence SWly along a tangent for 139.60'; thence Ely and parallel with the Nly line of Section 18 for 1170.00' to the E line of Section 18; thence Nly

along said E line for 630.00' to the POB of said tract of land, less and except The Yorktown Addition, all located within the City of Tulsa, Tulsa County, State of Oklahoma.

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MINUTES:

On **MOTION** of Perkins, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye", no "nays", no "abstentions", Cooper "absent") to **APPROVE** the Minutes of January 22, 2002 (No. 834).

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UNFINISHED BUSINESS

Case No. 19274

Action Requested:

Variance of required off-street parking. SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements – Use Unit 12a, located SW/c E. 69th St. & S. Lewis Ave.

Presentation:

Roy D. Johnsen, 201 W. 5th St., Ste. 501, stated he was appearing on the behalf of the Comedy Club. He noted this was the third time the Comedy Club has gone before the Board for the variance of required off-street parking. The previous requests were presented and approved on the concept that these are shared parking spaces, and the club needed them for the most part after 6:30 p.m. while the other businesses needed them before that time. Mr. Johnsen pointed out that It has proven to work well over the last six or seven years. He stated they request that the variance be approved on a permanent basis. He suggested some conditions as follows: that there be no live performances before 7:00 p.m.; and activities before 6:30 p.m. be limited to administrative and management services.

Comments and Questions:

Mr. Beach commented that he would recommend a permanent variance instead of a limited time as in the previous approval.

Interested Parties:

There were no interested parties who wished to speak.

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 required off-street parking, with conditions that there be no live performances before 7:00 p.m.; the activities be limited to administrative and management functions prior to 6:30 p.m.; and on a permanent basis, finding it will not cause

substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lot 1, Block 2, Lewis Village, and the N 195.00' of the SE/4 SE/4 SE/4 of Section 6, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

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NEW APPLICATIONS

Case No. 19282

Action Requested:

Variance of the all-weather surface requirement for parking of vehicles on CH zoned property. SECTION 222. MOTORIZED VEHICLES – Use Unit 17; and an Appeal of the Code Enforcement Officer that vehicles on site are unlicensed and inoperable vehicles are not salvage material, located 1144 S. Peoria Ave.

Presentation:

James Caputo, stated that he is an attorney, representing Donald Lundgren. He stated that Mr. Lundgren has the two properties 1144 and 1148 S. Peoria Avenue for several years. He is licensed to operate a used car dealership. The property is CH zoned, which allows for such a business. At prior investigations by the Neighborhood Inspections officials, he has complied with all of their requests. Mr. Caputo stated that Mr. Lundgren has had open-heart surgery and is recovering; and he plans to resume the business when he is released from the doctors' care. He submitted photographs of the property (Exhibit A-1). He mentioned a complaint of a dilapidated house, built around 1915, on 1148 S. Peoria Ave. The Historical Society is considering the house for renovation.

Comments and Questions:

Ms. Turnbo asked if the property at 1148 S. Peoria was included in the advertising of this application. Mr. Beach responded that the legal description did include both properties and is more important than the address. Ms. Perkins commented that Mr. Caputo stated that from the street people can't see anything, but the Board had photographs of behind the fence and it appears to be a salvage yard, and that is not allowable. Mr. Caputo responded that Mr. Lundgren repairs cars and has not been able to work on them since his surgery. The autos are not salvage or junked vehicles but are there for repairs to be completed and as soon as Mr. Lundgren is physically able to, he will repair them. Ms. Perkins asked how long it has been since he worked on a car. Mr. Caputo asked the applicant and Mr. Lundgren responded it has been six or seven years.

Interested Parties:

Donna Rutledge, 1205 S. Owasso Ave., stated she lives across the street from the subject property. She stated she has not been disturbed by anything such as rodents, or anything else from this property. She pointed out there is a fence on both sides of the cars, and eight-foot fence the City of Tulsa built and a ten-foot

fence that Mr. Lundgren had constructed. She commented the cars are not near either fence and are well spaced. She stated there are vehicles that have salvageable parts.

