

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 887
Tuesday, May 11, 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 Friday, May 7, 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. 19819

Action Requested:

Variance of required side yard from 5' to 0'; and a Variance of 30' street frontage to 17.67'; (Lot Split #19682) and a Variance of average lot width from 60' to 40' for both lots, located: 3131 South Florence Court.

Presentation:

Mr. Beach informed the Board this case was withdrawn.

Board Action:

No Board action was needed.

Lot 5, Touche Villas Resubdivision William Murchison, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19804

Action Requested:

Variance of parking requirement for fine arts center and new field house. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; OFF-STREET PARKING AND LOADING REQUIREMENTS; a Variance of building setback. SECTION 1201.C.2.c. USE UNIT 1. AREA-WIDE USES BY RIGHT; USE CONDITIONS; a Variance of height of building. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of access road setback. SECTION 1201.C.2.d. USE UNIT 1. AREA-WIDE USES BY RIGHT; USE CONDITIONS; and a Special Exception to allow new bleachers at the football field. SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS, located: 2520 S. Yorktown.

Presentation:

Mr. Beach informed the Board that an interested party made a request late Thursday afternoon for a continuance to June 8. It was previously continued to today per the applicant's request.

John W. Moody, 1800 S. Baltimore, Ste. 900, stated that his request for continuance was to meet with the abutting property owner. Today's request for continuance is by the abutting property owner. Mr. Moody stated his clients would not be able to attend the June 8th meeting and request June 22, 2004. Mr. Dunham asked if they would be available for the May 25, 2004 meeting. Mr. Moody replied that May 25, 2004 would be good. Mr. Boulden pointed out June 22nd would be past the ninety days allowed by ordinance to take action on a case.

Mike Givens, 321 S. Boston, stated his clients wish to continue negotiations with the applicant, and they are out of the country. They would prefer June 22nd, but could be available on May 25th.

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** Case No. 19804 to the meeting on May 25, 2004.

SW/4 of the NE/4 of Section 18, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

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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 April 27, 2004 (No. 886).

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UNFINISHED BUSINESS

Case No. 19812

Action Requested:

Variance to allow a two-story accessory building. SECTION 210.B.5. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS; a Variance of allowable coverage of rear yard to 68% (pool house and garage). SECTION 210.B.5. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS; and a Variance to allow 3 dwelling units on a lot. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located: 2112 S. Norfolk.

Presentation:

Mr. Beach reminded the Board this case was on the agenda one month ago. The Board allowed a continuance to advertise for more relief.

Board Action:

The case was delayed to later on the agenda.

Lot 8, Block 8, Sunset Park Amended, City of Tulsa, Tulsa County, State of Oklahoma.

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NEW APPLICATIONS

Case No. 19816

Action Requested:

Special Exception to permit duplex use in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 7, located: 1329 North Nogales.

Presentation:

George Proctor, 415 E. Independence, for the Tulsa Housing Authority, stated they propose to build a duplex in an RS-3 zoned district. This is a continuation of the Hope VI Development. A site plan was provided (Exhibit B-1).

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 duplex use in an RS-3 district, per plan, 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 8, Block 1, Osage Place Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19817

Action Requested:

Special Exception to allow a church and accessory uses in an AG zoned district. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5, located: 944 South 177th East Avenue.

Presentation:

Bill Cox, 944 S. 177th E. Ave., stated he represented the House of Prayer. The plan he provided was a conceptual plan.

Comments and Questions:

Mr. Dunham asked if he was asking for any other relief, to which Mr. Cox replied he was not. Ms. Turnbo informed Mr. Cox that the Board of Adjustment does not change zoning but this Board could approve a special exception.

Interested Parties:

Bruce Denny, 905 S. Lynn Lane Rd., stated he represented himself and the Lynn Lane Neighborhood Association. He pointed out the staff comments state the zoning was supposed to be low intensity. He noted the building is proposed for 10,000 square feet on a five acre tract. He indicated that over half of the property would be covered with a building and paved parking. They are concerned about watershed and sewage problems. The property would not be used just on Sundays. He submitted a letter from Jonna Kelso, in opposition to the application and photographs (Exhibit C-1 and C-2). They are concerned about accessory uses that could be added such as a bus barn, ball field, and play ground.

Charlotte Kerr, 165 S. 167th E. Ave., stated she represented her mother, Clea Myers, 17401 E. 11th. She owns twenty acres, and the property is in the name of her father, Warren Myers. Her parents lived in this area for fifty-four years. The sewage from the subject property drains into Mrs. Myer's pond. When there is a lot of rainfall it overflows the banks. She reminded the Board they denied a request last year regarding a special exception for a home directly across from her mother.

Applicant's Rebuttal:

Mr. Cox responded there will not be a daycare or school at this location. They intend to follow all of the codes and requirements.

