

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 843
Tuesday, June 11, 2002, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Vice Chair
Cooper
Perkins
White, Chair

**MEMBERS
ABSENT**

Turnbo

**STAFF
PRESENT**

Beach
Butler

**OTHERS
PRESENT**

Boulden, Legal
Cox, Neighborhood
Inspection

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Friday, June 7, 2002, at 09:00 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 1:00 p.m.

Mr. Jim Beach read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES:

On **MOTION** of **Perkins**, the Board voted 3-0-0 (White, Dunham, Perkins "aye"; no "nays"; no "abstentions"; Cooper, Turnbo "absent") to **APPROVE** the Minutes of May 28, 2002 (No. 842).

Mr. White announced that the two cases for reconsideration would be heard later in the hearing when there were at least four board members present to hear the presentation.

UNFINISHED BUSINESS

Case No. 19349

Action Requested:

Special Exception to permit auto sales in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; Variance of requirement that there be no open-air storage or display of merchandise within 300' of adjoining R district. SECTION 1217.C. USE UNIT 17.

AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions, located NW/c 106th E. Pl. & E. Admiral Pl.

Presentation:

Mike Lang, stated he represented Randall G. Gehring. He informed the Board that the applicant proposes to open a used car lot on the property. Mr. Lang pointed out that the property was originally used for a gas station and then a security company maintenance depot. Mr. Gehring has discussed his plan with the neighboring church and other neighbors and they offered their support. He has already begun improving the property and plans to do much more. He offered a list of conditions (Exhibit B-1) that were suggested by a neighborhood association. The applicant would be willing to follow these conditions with the exception of the third condition regarding signs, banners and such, should the application be approved.

Interested Parties:

Wayne Bohanon, 10617 E. 1st, stated he is President of the Wagon Wheel Neighborhood Association. They are opposed to the application for a used car lot in a CS district. He stated that their experience in east Tulsa with used car lots has been that they soon deteriorate into a junkyard. The owners typically go into business with a towing service, so the towing service can have a location to store the repossessed cars. He listed other complaints of: bright outdoor lights and speakers; hours of operation into the evening; inoperable vehicles stored on sight; cause of rats, mice, mosquitoes and vermin; vehicles parked on grass; and increased traffic. He added that the use would violate the intent and spirit of the code. They asked for a hardship to be stated for the variance. They further oppose the storage and display of merchandise within 300' of a residential district. Mr. Bohanon submitted a photograph (Exhibit B-2). He pointed out the close proximity of three homes. He stated it would reduce the quality of life, reduce property values, increase traffic and accidents, and become another junkyard.

Mr. Cooper arrived at 1:15 p.m.

Troy Williams, 402 S. 105th E. Pl., stated he is Vice-President of the Wagon Wheel Homeowner's Association, Inc. He was in agreement with Mr. Bohanon's objections. He submitted photographs (Exhibit B-2) to the Board.

Tabitha Watkins, 20 N. 106th Pl. E., stated she represented the family that owns all three homes abutting the subject property. She listed concerns of bright lights, security after hours, distance cars would be parked from the residences, and request a screening fence behind the homes on the north of the subject property.

Art Justis, City Councilor, 1302 S. 122nd E. Ave., stated he opposes the application. He would request that restrictions be placed if the case is approved. He has sought for all Use Unit 17 properties be in a PUD; the autos be for sale;

operable; no auto repair; specific hours of operation; and no salvages or car storage.

Applicant's Rebuttal:

Mr. Lang stated the applicant is in full agreement regarding no junkyards in the area. The plans are for a clean used car lot only. They already plan to put up a screening fence on the north side of the lot. He described the distance from the Wagon Wheel homes as four lanes of traffic with a median and trees behind the homes. He reminded the Board that the church next door is in support of the application.