Kevin Cox, Neighborhood Inspections, 111 S. Greenwood, stated they received a complaint last December regarding inoperable vehicles, trash, junk, debris and vehicles parked on a non-all-weather surface. On inspection he found several inoperable vehicles, plus outside storage of trash, junk, debris and auto parts and other items. These items were behind a ten or twelve-foot fence. He found the property was zoned CH, with no special exceptions. He has discussed the types of violations pertaining to the property with Mr. Lundgren. Mr. Cox reminded him that he could have an auto repair shop but the present manner of storage is against the Tulsa Zoning Code. It is required to park all the cars on an all-weather surface and the vehicles cannot remain over a long period of time with the appearance of a salvage yard. The vehicles have not been run for several years, with back axles sunk in the ground. Mr. Cox submitted notices and photographs (Exhibit B-4). Mr. Cox asked that the appeal be denied and the property be brought into compliance with the zoning and nuisance laws.

Andrew Turner, 1225 S. Owasso Ave., stated he bought his home there in 1995. He stated that they have tried to maintain and preserve the neighborhood as a historic area. They want the City enforce the surrounding uses comply with the applicable requirements. He stated the property is unsightly as shown by the inspector's photographs and unsightly from the street.

Carla Lund, 1220 S. Owasso Ave., stated she has worked for the preservation of the neighborhood for a long time. She was concerned that all-weather surfacing on this property would cause drainage from the sloping property onto properties in Tracey Park.

Allen Litchfield, 302 E. 19th, stated he is a past resident of Tracey Park until 1987. He complained that some of the same cars are parked on the subject property as were parked there back then. He commented that it is blight, and he encouraged the City to set it in compliance.

Michael Bates, 4727 E. 23rd St., stated he is the president of the Mid-Town Coalition of Neighborhood Associations. He commented that this property is a challenge for Tracey Park and all similar neighborhoods across mid-town. He asked the Board to deny the application to set a precedent. He expressed desire to preserve the historical home.

Comments and Questions:

Ms. Turnbo asked if he was asking the Board to deny the appeal. Mr. Bates replied that was correct. Mr. White reminded the interested parties that there were two items in the application, for variance of an all-weather surface, and an appeal

of the inspector's decision that the vehicles on the property are unlicensed, inoperable, and salvage material.

Interested Parties:

Mary Atkinson, 1123 S. Owasso Ave., chose to move into the neighborhood because she saw the improvements being made and the potential for the area. She stated that the use of the subject property was not appropriate for the area and she objected to more asphalt on the property.

Debbie Blackwell, 1212 S. Owasso Ave., stated she felt the variance and appeal should be denied. She added that a repair shop was not in operation on the property. She stated if all that can be done is pave the lot then that would improve the appearance and then they will address the other issues.

Linda Lichty, 1135 S. Newport, expressed her concern that all-weather surfacing would cause a drainage problem for the residential properties.

Kevin Cox, asked to speak again. He stated that the all-weather surface is a concern because of the drainage. He hoped that the interested parties were aware that if the variance were denied, that Mr. Lundgren would have to pave the property and provide for proper drainage. Mr. Beach commented that a property owner is not allowed to increase the amount of run-off from his property to others by any construction.

Applicant's Rebuttal:

Mr. Caputo stated that the Board should be able to see that the vehicles behind the 10' and 12' fences, cannot be seen from the street. He noted that the interested parties who spoke have moved to the neighborhood while Mr. Lundgren was living there. The applicant is going through rehabilitation and intends to resume the business.

Comments and Questions:

Ms. Perkins asked that since Mr. Lundgren has been ill for five or six years that is the reason that the vehicles are parked there and are untouched and in the present condition. Mr. Caputo replied in the affirmative. Ms. Perkins asked if he was saying that since it is all behind fences and cannot be seen from the street that the Board should allow him to run a business that he was not approved to run. She stated that it has the appearance of a salvage yard. Mr. Caputo responded that he does not believe it is a salvage yard but cars that Mr. Lundgren was going to work on when he became ill. She pointed out six car doors that have been stacked against a wall. She noted the cars are rusted and sunken down into the ground to the back axle, and trees growing up through the cars. He is not denying that the cars have been there for some time. Ms. Perkins asked when the doctor is going to release Mr. Lundgren. According to Mr. Lundgren it may be a year or two he did not know.

