

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 858
Tuesday, February 11, 2003, 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**

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Friday 7, 2003, at 9:30 a.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

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.

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 19516

Action requested:

Special Exception to construct a 90' monopole tower 68' from an adjoining lot line of an RS-3 zoned lot. SECTION 1204.C.4.a. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions and SECTION 1608.A.9. SPECIAL EXCEPTION, General – Use Unit 4, located SE/c E. 61st St. & Memorial Dr.

Presentation:

Kevin Coutant, 320 S. Boston, Ste. 500, stated he has an issue of interpretation of the code. The applicant requested a continuance. He added that it is possible they may be able to withdraw the case.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **CONTINUE** Case No. 19516 to the meeting on February 25, 2003, regarding the following described property:

Lot 1, Block 1, Southeast Square Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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MINUTES

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** the Minutes of January 28, 2003 (No. 858).

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UNFINISHED BUSINESS

Case No. 19501

Action Requested:

Special Exception to permit a church and accessory uses in an RS-3 district. SECTION 401. PRINCIPAL USES IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance to allow a church to be located on a lot that is less than one acre in an RS-3 district. 1205.B.1.a. USE UNIT 5. COMMUNITY SERVICES & SIMILAR USES, located 2161 South 91st East Avenue.

Presentation:

Lupe Diaz, 1106 E. 37th Pl., stated she brought a copy of the site plan (Exhibit A-1) with the address correction. She added they were not sure where to put the handicapped parking spaces.

Interested Parties:

Rex Johnson, 2132 S. 92nd E. Ave., asked if the zoning would be changed. Mr. Dunham responded that the property is zoned RS and would not change. Mr. Johnson pointed out that his house was about the only home left in the neighborhood.

Ms. Perkins arrived at 1:07 p.m.

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 permit a church and accessory uses in an RS-3 district; and a ***Variance*** to allow a church to be located on a lot that is less than one acre in an RS-3 district, per plan submitted today, finding the property is so close to the one acre requirement, there are other churches and non-residential uses 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 the Comprehensive Plan, on the following described property:

Lot 7, Block 2, Memorial Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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NEW APPLICATIONS

Case No. 19512

Action Requested:

Variance of the required building setback from 101st East Avenue. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 11, located 1645 S. 101st E. Ave.

Presentation:

Byron Salsman, 2618 W. 45th Pl., stated he is the architect for the project. He stated they are performing a major security update of the government buildings at the northwest quadrant of 169 and I-44. The property will be surrounded by a fence and a guardhouse on the southwest corner. The only way to build the guardhouse there is to build between the building line and the property line.

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 the required building setback from 101st East Avenue, per plan submitted today, finding the need for the security gate, it would not serve any purpose at the required setback, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 2 and Lot 3 and the S 150.00' of the W 150.00' of Lot 1, Block 1, Magic Circle Center Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19513

Action Requested:

Variance to permit a fence in the front yard to exceed the maximum 4' to 6'. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located 1015 N. Troost Ave.

Presentation:

Erica Flores, 1015 N. Troost, stated they need the gate to the driveway to be six feet to come up to the height of the four foot fence, which is on a higher elevation.

This would make the top of the gate and fence even. Photographs (Exhibit C-1) were submitted. There was also was a citation and photos submitted (Exhibits C-3).

Interested Parties:

A letter of support was submitted (Exhibit C-2).

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 permit a fence in the front yard to exceed the maximum 4' to 6', per existing fence, finding the elevation of the property changes and requires the gate to be higher to maintain the same elevation as the fence, on the following described property:

Lot 17, Block 1, Ingram-Lewis Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19514

Action Requested:

Variance to permit an accessory building as a principal use in an RS-2 district to permit lot split #19478. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; and a Variance of required side yard from 5' to 4'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 1152 S. 120th E. Ave.

Presentation:

Michael E. Kearney, 1152 S. 120th E. Ave., stated he proposes to buy the property that belongs to his siblings to keep the homestead in the family. He added that the existing accessory building has been there since the mid 70's. He plans to live in the house on Tract A. In the future he plans to build another home on Tract B.