Comments and Questions:

Mr. Dunham asked for the proposed days/hours of operation. Mr. Lang stated the hours and days would be 10:00 a.m. to 7:00 p.m. Monday through Saturday. Ms. Perkins asked about the number of cars. Mr. Lang replied there would be more than 15 cars, and 30 would be the maximum. He further explained that if you have too many displayed it ruins the appearance of the lot. Mr. Boulden asked for the hardship. Mr. Lang responded that it would be an improved appearance to the previous uses.

Board Action:

On **MOTION** of **Perkins**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to permit auto sales in a CS district; **Variance** of requirement that there be no open air storage or display of merchandise within 300' of adjoining R district, with conditions for Monday through Saturday 10:00 a.m. to 7:00 p.m.; maximum of 30 cars; auto sales only, no towing or recovery business; and per the items listed in Exhibit B-1 with the exception of # 3: perimeter barrier around the lot be no higher than three feet above the ground except for the 6' screening fence to the residential property to the north; no chain link fences; no inoperable vehicles, including no wrecked, or otherwise disabled vehicles; only light mechanic work on vehicles inside the building; provide customer parking in compliance with the code; no parking of vehicles on adjacent properties including customers' vehicles; no lights shining directly on adjacent properties, on the following described property:

That part of Lot 5, in Spring Grove Subdivision of Lot 2, Section 6, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beg. at the SE/c of the highway property line of Lot 5; thence W along the highway property line 165' to a point; thence N 125' parallel to the E line of Lot 5 to a point; thence E 165' parallel to the S line of the highway property line to a point on the E line of Lot 5; thence S 125' along the E line of Lot 5 to the POB.

REQUESTS FOR RECONSIDERATION

Case No. 19362

Action Requested:

REQUEST FOR RECONSIDERATION of a Special Exception to allow a bed and breakfast facility in an RS-3 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2, located 1100 North 27th West Avenue.

Mr. Beach announced that the Board would only decide whether to reconsider the case at a future hearing based on new evidence to be presented.

Presentation:

Paul Vestal stated his concern that the application was previously considered to include special events, not simply a Bed and Breakfast.

Comments and Questions:

Mr. White asked if the neighbors are in support of the application now. **Joe McCormick**, 601 Park Tower, representing the owners of the subject property, stated that some of the homeowners were concerned about special events. He added some neighbors stated they would not object if it were just a bed and breakfast. He requested a continuance to meet again with the neighbors and prepare another presentation to the Board. Mr. Dunham asked if the plans were for five guest rooms. Mr. Vestal responded in the affirmative.

Interested Parties:

David Mandrell, 1171 N. 27th W. Ave, stated that he lives across the street from the subject property.

Comments and Questions:

Mr. White asked if the neighbors have changed their minds. Mr. Mandrell replied not that he is aware of. He added that the applicant and the Board made it clear at the last hearing that the request was not for special events, just a bed and breakfast.

Interested Parties:

Patty Mandrell, 1171 N. 27th W. Ave., stated she was present at the last meeting and understood completely that it was just for a bed and breakfast. She also attended the meeting with Mr. Amos and the Murphy's. She informed the Board that neither she nor any of the neighbors present indicated that they would support the application. They were not asked if they would support it and no poll or vote was taken.

Comments and Questions:

Mr. Dunham thought there was some confusion at the previous hearing that this was a zoning change. He believed the confusion about the special events was

cleared up. Mr. White commented that the bed and breakfast would probably draw more guests during special events at Gilcrease Museum. The close proximity to the Gilcrease Museum and substandard streets would cause traffic problems. Mr. Boulden asked if the Board had received any new information that would give them reason to reconsider the case. Mr. White replied that he did not see any new evidence. Mr. Dunham agreed.

Board Action:

No **MOTION** to **Reconsider** was made on the following described property.

N/2 SW NE NE, Section 33, T-20-N, R-12-E, City of Tulsa, Osage County, State of Oklahoma.