Ms. Perkins stated in the Board discussion that it is obvious it is a salvage yard. Mr. White asked what relief could the neighborhood expect if the Board denies the appeal. Mr. Beach stated that the applicant would have to come into compliance immediately, remove any salvage or inoperable vehicles, dismantled parts and anything the inspector determined to be in violation.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **DENY** a **Variance** of the all-weather surface requirement for parking of vehicles on CH zoned property. SECTION 222. MOTORIZED VEHICLES – Use Unit 17, finding the variance would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan; and regarding the Appeal of the Code Enforcement Officer that vehicles on site are unlicensed and inoperable vehicles are not salvage material, to **UPHOLD** the decision of the Code Enforcement inspector, on the following described property:

Lots 7 and 8, Block 4, Ridgewood Addition of Tracy Park, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19283

Action Requested:

Variance to allow detached accessory buildings (three-car garage, shop building and potting shed) of 1724 sq. ft. total for all accessory buildings. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6, located 2839 E. 49th St.

Presentation:

Dwayne Snapp, 2839 E. 49th St., stated that he resides on the subject property. He informed the Board that he brought Darin Akerman, with Sizemore and Weisz, and Associates, and he would also speak. He informed the Board that it was 9/10 of an acre, with an older frame home. He described the disrepair of the house and neglected landscape. They planned to restore the house and landscape the yard. The original garage was converted to a utility room. He informed the Board that property has mature trees. He pointed out there is not enough space on one side of the house and a septic with lateral lines on the other side. He showed the Board a large poster size site plan and described the plans for building the garage, hobby shop and exercise/storage room. Mr. Snapp stated that during his illness and hospitalization the contractor began construction without a building permit. There is a concrete slab and a framed structure in place. When they applied for the permit they were advised that they exceeded the 40% ratio. He stated that his hardships are that the 40% ratio is very limiting on larger tracts of land and several of his neighbors also exceed the 40% ratio on their property. He also noted there is not enough room to add a three car garage to the house. He submitted information pages (Exhibit B-4) with figures from the assessor's office.

Comments and Questions:

Ms. Perkins noted that only one of his neighbors came to the Board for relief. Mr. Snapp responded that he did not know if they came before the Board, but he obtained his figures from the County Assessor's office. Ms. Perkins pointed out that the staff comments state his property is not uniquely larger than others in the area.

Darin Akerman, 6111 E. 32nd Pl., with Sizemore, Weisz and Associates, suggested the need for some flexibility on larger size lots, to allow larger than a 750 square foot building. He mentioned similar properties they found in the courthouse records, one being across the street from the subject property and more down the street with accessory buildings of 1300 to 2400 square feet. He notes that this would range approximately in the middle at 1700 square feet. The materials of the structures, the quality of the grounds, and the master scheme are a very coherent and complete plan. He showed some illustrations to the Board of the plans for landscaping and building façade. The building would be covered with 60% masonry on front and rear, with 100% masonry on the two sides. He also pointed out the decorative gated fence to emphasize the aesthetic improvements the applicant intends to do.

Comments and Questions:

Mr. Beach noted that several properties in the area zoned RS-1 are about 10,000 square feet. He stated that if each of them had the maximum allowable detached accessory building, the density would be greater than what this application would be. Since the subject lot is so much larger, might be justification for granting this application.

Interested Parties:

Donald Dixon, 2818 E. 48th St., stated that contrary to the applicant, his buildings are visible to the Dixon home, even over his own six-foot privacy fence. He submitted a petition signed by twenty-five people (Exhibit B-3). He expressed concern that it would hurt the sale of his home, because the backside of his home is mostly glass and the subject property would appear to be an industrial area. He suggested that he have only two buildings instead of three.

Chip Wolfe, 2828 E. 49th St., stated concern there was going to be a car repair business on the property, and cars parked on and off-street.

John Owen, 4003 E. 82nd Pl., stated he is a co-trustee with his mother at 4801 S. Evanston. They are concerned about storm-water drainage toward their property.

Weldon Sailor, 4740 S. Delaware, expressed concern that the applicant was going to use the building to restore antique automobiles. He stated it was a bad precedent for a well-established neighborhood. He further stated they have no assurance what such a building would be used for if the property were sold. He was concerned that it could decrease the value of his property.

