

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 844
Tuesday, June 25, 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
Turnbo
White, Chair
Perkins

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Stump
Butler

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Friday, June 21, 2002, at 8:30 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. Jay Stump read the rules and procedures for the Board of Adjustment Public Hearing.

CONTINUANCES and CASES WITHDRAWN

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.

Presentation:

Mr. Stump informed the Board that the applicant had withdrawn the application.

Board Action:

No action was necessary.

Lot 25, Block 1, Eastport Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19383

Action Requested:

Variance of the allowable size for an accessory building in an RS-3 zoned district from 500 square feet to 576 square feet. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6, located 3152 S. 133rd E. Ave.

Presentation:

Mr. Stump informed the Board the applicant withdrew this case.

Board Action:

No action was necessary.

Lot 10, Block 1, Briarglen Acres, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19391

Action Requested:

Variance of maximum required rear yard coverage from 25% to 54% in an RS-2 district. SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located 1230 Hazel Blvd.

Presentation:

Steve Schuller, 500 OneOak Plaza, 100 W. 5th St., requested a continuance of this case to the meeting on July 23, 2002.

Interested Parties:

The interested party present had no objection to a continuance.

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. 19391 to the meeting on July 23, 2002.

Lot 7, Block 15, Sunset Terrace Addition, City of Tulsa, Tulsa County, State of Oklahoma.

MINUTES:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Turnbo "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** the Minutes of June 11, 2002 (No.843) as amended.

UNFINISHED BUSINESS

Case No. 19361

Action Requested:

Special Exception to modify the maximum fence height allowed in the required front yard from four feet to six feet. SECTION 210.B. YARDS; Permitted Obstructions in Required Yards, located 1819 East 15th Street.

Presentation:

Philip Steedman, 2728 E. 44th Pl., stated the existing fence on 14th Pl. is six feet tall and he would like to keep it.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Turnbo "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to modify the maximum fence height allowed in the required front yard from four feet to six feet on 14th Pl. frontage, 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:

Tract A: more particularly described as follows: A portion of Lots 17 and 18, Block 5, Terrace Drive Addition, being more particularly described as follows, to-wit: Beg. at the SW/c of the E 50.00' of said Lot 17; thence N 00°26'51" W along the W line of said Lot 17, a distance of 193.72'; thence N 89°59'51" E a distance of 100.02'; thence S 00°26'16" E a distance of 193.74' to a point on the S line of said Lot 18; thence due W a distance of 99.96' to the POB; and Tract B: A portion of Lot 18, Block 5, Terrace Drive Addition, being more particularly described as follows, to-wit: Beg. at the NE/c of said Lot 18, thence S 00°24'17" E along the E line of said Lot 18, a distance of 293.83' to the SE/c of said Lot 18, thence N 90°00'00" W along the S line of said Lot 18, a distance of 99.96'; thence N 00°25'41" W a distance of 293.80' to a point on the N line of said Lot 18; thence N 89°59'45" E a distance of 100.07' to the POB.

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Case No. 19369

Action Requested:

Special Exception to waive the screening requirement. SECTION 1226.C.2. USE UNIT 26. MODERATE MANUFACTURING AND INDUSTRY; Use Conditions; and a Variance from the requirement that Use Unit 26 uses, when located within 300 feet of an R district shall be conducted within enclosed buildings. SECTION 1226.C.1. USE UNIT 26. MODERATE MANUFACTURING AND INDUSTRY; Use Conditions, located E of NE/c E. Zion & N. Kingston.

Presentation:

Diana Dean Davie, 5124 E. Easton, stated she requested the special exception to waive screening because the abutting property is in a flood plain and probably would not be developed.

Interested Parties:

Karen Parsons, 6010 E. Apache, stated that she lives just west of the subject property at Kingston and Apache. The existing screening fence between their properties is not in good condition. She asked for a screening fence that would screen the cars from their property. She submitted photographs (Exhibit A-1) to the Board.

Comments and Questions:

Jay commented there is no requirement for screening from a CS district. Ms. Davie responded that she plans to complete the 30' to 50' screening fence to the RS.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Turnbo "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to waive the screening requirement on everything except the residential property on the west, and with condition that if property to the south is ever developed for residential purposes the screening would be required, 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 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. 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:

Jefferey Donnell, 3711 E. 107th St., stated they have developed a small addition called South Gail Park, that consists of six lots. Three lots are OL facing S. Yale, and three lots facing E. 111th St., which is residential. They request a variance of

the setback on Lot 1, Block 1, on OL lot. He stated that E. 111th St. becomes a one lane road, then dead ends at Louisville. He added that another residential development will begin on the other side of that dead end, so E. 111th St. will not become an arterial.

