

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 883
Tuesday, March 9, 2004, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Vice Chair
Stephens
Turnbo
White, Chair
Perkins

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Beach
Butler
Alberty

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Wednesday, March 3, 2004, at 2:13 p.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. 19774

Action Requested:

Variance from the required 100' setback to 95' 0" from centerline of Yale Avenue to allow drive-through canopy attached to building. SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS, located: 2152 South Yale Avenue.

Presentation:

Mr. Beach informed the Board that the applicant notified staff he wants to add a request for more relief; and continue to the meeting on March 23, 2004.

Board Action:

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** a Case No. 19774 to the meeting on March 23, 2004.

Lot 1, Block 1, Mayo Meadow Extended, City of Tulsa, Tulsa County, State of Oklahoma.

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MINUTES

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of February 24, 2004 (No. 882).

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of September 23, 2004 (No. 873) as amended.

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NEW APPLICATIONS

Case No. 19770

Action Requested:

Special Exception to allow a carport in front yard. SECTION 210.B.10. YARDS; a Variance to allow carport 24' x 24'. SECTION 210.B.10.a. YARDS; and a Variance to allow carport to extend 24' from front of building. SECTION 210.B.10.c. YARDS, located: 4323 West 56th Place.

Presentation:

Mr. White stated since the applicant was not present yet, the Board would hear it later in the meeting.

Lots 5, 6, and 7, Block 2, Doctor Carver Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19772

Action Requested:

Variance of lot width from existing 50' to 48'. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS; and a Variance of required 5' side yard to 3' to permit a lot split for an encroaching retaining wall and fence in an RS-3 district. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, located: 1704 South Madison Avenue.

Presentation:

John W. Moody, stated the subject property is located in an older part of Tulsa. It was platted about eighty years ago. The lots are narrow 50' lots. There was an

located on a dead end street; 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:

Lots 5, 6, and 7, Block 2, Doctor Carver Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19770

Action Requested:

Special Exception to permit outdoor sales of plants in a CS zoned district for five years from April 15 to July 1 and September 25 to January 1, located: 6570 East 71st.

Presentation:

Marven Ward, 1629 S. Date Avenue, Broken Arrow, Oklahoma, stated he wants to continue selling plants in the spring and fall on the subject property.

Comments and Questions:

Ms. Perkins asked if he intended to do the same thing he has in the past. Mr. Ward replied in the affirmative.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit outdoor sales of plants in a CS zoned district for five years from April 15 to July 1 and September 25 to January 1, 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. 19775

Action Requested:

Special Exception pursuant to Section 1402.F permitting the change of the use of the property from a record and music store, Use Unit 14 to 5,397 sq. ft. of restaurant use, Use Unit 12, and 3,637 sq. ft. of office use, Use Unit 11, excluding a studio or school or a retail trade or service establishment under Use Unit 13 or

14, excluding a tanning salon; a Special Exception under Section 1407.C modifying the parking requirements to permit the proposed uses with 59 parking spaces; In the event the non-conforming status of the Property as to parking is determined to have ended by virtue of non-use, a Variance from the provisions of Section 1402.D to permit the non-conforming status of the Property as to parking to continue; In the event the non-conforming status of the Property as to parking is determined to have ended by virtue of non-use and a Variance from Section 1402.D is denied, a Variance from Sections 1212.D, 1213.D and 1214.D to permit the proposed uses with 59 parking spaces; a Variance from Section 1303.B permitting the westerly parking spaces on the Property to be accessible from vacated South Quaker Avenue; a Special Exception from Section 1301.D allowing required off-street parking spaces to be allowed on a lot other than the lot containing the use; a Variance from Section 215 permitting a parking lot to be setback from the centerline of East 15th Street South from 35' to 30' to permit required off-street parking; and a Variance from Section 1002 reducing the landscaping requirements for the Property from fifteen percent (15%) of the street yard along East 15th Street South and South Quincy Avenue to zero as the Property is already fully developed without landscaping and no additional impervious surface will be added as a result of this application, located: 1338 East 15th Street South.

Presentation:

Lou Reynolds, 2727 E. 21st St., stated the structure was a Sound Warehouse Store until 2002. The retail use was non-conforming under the code at that time. It is a little larger than 9,400 sq. ft. and there were thirty striped non-compliant parking spaces. They plan to have a tie agreement with an adjacent lot for fifty-nine parking spaces; reconfigured to include a vacated portion of Quincy. He stated they would still be short by twelve spaces. There was no landscaping and they requested relief of the landscaping requirements. His client met with the neighborhood homeowners association and found support for this application since they would not serve alcohol.

Comments and Questions:

Ms. Turnbo asked for the hours of operation of the businesses. He replied that the leases did not limit the hours of operation. Mr. Stephens remarked that pulling parking spaces on Quaker Street would not be realistic. Mr. Reynolds replied they would not be using it for parking but for access into their parking. He added that they were trying to improve the flow of traffic by allowing room for traffic going both directions, because they did not have that before. Mr. Beach noted that Quaker would serve as the drive aisle and the entrance to the parking lot is from 15th Street.

Interested Parties:

There were no interested parties present who wished to speak.