Phillip Conig, 2847 E. 49th St., stated he lives next door to the property, and he has no objection to the application.

Patrick Geary, 2823 E. 49th St., stated that he trusts Mr. Snapp's judgment, and he has no objection to the application.

Donna Dixon, 2818 E. 48th St., stated she has lived there since 1968. She stated he disappointment in the buildings being built on the subject property. She refuted the applicant's statement that the neighbors cannot see the buildings; affirming that they can see his property and all the buildings. She stated there is no way it can be hidden.

Susan Conig, 1847 E. 49th St., stated she lives adjacent to Mr. Snapp. She commented the applicant has done nothing but improve the property. Her impression was that the landscape was attractive.

Applicant's Rebuttal:

Mr. Snapp assured the Board that he has no plans to run a business there. He submitted a petition (Exhibit B-2) signed by neighbors living on both sides of the property and across the street that are in favor of the application.

Comments and Questions:

Mr. White confirmed that the lot was 124 to 125' wide. He questioned why the garage could not be added to the east of the house. Mr. Snapp responded that the septic tank, lateral lines, and very mature trees were located there. He added that it would not accommodate a three-car garage. Ms. Perkins asked how many of the homes have three-car garages. Mr. Snapp replied probably two or three of the homes.

Mr. Akerman mentioned the lesser density on the subject property than some of the smaller properties would allow for better drainage. He also mentioned the elevation of the subject property is lower than the properties causing concern to the interested parties.

Mr. Dunham asked if there was a reason the buildings need to be set so far back. Mr. Akerman responded that the primary accessory building sets 40' from the rear property line and 25' from the side lot line. The potting shed was moved to 10' from the rear property line.

The Board discussed the case. Ms. Perkins considered the hardship to be self-imposed. She also commented that Mr. Snapp stated there are only two or three other homes that have a three-car garage. She stated it amounts to a six-car garage building, divided up for different uses. Ms. Turnbo was concerned that residents with smaller properties were allowed by Code to cover more of their property than the applicant on a larger property. Ms. Turnbo added that he was only going to cover 10.8% of his lot. Mr. Dunham felt that the size of the lot is an

Board Action:

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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 **Special Exception** to allow outdoor sales of plants in a CS zoned district from April through July, finding 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, Block 2, Kirkdale Commercial Center, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19285

Action Requested:

Special Exception to allow the sale of automobiles, which have been pawned and not picked up by the owner. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 14, located 9075 E. 31st St.

Presentation:

Mr. Beach pointed out to the Board that the case report is based on a use unit 14 for pawnshop but auto sales are under use unit 17. So the use unit 17 would be a second principal use.

Ron Gill, 9075 E. 31st St., stated he owns the pawnshop on the subject property. He stated that when a pawn expires, he could not sell the car under the code. He would like to park a maximum of cars on the lot for sale as they become available after a pawn expires. He informed the Board that he has a storage place where he takes all of the cars that are pawned and only brings them to the subject property when it is to be picked up or hopefully when they are to be sold.

Comments and Questions:

Ms. Turnbo asked how many existing parking places are on the property. Mr. Gill replied there are 17 marked parking spaces and room for 12 or 13 more. Ms. Turnbo asked for the square footage of the existing pawnshop. Mr. Dunham commented if it is an old Quik Trip it is probably about 40' x 60'. Ms. Perkins asked how long he would expect to leave a car parked for sale. He stated he would not want to leave them there for more than two to three weeks. He added that he does not take inoperable cars. He stated that he heard people were concerned he would put up a big fence, but he does not plan to do that. There should be no changes in the exterior of the shop, except an occasional car parked out front.

Interested Parties:

Jan McGee, administrative aid to Councilor Sam Roop for District 5, stated that Councilor Roop objects to this application. He thinks it would be detrimental to the

neighborhood; the parking lot is not large enough for the pawnshop, much less for car sales; then other pawnshops will want to do the same and it would set a bad precedent.

Nancy Adams, 9042 E. 30th, stated she has lived in the neighborhood since 1977. She lives directly behind the pawnshop. She submitted photographs (Exhibit C-1). Ms. Adams objects to the application because it will bring extra traffic to the neighborhood. She was concerned that it would not stop with cars, next it could be motorcycles, travel trailers and other vehicles.