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 on "absent") to **APPROVE** a **Variance** to permit an accessory building as a principal use in an RS-2 district to permit lot split #19478; and a **Variance** of required side yard from 5' to 4', on condition there be no commercial activity in the garage on Tract B, and the garage cannot be expanded for garage purposes, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A tract of land being a part of the NE/4 NW/4 of Section 8, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Commencing 355.00' W NE/c NW/4; thence S 695.68' to the POB; thence W 280'; thence S 100.00'; thence E 280.00'; thence N 100.00' to the POB; and beg. at a point 355.00' W of the NE/c of said NE/4 NW/4, thence S a distance of 619.75' to the true POB; thence W a distance of 280.00' to a point which is 700.8' N of the S line of the NE/4 NW/4 of said Section; thence S a distance of 75.8' to a point; thence E a distance of 280.00' to a point; thence N a distance of 75.93' to the true POB.

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Case No. 19515

Action Requested:

Amended site plan for the expansion of church; previously approved per plan. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT. Use Unit 5, located SW/c E. 91st St. & Mingo Rd.

Presentation:

Wallace Wozencraft, 1619 S. Boston, stated he is the architect for the project. The existing church is located at 91st and S. Mingo Rd. They propose to add 7,400 square feet to the existing 5,900 square feet. There are plans for more expansion in three to four years. He explained to the Board that when the road construction is complete the berm will remove the church from the flood plain. A site plan was provided (Exhibit G-1).

Interested Parties:

Andrew Parker, 9323 E. 92nd St., stated that his property backs up to the other side of the creek from the church property. He expressed concern that the trees along the creek were going to be removed.

Applicant's Rebuttal:

Mr. Wozencraft responded that some of the trees to be moved because of the berm.

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 Amended site plan for the expansion of church; previously approved per plan,

Lot 1, Block 1, Forrest Park Christian Church Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19517

Action Requested:

Special Exception to permit a mobile home in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Special Exception to extend the one-year time limit. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 2227 N. Canton Ave.

Presentation:

Imogene M. Young, 2227 N. Canton, stated she has a 65' trailer and needs an extended time to remain on the property. A site plan and photographs were provided (Exhibits D-1 and D-2).

Comments and Questions:

Mr. White asked if the trailer has been there since October. Ms. Young replied in the affirmative. The property is 120' wide and 150' long. She stated there is an electric pole about 20' on the south side of the trailer. She also described her two driveways.

Interested Parties:

Deloris West, 7712 N. 126th E. Ave., Owasso, Oklahoma, stated the neighbors are improving their properties. She felt that the applicant should do the same. Ms. West stated there are other trailers in the area are newer and in better condition.

Applicant's Rebuttal:

Ms. Young stated there are eleven other trailers within two blocks of her property. She added that some of them look bad and the properties. She indicated that her trailer is the second cleanest, and her yard is clean. They plan to paint her trailer. Ms. Turnbo asked if she has plans to skirt the trailer. Ms. Young replied they are in the process of skirting now. Ms. Perkins asked if her driveways had an all-weather surface. Ms. Young responded that Neighborhood Inspections approved her driveways last year.

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 permit a mobile home in an RS-3 district; and a **Special Exception** to extend the one-year time limit to 30 years, on condition that the trailer is skirted and painted within one year from this date, 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 15, Block 5, Industrial Addition-Dawson, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19518

Action Requested:

Special Exception to permit auto sales in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; and a Variance of open air storage within 300' of an adjoining R district. SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions, located 4101 S. Union Ave.

Presentation:

Randy Gwartney, 9240 S. 89th E. Ave., proposes to sell automobiles on the property. He stated he has been cleaning up the property and found drug paraphernalia and alcoholic beverage bottles and cans. He indicated he would have the phone booth removed from the property. He listed the surrounding properties, including a church, park, convenience store, and a high school. He stated that a lot of school age children walk and ride bikes through the area.