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Case No. 19363

Action Requested:

REQUEST FOR RECONSIDERATION of a Special Exception to reduce the number of off-street parking spaces from 27 required to 15. SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS; Off-Street Parking and Loading Requirements. SECTION 1408.B.4. NONCONFORMING ADULT ENTERTAINMENT ESTABLISHMENTS; Special Exception to allow a bar within 150.00' from an R zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 12a, located 4002 East 11th Street South.

Presentation:

Andre Bahlinger, 5818 E. 77th St., submitted a packet of information (Exhibit A-1) to the Board. She pointed out her new evidence was that a Certificate of Occupancy was issued to the tenant by the City of Tulsa in 1999. The application submitted at the previous hearing was for a special exception for distance from a residential district and to reduce the number of required parking spaces. She did not think the special exception for distance was necessary since they received a Certificate of Occupancy.

Comments and Questions:

Mr. Beach responded that the bar was subject to the Zoning Code in 1994 and it did not come into compliance, therefore it was illegal and had no lawful non-conforming status. The Certificate of Occupancy does not negate the zoning requirement for parking or distance from the residential district. Ms. Bahlinger responded that the previous tenants did not comply, but the current tenant moved in with the intention to comply fully in 1999. She explained that because of a total reorganization of Development Services there were several changes leading to confusion as to the requirements. She added that other than the condition for resurfacing, nothing was said to the tenant or herself about the number of parking spaces or distance from the residential district.

Mr. White and Mr. Dunham were present at the previous hearing and agreed that no new evidence for reconsideration was presented.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

No **MOTION** for **Reconsideration** was made for the following described property:

Lots 6 and 7, Block 1, Mayo Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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UNFINISHED BUSINESS

Case No. 19368

Action Requested:

Variance of setback from 79th East Avenue from 50' to 47.5' to permit new construction. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS; Variance of maximum floor area ratio from .50 to .63 to permit a new hotel in a CS district. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, 3100 of South 79th East Avenue.

Presentation:

Danny Mitchell, 4111 S. Darlington Ave., submitted a site plan (Exhibit C-1) to the Board. He pointed out to the Board that other hotels in the area have variances for the same FAR or similar. He also noted the easements for a sanitary sewer, a very large drainage ditch, and the configuration of the lot as the hardships. He showed the Board that the variance is only for a corner of the structure where the elevator would be located.

Mr. White stated that Mr. Cooper would abstain from this case.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-1 (White, Dunham, Perkins "aye"; no "nays"; Cooper "abstained"; Turnbo "absent") to **APPROVE** a **Variance** of setback from 79th East Avenue from 50' to 47.5' to permit new construction; **Variance** of maximum floor area ratio from .50 to .63 to permit a new hotel in a CS district, per plan, on conditions for hotel use only and that no restaurants, or accessory uses be allowed, finding the existing easements and lot configuration are the hardships, on the following described property:

her efforts to comply with the code, and that she has run a good business there. He noted that the configuration of the lot is unique and needs some special considerations. He stated that the business is needed and the location is appropriate. Mr. Beach asked him if the property had been used as an outdoor storage since before 1970. The Councilman replied in the affirmative.

Kevin Cox, with Neighborhood Inspections, 111 S. Greenwood, stated he directed Ms. Davie to the Board. He stated that she has a viable business and with this relief she could continue to operate. He mentioned that it would still be non-conforming if she had not obtained rezoning to IL. He informed the Board that she is making progress in complying with the code and he would like to work with her to meet the rest of the requirements.

Comments and Questions:

Mr. White mentioned that the applicant has an 8' fence between her property and the property to the west. Mr. Beach stated there is a screening requirement for the south and the south half of the west side of her property. Councilor Patrick informed the Board that the property to the south is a wooded area and cannot be developed because of the flood plain. Mr. Beach stated that the applicant would need more relief to not screen the adjacent RS property.