Gordon Carlson, 9076 E. 29th St., stated he bought the first house in the unit in 1966. He was concerned there are only two access streets to the neighborhood.

Cull Bivens, 9039 E. 28th St., stated he has lived in the neighborhood since 1967. He stated that he used to have an office next door to this property. Mr. Bivens mentioned that the prior owner stored cars on the property on the east side of the building in the five parking spaces. One of the spaces was a shared space with the office building where he used to work. He informed the Board that he has seen numerous cars parked bumper to bumper, and the cars were in very bad condition. The cars had to be towed off the property. Mr. Bivens expected it would be an eyesore if they approved the application.

Mel Rice, 9142 E. 26th Pl. S., stated his objection on the expectation that it would lead to the demise of the neighborhood.

Greg Linch, 9317 E. 29th Pl., stated that there were no obvious changes to the property to indicate that the ownership had changed. He concluded that any future pawned cars would not be of any better condition than the ones previously pawned.

Dr. Larry Feldman, 8718 S. Quebec, stated he owns the dental office property. He added that he has worked very hard to keep up the property. He was concerned that this relief would affect Dr. Wagner's practice at this location, the value of the property and the nearby residences. He submitted a petition of protest (Exhibit C-2).

Dr. Scott Wagner, 11555 S. 68th E. Ave., objected to the pawnshop selling used vehicles because of the expected condition of the vehicles. He also objected to cars parked where they would block the visibility of his sign in front of the building. He was concerned that the visibility would be blocked to patients pulling out into traffic.

Gary Cheatum, stated he has lived in the neighborhood since 1973. The residents have had numerous challenges to keep up the neighborhood. He objects to the application because of the possibility of people test-driving cars on

the residential streets. There are a lot of children in the neighborhood and the public pool is on 94th St.

Applicant's Rebuttal:

Mr. Gill stated that no pawned cars have been parked at this location for several years. The traffic accidents on 31st have been caused from the shopping center. He indicated that people would not want to test-drive a car on a residential street but an arterial street or expressway where they can get up some speed.

Mr. Beach wanted to clear up some misinformation stated regarding this case. He reminded the Board that the previous application for parking was withdrawn and not heard by the Board. He commented that approximately 19 parking spaces would be required and the applicant indicated there was room for 31 spaces.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **DENY Special Exception** to allow the sale of automobiles, finding 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, on the following described property:

S 135.00' of the E 135.00', Lot 1, Block 1, Longview Center, City of Tulsa, Tulsa County, State of Oklahoma.

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Mr. White stated that he would abstain from Case No. 19287.

Case No. 19287

Action Requested:

Variance of livability space requirement of 1,750 sq. ft. down to 1,678 sq. ft. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; a Variance of side yard requirement of 5' down to 0.5'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of required front yard of 25' down to 9.4'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 3017 E. 2nd St.

Presentation:

Paul Thomas, 216 S. Florence, submitted a packet of information with photographs (Exhibit D-1). Ms. Perkins noted that the staff comments stated there was no record of a lot-split to create these lots. Mr. Thomas replied that those lots were platted in the 1920's and established homes existed there before the zoning code was in place. He informed the Board that he was involved in the revitalization of the Kendall-Whittier area for the last twelve years. He stated his goal is to improve the property to make it desirable for purchase. He indicated the hardship is that it is a small lot. The proposed plans were to add on to the back of the

house. He found that it is currently over the lot line by one-half foot. He does not want to encroach any further. He would like to enclose the front porch to make it part of the livable space in the house.

Comments and Questions:

Mr. Beach commented that he has received calls in support of this application.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Perkins**, the Board voted 3-0-1 (Dunham, Turnbo, Perkins "aye"; no "nays"; White "abstained"; Cooper "absent") to **APPROVE** a **Variance** of livability space requirement of 1,750 sq. ft. down to 1,678 sq. ft.; a **Variance** of side yard requirement of 5' down to 0.5'; and a **Variance** of required front yard of 25' down to 9.4', per plan, finding the hardship to be that it is a non-conforming lot, would not encroach any further toward the street, and would be in line with neighboring houses, on the following described property:

The E 35' of the W 70' of Lot 4, Block 2, Pleasant View Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19288

Action Requested:

Variance of required number of parking spaces from 7 to 5. SECTION 1211.D. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES; Off-Street Parking and Loading Requirements; a Variance of required 5' landscape strip to 0'. SECTION 1002.A.2. LANDSCAPE REQUIREMENTS; a Variance of required 12' drive aisle to 8.3'. SECTION 1303.A. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS; and a Variance of required 15% of street yard to be landscaped. SECTION 1002.A.1. LANDSCAPE REQUIREMENTS, located 3916 E. 31st St.