Comments and Questions:

Mr. Dunham agreed that E. 111th St. would not be opened up as an arterial.

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 setback from East 111th Street from 100' from centerline to 83' from centerline, finding the hardship to be that 111th St. will probably never be continued any further west than it exists now, 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, Block 1, South Yale Park, City of Tulsa, Tulsa County, State of Oklahoma.

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NEW APPLICATIONS

Case No. 19378

Action Requested:

Variance of maximum height permitted for a sign on a lot where abutting street is a designated freeway on the Major Street Plan from required 50' to 65' in a CS district, located 16415 E. Admiral Pl.

Presentation:

Terry Howard, 4411 S. Sheridan Rd., stated the property is in a depression abutting the expressway. Traffic coming from the west can barely see the sign because of the elevation and a grove of trees block view of the sign for traffic from the east. A site plan was provided (Exhibits C-1a and 1b).

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 maximum height permitted for a sign on a lot where abutting street is a designated freeway on the Major Street Plan from required 50' to 65' in a CS district, per plan,

finding the hardship to be the particularly low property along an interstate highway, and other signs were approved for elevation in the area, on the following described property:

Beg. 501.5' E & 40' N of SW/c of Lot 4; thence N 313.89' SE 162.85' curve length 122' E 85.56' to W right-of-way of 164th E. Ave. thence S 242.50' to N right-of-way of Admiral Pl. thence W 358.01' to POB, less S 10' for street, Section 2, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19379

Action Requested:

Variance of required rear yard of 25' down to 16.9'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance of side yard abutting a non-arterial street of 20' (for a garage) down to 17.5'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 5106 E. 22nd Pl.

Presentation:

Chet Cross, 5106 E. 22nd Pl., stated he was in the process of having a garage built. He submitted a packet of information (Exhibit B-1) to the Board. He planned for a paved driveway in front of the garage. The hardships are the sewer line across his property and a mature Catawba tree, and he would like to keep the continuity of the architecture of the house. He obtained affidavits from his neighbors in support of the application.

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 rear yard of 25' down to 16.9'; and a **Variance** of side yard abutting a non-arterial street of 20' (for a garage) down to 17.5', per plan, finding the hardships to be the sewer line, Catawba tree, and there are numerous similar variances in the immediate area, on the following described property:

Lot 1, Block 3, Gracemont 3rd, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19380

Action Requested:

Special Exception to use adjoining lot, under same ownership, to meet the parking requirements (12 spaces required) on a lot other than where the principal use is located. SECTION 1301.D., located E of SE/c E. Admiral & S. Lewis.

Presentation:

Steve Olson, 502 W. 6th, stated he was the architect for St. Francis Catholic Church. They want to expand their offices for meeting space and counseling areas. There is enough parking on both lots for the uses.

Interested Parties:

Maria Barnes, 2252 E. 7th St., President of Kendall-Whittier Neighborhood Association. They are in support of the application.

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 use adjoining lot, under same ownership, to meet the parking requirements (12 spaces required) on a lot other than where the principal use is located, subject to a tie-agreement, 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:

Lots 4 and 5, Block 5, East Highland, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19382

Action Requested:

Review and approval of amended site plan. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 5, located NE/c E. Latimer & N. 129th E. Ave.

Presentation:

Wally Wozencraft, 1619 S. Boston, stated he was the architect for the project at Church on the Move. The site plan was previously approved, but since then they have decided to consolidate the athletic activity on the eastern portion of the property. An amended site plan was provided (Exhibit D-1).

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 Review and approval of amended site plan, per plan submitted today, on the following described property:

Lot 2, Block 1, Trinity Park, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19384

Action Requested:

Variance to allow more than one sign per street frontage. SECTION 604.B.4.b. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS; and a Variance of the maximum display surface area. SECTION 604.B.4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, located 10820 E. 45th St. S.

Presentation:

Ed Horkey, 4411, S. Sheridan Rd., with Commercial Sign and Neon, stated there are two office buildings on the same property, with 32 square feet of signage. The signage would be the same style as the existing sign. Mr. Horkey submitted a site plan, sketch of buildings, letter, and two photos (Exhibits H-1, 2, 3, 4, and 5).