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 **Special Exception** to allow Use Unit 26, in an IL zoned district; and a **Variance** to allow parking on gravel and grass area as shown on the plan within 30 months, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan; and to **CONTINUE** Case No. 19369 for additional relief to the meeting on June 25, 2002, for the following described property:

Tract 1: Beg. 355.86' S NW/c W/2 E/2 E/2 NW NE thence E 165.10', thence N 196.24', NW 197.69', thence S 306.03' to the POB; Tract 2: Beg. 354.92' S NE/c E/2 E/2 E/2 NW NE, thence W 165.06', thence N 196.24', thence SE 198.03', thence S 86.26' to the POB; and Tract 3: Beg. 268.66' S of NW/c NE NE, thence SEly 116.00', thence SWly 26.5', thence W 81.80', thence N 76.84' to the POB, all in Section 27, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19377

Action Requested:

Variance of setback from centerline of the street of 45' down to 30'. SECTION 210.B.5.b. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located 1331 S. 121st E. Ave.

Case No. 19371

Action Requested:

Special Exception under Section 1407.C of the Tulsa Zoning Code to permit the change in the use of the Medical Office Building area from medical office use (Use Unit 11) to restaurant use (Use Unit 12) and to permit the change of use of 2,900 square feet from retail use (Use Unit 14) to restaurant use (Use Unit 12) without providing additional off-street parking spaces except for 138 new spaces within the pad site of the demolished Medical Office Building. SECTION 1407.C. PARKING, LOADING AND SCREENING NONCONFORMITIES – Use Units 11, 12, 13 & 14, located S side of E. 21st St. between Utica Ave. & Yorktown Ave.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, for Helmerich and Payne, in a new project at Utica Square. This property was developed in a large part prior to the addition of the parking requirement within the CH zoning district. Utica Square is non-conforming as to parking with the exception of the area that was developed for Saks Fifth Avenue. That property is in the CS zoning district with a parking requirement. Parking was added to serve that store when it was developed in the mid 1980's. The Square is non-conforming by 300 to 400 parking spaces. The medical office building has been removed and the management proposes to construct two restaurants in that location, with a maximum of 7500 square feet of building area for each location. Mr. Norman had submitted a copy of the calculations that show a reduction of the parking requirement that existed for the medical building (Exhibit F-3). A part of the application is a plan to change the use of the former Irene Herbert store across the landscape square from the Wild Fork, which has about 2900 square feet from retail to restaurant space. He stated that the existing two-level parking structure would remain as a parking resource. There was a severe grade from the northwest corner of the medical center parking area down to the southeast corner. There will be a retaining wall to permit the leveling of the pad sites for the new restaurant location, and will represent a significant change in the terrain. He submitted one unsolicited letter of support (Exhibit F-2) from the owner of the apartments to the south of the site. Partial site plans (F-1a and F-1b) were included with the application.

Interested Parties:

Jeff Levinson, 3508 E. 18th St., stated he objected to the special exception. The use is an issue not for what is permitted by the zoning code but the code section to be considered would grant the exception under a different standard. He commented that the focus should not be on reduction of the shortage of parking spaces, but on the shortage itself. He stated there is simply not enough parking.

Comments and Questions:

Mr. Cooper asked whom Mr. Levinson was representing. Mr. Levinson replied for purposes of the record, he was there on his own behalf.

Applicant's Rebuttal:

Mr. Norman reminded the Board of the lawful non-conforming status for parking in Utica Square, which they have recognized in previous cases. The section that Mr. Levinson referred to is a specific section about the parking non-compatibility. The reduction of the parking deficit will not increase the incompatibility of the Square, in so far as parking is concerned with its neighbors. Mr. Norman also reminded the Board that there has never really been a real deficit in parking within Utica Square. Sometimes during the Christmas season you have to drive around a little to find a space, but his experience has been there has never been a problem with people parking in the neighborhood. They will be adding back 138 parking spaces where the medical building stood.