Presentation:

Pat Atwood, 764 W. 98th Pl., Jenks, Oklahoma, stated the subject property is her office. The City of Tulsa took an extra ten feet for street dedication. She asked for the variance of the landscaping since there would be no room for it. She requested a variance of the drive aisle. She described the landscaping they would like to do and stated it is important to their businesses.

Comments and Questions:

Mr. Beach commented that the applicant has been through a lot to get this project done. The right-of-way dedication was the result of a re-zoning and plat waiver. The landscaping they propose would offset the required 15% landscaping.

Interested Parties:

There were no interested parties who wished to speak.

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 required number of parking spaces from 7 to 5; a ***Variance*** of required 5' landscape strip to 0'; a ***Variance*** of required 12' drive aisle to 8.3'; and a ***Variance*** of required 15% down to 6.5% of street yard to be landscaped, per plan, with condition for a license agreement, finding the additional right-of-way taken by the City of Tulsa would make it difficult to comply with the City Zoning Codes, on the following described property:

Lot 4, Block 1, Dartmoor Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Mr. White stated he would abstain from Case No. 19289.

Case No. 19289

Action Requested:

Special Exception to permit an office in an RM-2 district (photography studio).
SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS –
Use Unit 11, located 1437 S. Carson.

Presentation:

Paul McKnight, Jr., 1437 S. Carson, stated he owns this property. He stated there would be no change in the exterior except a small sign. He informed the Board that the photographer will live there as his residence. There will not be any employees and most photography sessions will be held off-site. Mr. McKnight stated there is room for three cars to park in the driveway. Work performed at the facility will be done by appointment only. There are no schools, parks or childcare facilities in the vicinity. He pointed out numerous commercial and office properties in the area.

Comments and Questions:

Mr. Dunham asked the number of square feet in the house. Mr. McKnight replied there are about 2200 square feet. Mr. Dunham informed him that the staff comments mention the requirement for parking is one parking space for every 300 square feet. He added that the application does not have a request for relief on the parking requirements. Mr. Dunham wanted to know how much of the square footage would be office space. Ms. Perkins commented that tandem parking on the driveway would not meet the code requirement. Ms. Turnbo mentioned that this appears to be a home occupation.

Interested Parties:

Wayne Parrish, 1437 S. Carson, stated he currently leases this property. He plan was to have one small sign, just to assist customers in locating him for appointments. He does not anticipate more than one customer at a time for consultations or photo shoot. Mr. Parrish did show some interest in a home occupation if it would not require extra parking.

Tracy Horner-Shears, 1522 S. Carson Ave., stated she is an attorney for Riverview Neighborhood Association. She informed the Board that parking is a big issue to the residents, since there is already bumper-to-bumper parking on street. She mentioned concern about traffic because there are numerous children living in the area. Ms. Shears added that signage is a big issue with the residents also. Ms. Shears suggested that it would be helpful if the applicant would meet with the residents regarding the signage and other issues.

Applicant's Rebuttal:

Mr. McKnight, stated he has purchased and refurbished four homes in this area. It is most important to him that the neighborhood be maintained. This house was vacant for 10-12 years and was in terrible condition. A copy of codes regarding this application and photographs (Exhibit E-1) was submitted.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 3-0-1 (Dunham, Turnbo, Perkins "aye"; no "nays"; White "abstained"; Cooper "absent") to **CONTINUE** Case No. 19289 to the meeting on March 12, 2002.

Lot 34, Block 2, Carlton Place, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19290

Action Requested:

Variance of setback from Southwest Boulevard from 50' to 40' in an IL district (replacement sign). SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 5, located 1307 W. 22nd St.