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** to allow more than one sign per street frontage; and a **Variance** of the maximum display surface area, as the existing sign to allow for a Metropolitan College sign of 126 square feet on south wall of middle building, 10820 E. 45th St. S., finding the hardship to be the amount of street frontage 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:

Part of Lots 2 and 3, Block 2, Towne Center II, City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Commencing at the SE/c of said Lot 2; thence N 56°33'34" W a distance of 284.94' to the POB, said point being on the Sly boundary of Lot 2; thence N 19°39'20" E a distance of 65.88'; thence N 15°37'28" E a distance of 300.00'; thence N 74°22'36" W a distance of 35.00'; thence N 15°37'28" E a distance of 110.00'; thence N 51°27'39" W a distance of 71.76'; thence N 09°15'46" E a distance of 0.00'; thence NEly along a curve to the right, with a radius of 204.55', a distance of 78.54'; thence N 36°59'29" E a distance of 129.56'; thence N 37°00'03" E a distance of 2.50'; thence N 51°22'31' W a distance of 89.68'; thence NWly along a curve to the right with a radius of 651.73', a distance of 2.32'; thence S 38°48'42" W a distance of 21.10'; thence N 68°22'17" W a distance of 0.00'; thence Wly along a curve to the left, with a radius of 482.98', a distance of 189.56'; thence S 89°08'29" W a distance of 10.00'; thence Wly along a curve to the right, with a radius of 566.38', a distance of 177.93'; thence N 72°51'31" W a distance of 135.27'; thence S 17°08'29" W a distance of 130.00'; thence S 52°07'28" W a distance of 120.67'; thence S 37°52'32" E a distance of 489.96'; thence S 46°16'09" E a distance of 313.83'; thence S 56°39'34" E a distance of 50.00' to the POB.

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Case No. 19385

Action Requested:

Variance of setback from centerline of abutting streets to permit monument sign 35' from the centerlines of South Boulder Avenue and East 15th Street. SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 11, located NE/c of E. 15th St. & S. Boulder Ave.

Presentation:

John Moody, 1920 S. Utica, stated he represented UMB Financial, a banking concern based in Kansas City, that has a branch facility in Tulsa. It will be a full-service facility on Boulder. They would like the sign on the southwest corner of their lot. He stated that he has read the staff comments and understands there will be a removal contract required for the existing sign on South Boulder. A site plan and sign plan (Exhibits I-1 and 2) were submitted.

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 setback from centerline of abutting streets to permit monument sign 35' from the centerlines of South Boulder Avenue and East 15th Street, subject to a removal contract on the S. Boulder sign, 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:

Lots 12, 13, and 14, Block 1, Bayne Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19386

Action Requested:

Special Exception to allow a minor repair and rehab of manufactured homes as they are placed on lot for sale. SECTION 702. ACCESSORY USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located 11742 E. Admiral Pl.

Presentation:

Steve Taylor, 306 S. 116th E. Ave., stated the application is regarding his business, Home Outlet of Tulsa. He purchased the property about six months ago. He proposed to do any needed minor interior repairs. He submitted a petition of 71 signatures in support of the application (Exhibit E-1) from the neighboring residents. He let them know he was open to questions and discussion.

Interested Parties:

Nancy Craten, 245 S. 120th E. Ave., stated she is the President of the Western Village Neighborhood Association. She reminded the Board that she has been before the Board four times on this property since July 1997. She told the Board that this is not a personality issue. They respect Mr. Taylor and wish him good success in business. The neighborhood is concerned that with each of the last few tenants there was less maintenance of the property until the neighbors made complaints to Neighborhood Inspections. They asked that repairs not be allowed on the property. They are concerned about the appearance of the property.

Mr. Cooper arrived at 1:50 p.m.

Ms. Craten stated they were concerned about the noise level of repair work. They also want to be sure trash is not allowed to buildup on or around the dumpster. They also do not want the property to be crowded with too many homes.

William Dalton, 115 S. 117th e. Pl., submitted a letter of opposition (Exhibit E-2). He stated the same concerns previously mentioned.

Applicant's Rebuttal:

Mr. Taylor indicated that being from this neighborhood since childhood, he wanted the business to be an asset to the area. He had reviewed the zoning code and found no restrictions to interior repairs. He informed the Board that replacing carpet and such minor repairs are part of the used home sales business.