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 **Special Exception** under Section 1407.C of the Tulsa Zoning Code to permit the change in the use of the Medical Office Building area from medical office use (Use Unit 11) to restaurant use (Use Unit 12) and to permit the change of use of 2,900 square feet from retail use (Use Unit 14) to restaurant use (Use Unit 12) without providing additional off-street parking spaces except for 138 new spaces within the pad site of the demolished Medical Office Building, per plan, subject to the uses being U.U. 12 restaurant uses and no U.U. 12.a's be permitted without additional relief from the Board, 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 that part of the NW/4 NE/4 of Section 18, T-19-N, R-13-E, of the IBM, less and except the N 125.00' of the E 163.80' thereof, and less and except the N 200.00' of the W 230.00' thereof, and less and except the S 100.00' of the N 300.00' of the W 181.37' thereof; and all that part of the NE/4 NE/4 of Section 18, T-19-N, R-13-E of the IBM, less and except the N 185.00' thereof; All of said above-described property being more particularly described by metes and bounds as follows: Commencing at the NW/c of said NW/4 NE/4; thence E 230.00' to the POB; thence S 00°43'30" E parallel to Wly boundary line of said NW/4 NE/4 a distance of 200.00'; thence W parallel to the N boundary line of said NW/4 NE/4 a distance of 48.63'; thence S 00°43'30" E parallel to the Wly boundary of said NW/4 NE/4 a distance of 100.00'; thence W and parallel to the N boundary line of said NW/4 NE/4 a distance of 181.37' to the Wly boundary of said NW/4 NE/4; thence S 00°43'30" E along the Wly boundary line of said NW/4 NE/4 a distance of 671.50' to the N boundary line of 22nd Pl.; thence E parallel to the N boundary line of said NW/4, NE/4 a distance of 920.33'; thence to the left on a curve of radius 1720.17' a distance of 157.75'; thence N 84°45'03" E a distance of 75'; thence to the right on a curve of radius 1770.17' a distance of 162.09' to the E boundary of said NW/4 NE/4; thence N 00°48'31" W along the E boundary of said NW/4 NE/4 a distance of 824.96' to a point, said point being 125.00' S of the N boundary line of said NW/4 NE/4; thence W parallel with the N

boundary line of said NW/4 NE/4 a distance of 163.80'; thence 90° to the N a distance of 125.00'; thence W along the Nly boundary line of said NW/4 NE/4 a distance of 921.51' to the POB, and Beg. at a point in the W line of the NE/4 of the NE/4 Section 18, T-19-N, R-13-E, 185.00' S of the NW/c thereof, said point being the SW/c of Lot 3, Block 1, Brentwood Heights Addition to the City of Tulsa; thence S 765.00' along said W line to a point in the N line of 22nd Pl.; thence E along said N line of 22nd Pl. 16.25'; thence NEly along the W line of Yorktown Ave. upon a curve to the right of radius 30 30' a distance of 60.50'; thence continuing along said W line of Yorktown Ave. N 11°45'51" E a distance of 418.91' to a point of tangent upon a curve to the left of radius 1620.08'; thence along said curve and along the W boundary of Yorktown Ave., a distance of 297.70' to the SE/c of Lot 1, Block 1, of Brentwood Heights Addition; thence W 152.19' to the POB, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19372

Action Requested:

Special Exception under Section 403.A.7 of the Tulsa Zoning Code reducing the required RS-2 zoning district front yard from 30' to 25'. SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts – Use Unit 6; and a Variance of the requirements of Section 403.A to permit the southwesterly corner of the proposed residence to encroach by 244 square feet within the required RS-2 25' rear yard to a distance of 10' from the west boundary of the lot. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 2204 S. Troost Ave.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, submitted a petition of support signed by twenty-six property owners and photographs (Exhibit G-2). Four neighbors purchased the subject property, removed the old house, improved the lot and offered it for sale. It is an odd-shaped lot; each side has a different dimension. The subdivision was developed with a 25' front yard setback building restriction. That restriction applies to both sides of this lot. The proposed residence would encroach on the backyard setback at one corner. Mr. Norman mentioned the staff comment that this might be too large of a house for the lot, that the lot area is 12,643 square feet, and the footprint of the first story is 3,642 square feet and the driveway is 1,020 square feet. He added there will be 7,780 square feet of livability space compared to the 5,000 square feet required in the RS-2. It is not an attempt to overbuild the lot but to deal with the unusual geometry. A site plan was provided (Exhibit G-1).