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 allow a church and accessory uses in an AG zoned district, with conditions: no daycare center or school; comply with all codes, and meet all requirements of Storm Water Management Department and Department of Environmental Quality regarding sewage system, 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:

S/2 NE/4 SE/4 SE/4 of Section 2, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19818

Action Requested:

Variance of height from 18' to 22' and two stories for a detached accessory building. SECTION 210.B. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS; and a Variance of the maximum coverage of the required rear yard from 25% to 37.5%. SECTION 210.B. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS, located: 2544 East 22nd Place.

Presentation:

Basil Roberts, 2544 E. 22nd Pl., proposed to build a three-car garage with a variance of rear setback to allow access to garage and still preserve a mature pecan tree and allow use of the existing slide to the swimming pool. A site plan, elevations, and an alternative site plan were provided (Exhibits D-1, D-2, D-3).

Comments and Questions:

Mr. Dunham asked if he was going to remove the existing garage. Mr. Roberts replied that he planned to remove the whole house. Ms. Turnbo asked about the second story and the extra door. Mr. Roberts replied that the second story is for storage and the door would allow entry into the garage without opening an overhead door. Mr. Roberts stated there would not be room for lodging and no running water. Mr. Boulden asked for a hardship. Mr. Roberts responded that it would preserve the tree and distance from the pool. He pointed out that most of the lots in the neighborhood are 100' lots. The subject lot is 75', originally it was a 50' lot and 25' of another lot was added to it.

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

Variance of height from 18' to 22' and two stories for a detached accessory building. SECTION 210.B. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS; and a **Variance** of the maximum coverage of the required rear yard from 25% to 37.5%, with conditions: 2nd story to be used for storage only, not a residence, per plan, finding the hardship to be the configuration of the lot and the location of the existing tree and pool would make it difficult to place the garage in another location and have space to access the garage, on the following described property:

Lot 4, W 25.00' of Lot 5, Block 2, Harter's 4th Resubdivision, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19820

Action Requested:

Variance of required 30' of frontage to 0'. SECTION 206. STREET FRONTAGE REQUIRED, located: 740 South 167th East Avenue.

Presentation:

Teresa Queen, 740 S. 167th E. Ave., stated they have a legal 50' access easement in front of their property, but not on their property. She added that it is the extension of a public street, 167th E. Ave.

Comments and Questions:

Mr. Beach stated the easement is filed of record, as of 2001. Mr. White asked if the back part of the property is wet. Ms. Queen replied there is a creek across the back of the property.

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 **Variance** of required 30' of frontage to 0', finding there is a dedicated easement for access to the property and it will not be detrimental to the neighborhood, on the following described property:

That part of N/2 SW/4 of Section 2, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof described as follows: Commencing at the SW/c of said N/2 SW/4; thence N 89°50'22" E along the S line of said N/2 SW/4 a distance of 743.70' to the POB; thence due N a distance of 368.32'; thence due E 1207.65'; thence due S 366.32' to the S line of said N/2 SW/4; thence S 89°50'22" W along said S line a distance of 1207.91' to the POB.

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Case No. 19821

Action Requested:

Special Exception to permit church uses and accessory church uses. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, located: 2527 E. 1st St. S.

Presentation:

Steve Olsen, 324 E. 3rd St., stated he is the architect for St. Francis Church. He introduced Oscar Prieto to the Board. A site plan was provided (Exhibit E-1).

Oscar Prieto, stated he is the Administrator for St. Francis Church. They propose to acquire surrounding properties, including an existing structure and more parking spaces.

Interested Parties:

Maria Barnes, 2252 E. 7th St., for the Kendall-Whittier Neighborhood, asked if they were changing the existing structure. Mr. White replied they are not planning to at this time. She stated the neighborhood association is in support of this application.

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 church uses and accessory church uses, per plan, on condition this property be connected to the church property by a tie-agreement, on the following described property:

Lot 19, Block 6, East Highland Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19812

Action Requested:

Variance to allow a two-story accessory building. SECTION 210.B.5. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS; a Variance of allowable coverage of rear yard to 68% (pool house and garage). SECTION 210.B.5. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS; and a Variance to allow 3 dwelling units on a lot. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located: 2112 S. Norfolk.

Presentation:

Mr. Beach informed the Board that he tried to reach the applicant, but could not. A site plan was provided (Exhibit A-1).

Comments and Questions:

Mr. White noted there were no interested parties. There was agreement among the Board members that they had an understanding of the request.

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 **Variance** to allow a two-story accessory building; a **Variance** of allowable coverage of rear yard to 68% (pool house and garage); and a **Variance** to allow 3 dwelling units on a lot, per plan, with conditions: space not to be used for rental or dwelling unit, finding the configuration of the lot and the existing structures on the lot are a hardship, and finding this addition would not be detrimental to the neighborhood, on the following described property:

Lot 8, Block 8, Sunset Park Amended, City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 1:54 p.m.

Date approved: _____

Chair