Comments and Questions:

Mr. Stump compared it to an auto sales business, that there would likely be minor repairs and detailing to prepare the homes for sale. He considered minor interior repairs as appropriate. Mr. Cooper was concerned about noise generated by the repairs. Mr. Taylor responded that they might occasionally use a skill saw, and a vacuum cleaner, but he did not expect it to cause too much noise. Ms. Turnbo expressed concern about a build-up of trash if there is very much repair, such as old carpet, and old appliances. Mr. Taylor replied that he has a dumpster that should be sufficient for their needs. He considered the percentage of noisy work to be about 5% of the time and it is done in the daytime. Mr. Taylor informed the Board that he takes in used late model homes that do not need extensive repairs. He took two trade-in homes but they were placed at the back out of sight. He owns one home at the back that he has used for storage. Mr. Dunham asked what precipitated this application. Mr. Taylor responded that someone from Neighborhood Inspections talked with him and informed him that repairs were not allowed on the property:

The Board asked Mr. Dalton to come back and answer some questions. In response to the questions, Mr. Dalton stated that Mr. Taylor has repaired the fence, and mowed the area. He added that he understood no uninhabitable mobile homes were to be on the lot. Mr. Dalton submitted a letter (Exhibit E-3) of

opposition. Ms. Turnbo asked Mr. Dalton if any of the mentioned concerns of trash build-up, odors, noise, or over-abundance of workers, tools or equipment had actually occurred on the lot. Mr. Dalton responded none of these have occurred to his knowledge. Mr. Cooper questioned how an official would differentiate between minor and major repairs. Mr. Stump replied that "minor repairs" is vague. Mr. White read a copy of the minutes from March 28, 2000 to assist the Board in making a decision.

Board Action:

On **MOTION** of **Cooper**, 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 a minor repair of manufactured homes as they are placed on lot for sale, with conditions that repairs be on the interior only, cause no odors or noise detectable off the property; no trash build-up or trash visible from the public streets or neighborhood; and hours of operation be Monday through Friday, 8:00 a.m. to 5:00 p.m.

S 200.00' Lot 2, Block 1 and N 150.00' of Lot 2, Block 1 Western Village Mart, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19387

Action Requested:

Variance of required front yard from 10' to 0'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of perimeter landscape strip requirement from 5' to 0'. SECTION 1002.A.2. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 8; a Variance of perimeter landscape strip abutting residential from 5' to 1'. SECTION 1002.A.3. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements; and a Variance of maximum structure height from 35' to 42'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located NW/c 17th Pl. & S. Quincy Ave.

Mr. Stump stated staff's analysis finds relief would also be needed for porches in the planned right-of-way. He also reminded the Board of their policy that this type of case with multiple variances is best handled as a PUD not as a Board of Adjustment case. Mr. Stump questioned if the units are one-bedroom with 1400 to 1500 square feet with a third floor of 700 square feet, or two-bedroom. He questioned if there was enough land area for the five units proposed. Mr. White asked if staff wanted to change their comments on this case. Mr. Stump stated staff would recommend an application for a planned unit development for this case.

Presentation:

Michael Schmitz, 1601 S. Detroit, was representing the applicant, Arnold Schmidt. Mr. Schmitz stated that the previous plan was denied for five units with two car

garages off of 17th Pl. He offered a plan with the garages opening to the back of property and private entrances and porches in the front. It also provides for more landscaping.

Comments and Questions:

Mr. Dunham asked for the hardships and also why the applicant did not apply for a PUD. Mr. Schmitz replied that it is zoned RM-2 and they had to provide for off-street parking.

Mr. White mentioned a there is a letter from the Historic Preservation Commission in support of the application in the case file.

Interested Parties:

Paul (Chip) Adkins, 1638 E. 17th Pl., with the Swan Lake Neighborhood Association showed a model of the neighborhood structures and how the proposed structure would dwarf the others. He questioned if they are town homes or apartments.

Thomas Baker, 1323 E. 19th, Councilman for District 4, stated that he has similar concerns expressed by the neighborhood association. He noted the big difference in the height of the proposed structure and the code requirements for landscaping. He stated that variances to the HP requirements should be held at a higher standard than a variance to a non-historic preservation area.