Comments and Questions:

Ms. Perkins asked Mr. Gwartney for a hardship for the variance. He could not offer a hardship. In response to questions, the applicant stated he would like to store fifteen vehicles on the property, and operate Monday through Saturday, 8:00 a.m. to 5:00 p.m. Mr. Gwartney added that he has another business down the street. Mr. Boulden asked what other businesses he has and if he was involved in any wrecker service or auto salvage. Mr. Gwartney replied that he has a paper shredder company and a paper recycling company, but no wrecker service or auto salvage. Mr. Beach stated there would be a requirement for a screening fence on the east for the residential property.

Interested Parties:

Todd Zolinski, 4687 E. 67th St., stated he has helped Mr. Gwartney clean up the property, and talk with some of the neighbors. He has heard supportive response from the neighbors. Ms. Turnbo asked if he has a petition with addresses and names. He did not have a petition. He asked the pastor of the nearby church to hang a copy of the notice on the church bulletin board. He spoke with the owner of the convenience store, one neighbor that walks a child to school past the property everyday. Mr. Dunham asked if there were any plans to do auto mechanics, or store inoperable vehicles. Mr. Gwartney does not have plans for either.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-1-0 (White, Dunham, Perkins "aye"; Turnbo "nay"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to permit auto sales in a CS district; and a **Variance** of open air storage within 300' of an adjoining R district, with conditions for a maximum of 15 cars stored on the lot, days and hours of operation Monday through Saturday, 8:00 a.m. to 5:00 p.m., lighting turned away from residential property, no inoperable vehicles or mechanical work, construction of a screening fence on the east property line, and only a three foot pole fence along 41st St. and Union Ave., finding there is only

Ron Nunnley, 111 N. Denver, stated he also has the same problem at his business. He thought the idea for an arrow would be sufficient.

A letter of opposition (Exhibit E-1) was submitted to the Board.

Applicant's Rebuttal:

Mr. Messler stated that when the sign was erected there was no building in front.

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** to add additional number of signs per street frontage from 1 per 100' to 2 signs; and a **Variance** of the required 30' distance to 20', for lack of a hardship, on the following described property:

The E 50' of the W 95' of the N/2 of Lot 6, and the W 95' of the S/2 of Lot 6, and the E 45' of Lot 6, together with the W 10' of the vacated Alley, all in Block 38, Original Town, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19523

Action Requested:

Minor Variance of side yard requirement to be varied from 5.0' to 4.7' (4'10"). SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 8127 S. 68th E. Ave.

Presentation:

Jerry Emanuel, 111 S. Elgin, stated he is with Sack and Associates. He informed the Board that an error was made the way it was placed on the lot. The construction was slightly in error. A site plan was provided (Exhibit H-1).

Comments and Questions:

Mr. White commented they had attempted to make allowance for the wedge shaped lot.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Perkins**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Minor Variance** of side yard requirement to be varied from 5.0' to 4.7' (4'10"), per plan, finding the shape of the lot, on the following described property:

Lot 8, Block 12, The Crescent, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19524

Action Requested:

Minor Variance of required rear yard setback line of 25' to 20'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2543 S. Cincinnati Ave.

Presentation:

Jeffrey Levinson, 35 E. 18th St., stated he is an attorney for Southern Interest, Inc. They plan to build a new house. He stated the numerous easements across the property cause the hardship. They met with all of the neighbors and found they were in support of the application. A site plan (Exhibit F-1) was provided.

Interested Parties:

There were no interested parties present who wished to speak.

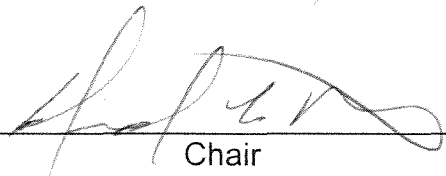
Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Minor Variance** of required rear yard setback line of 25' to 20', per plan, finding it is an odd shaped lot and several easements and it would be difficult to build a house and comply with all of the setback requirements.

Lot 13 and S 25.00' of Lot 14, Block 7, Sunset Terrace Addition, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 2:29 p.m.

Date approved: FEBRUARY 25, 2003



Chair