Presentation:

Timothy Cole, 1307 W. 22nd St., pastor of the church on the subject property. He stated they would like to replace the old sign in a different location but no closer to Southwest Boulevard.

Mr. Dunham stepped out at 3:38 p.m.

He stated the new sign would be 41/2' x 8', and total height would be 9'. Mr. White asked Mr. Beach for a maximum size allowed for a sign.

Mr. Dunham returned at 3:40 p.m.

Mr. Beach determined the proposed sign would be well within the allowed sign size.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of setback from Southwest Boulevard from 50' to 40' in an IL district (replacement sign), subject to a removal of the old sign, and a removal contract, finding the people most affected are in favor of the application, on the following described property:

S 70' of Lots 11, 12 and E 25' of Lot 10, Block 4, Clinton Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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

Case No. 19291

Action Requested:

Variance of screening requirement for parking adjacent to residential district and use. SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 5, located 1714 W. 40th St.

Presentation:

John Taylor, 6247 S. 32nd W. Ave., stated that Richard Ryan made this application. The church recently paved a parking lot next to a residential property owned by Mr. Abbott. The zoning code requires them to build a privacy fence between the parking lot and Mr. Abbott's property. Mr. Abbott asked that they not build a privacy fence. The church also has an agreement with Mr. Abbott that if he decides to sell his property that the church would have the first option to buy it. Therefore, they asked for a variance of the screening requirement.

Interested Parties:

There were no interested parties who wished to speak.

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 screening requirement for parking adjacent to residential district and use, finding that it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, and the people most affected by it are in favor of the application, on the following described property:

Lots 1-8, 25 and 26, Block 6, Clinton Homesite Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19295

Action Requested:

Minor Special Exception to allow an RV to be stored in a required side yard in an RS-2 zoned district. SECTION 402.B.7.b.c. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6, located 8157 S. Quebec Ave.

Presentation:

Eric Kolber, 8157 S. Quebec Ave., stated that one the attractions to this property when they purchased it was that the original owners kept an RV parked there for a number of years. He has a pop-up camper that he parked in the same place on his paved drive. He submitted a packet with signatures in favor of the application and photographs (Exhibit F-1).

Interested Parties:

Mike Wilcox, 4316 E. 83rd St., submitted a petition of signatures in opposition and photographs (Exhibit F-2). He stated they object to the application, believing it would be injurious to the quality of the appearance of the neighborhood. They are concerned that it would set a precedent. He suggested it could be parked in the garage or behind a fence. Mr. Dunham asked if it was parked behind a fence would it satisfy the neighbors. Mr. Wilcox indicated that it would.

Dale Astole, 8318 S. Sandusky, stated he has lived there since 1989. He stated the neighborhood is well kept and he felt it should be parked behind a fence or in the garage.

Charles Knot, 4235 E. 83rd Pl., stated he is the block captain for the neighborhood association. He was in agreement with the concerns previously stated.

Applicant's Rebuttal:

Mr. Kobler responded that none of the closest neighbors objected, as shown from the signatures he submitted. He pointed out that there is not reasonable access to the side yard or paved, the camper is parked further from the street than is required, and it is only one vehicle and has been parked there for over three years, and was not challenged by the previous homeowner's association.

Comments and Questions:

Mr. Dunham asked Mr. Kobler if he could put up a six-foot fence in the side yard for the camper and it would satisfy the neighbors and the code. Mr. Beach stated that at first he thought it did not need any relief. Mr. Beach noted that unique shape of the lot it could be considered screened according to the zoning code.

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 allow an RV to be stored in a required side yard in an RS-2 zoned district, on condition that it be screened entirely from the street by a six-foot fence, finding 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:

All of Lot 10, and part of Lot 9, Block 6, Brookwood, City of Tulsa, Tulsa County, State of Oklahoma, that part of Lot 9, being more particularly described as follows, to-wit: Beg. at the NW/c of Lot 9; thence Ely along the N line of Lot 9, 61.16' to the NE/c of Lot 9; thence SWly 61.40' to a point on the W line of Lot 9; thence Nly along said W line 5' to the POB.

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There being no further business, the meeting was adjourned at 3:58 p.m.

Date approved: FEBRUARY 26, 2002



Chair