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 **Variance** of required front yard from 10' to 0'; a **Variance** of perimeter landscape strip requirement from 5' to 0'; a **Variance** of perimeter landscape strip abutting residential from 5' to 1'; and a **Variance** of maximum structure height from 35' to 42', for lack of a hardship, on the following described property:

Lot 8, Block 23, Orcutt Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19388

Action Requested:

Variance of the required lot width from 60' to 55' for a lot split. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2125 N. Garrison Pl.

Presentation:

Robert E. Parker, 2024 E. 61st St., stated he is the attorney for Habitat for Humanity. The subject property is vacant and they would like to build two houses. A site plan was provided (Exhibit J-1).

Comments and Questions:

Mr. Stump verified that the lots are 55' wide.

Interested Parties:

There were no interested 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** of the required lot width from 60' to 55' for a lot split, per plan, finding the lots were platted before the current standard came into effect, on the following described property:

Lot 5, Block 1, McCune Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19389

Action Requested:

Variance of side yard setback from required 15' to 6' to permit a detached garage in the rear yard. 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, located 1350 E. 27th Pl.

Presentation:

Tony Jordan, 5220 E. 191st St. S., Bixby, Oklahoma, stated the owner requested the garage to be closer to the property line.

Comments and Questions:

Mr. Dunham questioned the placement of the garage so it would not require a variance. Mr. Jordan replied that it could be moved, but that is the preference of the owner. Mr. Dunham asked for the hardship. Mr. Jordan replied there was no hardship.

Interested Parties:

There were no interested 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 **DENY** a **Variance** of side yard setback from required 15' to 6' to permit a detached garage in the rear yard, finding lack of a hardship, on the following described property:

E 200.00' of E 360.00' N/2 SW NW SW, Section 18 T-19-N R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19390

Action Requested:

Variance to allow required parking on lot other than where principle use is located. SECTION 1301.D. GENERAL REQUIREMENTS – Use Unit 11, located 1643 & 1645 E. 17th Pl.

Mr. White stated this request is for a special exception, and does not need a hardship. Mr. Stump agreed, stating it should not be injurious to the surrounding area.

Presentation:

Stan Synar, 604 S. 73rd St., stated he was asking for parking off-site of the primary use, on Tract A. He conditioned the request with a tie-agreement. He has been seeking a tenant but was not able to provide adequate parking. He was trying to avoid putting a parking lot on the back of Tract A, because it abuts a residential neighborhood. A site plan was provided (Exhibit F-1).

Interested Parties:

Paul Adkins, 1638 E. 17th Pl., stated he was speaking for the Board of Swan Lake Association and for himself. The association's board is opposed to this application. He informed the Board that this is in the National Historic Preservation District, which is different than the Swan Lake Historic District. The guidelines for the national district are only in affect if you are using federal funds. He read a letter of opposition (Exhibit F-2) stating this an inappropriate infill. It also described the intersection as a serpentine corner at 17th Pl. and Utica that is dangerous because of poor visibility and associated with traffic death. Mr. Adkins stated the fencing is not the same as presented to the Board.

Applicant's Rebuttal:

Mr. Synar considered the objections to have no bearing on this application. He reminded the Board that this is OL property and the historical preservation district has nothing to do with the case. Mr. Synar stated he went to the association to encourage them to work with the nearby small local business people to accomplish things for their own organization. He reminded the Board that he tried to be sensitive to the neighborhood by not placing a parking lot next to residences.

Comments and Questions:

Ms. Turnbo commented regarding the infill study, that it was vitally important for the neighborhood to work with the residents and businesses. She noted this property is in an OL zoned district with no overlay zoning for historic preservation.

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 required parking on lot other than where principle use is

located, per plan allowing modification of the landscaping to meet zoning requirements, subject to a tie-agreement, on the following described property:

The W 40.00' of Lots 4, 5, and 6, and the E 10.00' of the vacated alley adjoining said lots; AND 1645: The W 50.00' of the E 100.00' of Lots 4, 5, and 6, all in Block 18, of the Amended Plat of Blocks 18, 19, & 20, Orcutt Addition, City of Tulsa, State of Oklahoma.

Case No. 19383

Action Requested:


The case was withdrawn earlier in the meeting and the applicant requested a refund.

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 refund per recommendation of the staff, on the following described property:

There being no further business, the meeting was adjourned at 3:29 p.m.

Date approved: JULY 9, 2002


Chair