Interested Parties:

There were no interested parties who wished to speak.

In discussion, Mr. Dunham noted the people most directly affected have gone together to do this. He added that it appears to be an improvement to the property. Mr. Cooper was in agreement that it met the livability requirements.

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 **Special Exception** under Section 403.A.7 of the Tulsa Zoning Code reducing the required RS-2 zoning district front yard from 30' to 25'; and a **Variance** of the requirements of Section 403.A to permit the southwesterly corner of the proposed residence to encroach by 244 square feet within the required RS-2 25' rear yard to a distance of 10' from the west boundary of the lot, finding the configuration of the lot to be the hardship, on the following described property:

Lot 1, Block 5, Terwilliger Heights, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19373

Action Requested:

Variance of required setback from East 111th Street from 100' from centerline to 83' from centerline. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 11, located SW/c S. Yale & E. 111th St.

Presentation:

The applicant was not present. No interested parties were present. The case was tabled until later on the agenda.

Case No. 19374

Action Requested:

Approval of an amended site plan to add addition on north end of existing building and replacement building on south end. Use Unit 11, located 11929 E. Pine St.

Presentation:

Julie Birky, 3148 S. 108th E. Ave., Ste 145, stated they are asking for approval of an amended site plan to apply for a permit to put a 35' x 82' to replace a previous building 32' x 82' that has been demolished. They plan to build an addition on the backside of an existing building, of 20' x 35' for storage. They are pre-engineered metal buildings. A site plan was provided (Exhibit H-1).

Comments and Questions:

Mr. Dunham reminded her that it is limited to one-story. She was aware of the height limitation.

Case No. 19373

Action Requested:

Variance of required setback from East 111th Street from 100' from centerline to 83' from centerline. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 11, located SW/c S. Yale & E. 111th St.

Presentation:

The applicant had not arrived.

Comments and Questions:

Mr. Dunham noted that the street would never go through. Mr. Beach mentioned that the topography toward Riverside would require a significant amount of cut.

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, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **CONTINUE** Case No. 19373 to the meeting on June 25, 2002.

Lot 1, Block 1, South Yale Park, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19376

Action Requested:

Variance of required floor area ratio from .50 to 1.0 in an OM district. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 11, located 1401 S. Cheyenne.

Presentation:

Ron Kitchen, 2436 E. 18th St., stated he is the architect for the owner of the subject property. In applying for a building permit they discovered that the existing building does not meet the floor/area ratio requirements, or the addition they planned. The lot area is 8,125 square feet; the existing building and outbuilding encompass 6,421 square feet. They planned to add 2,500 square feet for a total of 8,042 square feet. The FAR would be approximately 1:00. A site plan was provided (Exhibit J-1).

Comments and Questions:

Mr. White asked how old the structure is. Mr. Kitchen replied that it was built in 1919. Mr. Beach commented that the variance of the parking requirement to five parking spaces as approved in August 2001, still stands. Mr. Cooper asked about the hardship. Mr. Kitchen replied that the existing structure does not meet the FAR requirements, its part of a historical neighborhood, and is located in the special exception area B in the Comprehensive Plan of Tulsa. He added that all the

adjacent structures are built to the property line because it is surrounded by commercial, and one is fifteen-stories, another is four stories.

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, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of required floor area ratio from .50 to 1.0 in an OM district, per plan, finding it is consistent with other non-conforming buildings in the area, and 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 and N 15' Lot 2, Block 1, Carlton Place, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 3:50 p.m.

Date approved: JUNE 25, 2002



Chair