

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 967
Tuesday, October 23, 2007, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Henke, Chair
Stead, Vice Chair
Stephens
White

**MEMBERS
ABSENT**

Tidwell

**STAFF
PRESENT**

Alberty
Butler
Cuthbertson

**OTHERS
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Friday, October 19, 2007, at 1:59 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Henke called the meeting to order at 1:00 p.m.

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

MINUTES

On **MOTION** of **White**, the Board voted 4-0-0 (White, Henke, Stead, Stephens "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** the Minutes of September 11, 2007 (No. 964).

On **MOTION** of **White**, the Board voted 4-0-0 (White, Henke, Stead, Stephens "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** the Minutes of September 25, 2007 (No. 965).

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20591

Action Requested:

Verification of the spacing requirement for an Outdoor Advertising Sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section

1221.F.2); and a Variance of the maximum permitted display surface area for signage in the CS district (Section 1221.D.3), located: 8107 East Admiral Place. A partial refund was requested.

Presentation:

Mr. Cuthbertson stated the applicant withdrew this case and asked for a refund.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** a Refund of \$400.00 in Case No. 20591, on the following described property:

PRT LT 8 BEG SECR TH W103.04 N169.18 SE103.79 NE23 S114.90 POB BLK 4, MINGO TERRACE, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 20584

Action Requested:

Variance of the maximum permitted size for a detached accessory building in the RS-2 district to 1,600 sq. ft. (Section 402.B.1.d), located: 5133 East 36th Street South.

Presentation:

Suzan Fausset, proposed to have a detached accessory building for hobbies, and personal storage. She stated she petitioned her neighborhood and all were in support. She did not provide a copy of the petition. Ms. Fausset provided a site plan for the agenda and photographs at the hearing (Exhibit A-1 and A-2). She pointed out the accessory building next door that is larger than what she requested.

Comments and Questions:

In response to questions from the Board, Ms. Fausset stated the hardship is the oversized lot. They did not plan for plumbing or commercial use. She stated they would pave the driveway on the east side of the lot. They did not have plans to construct a screening fence any time soon.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of **Stead**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** a Variance of the maximum permitted size for a detached accessory building in the RS-2 district to 1,600 sq. ft. (Section 402.B.1.d), with conditions for a paved driveway of asphalt or concrete, on the east when the accessory building is built; no commercial activity or living quarters; the old storage building on the west to be removed; per plot plan as shown on page 2.6 of the agenda packet with the exception that the building shall be moved ten feet to the south to provide for a 25 ft. easement on the north of the lot; finding the excessive size of the lot of 36,219 sq. ft. would leave adequate livability space and meet other requirement and is extraordinary or exceptional conditions peculiar to this land, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted 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:

LT 7 BLK 10 LESS W.60 OF N 150, YORKSHIRE ESTATES RESUB L2-4 B3 & ALL B4-13, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20585

Action Requested:

Special Exception to permit (Use Unit 5) accessory church use (parking) in an RS-1 district (Section 401); and a Special Exception to permit required parking on a lot other than the one containing the principal use (Section 1301.E), located: Southwest corner of East Admiral Place and South 183rd East Avenue.

Presentation:

The applicant was not present and Mr. Henke stated the Board would move on down the agenda.

Interested Parties:

Jerry Collier, 18127 East 2nd Street, was opposed to the parking lot. He stated he lives directly behind the church. He added that it is wet property with a large drainage ditch. He stated they do not keep it cleaned out and has been overgrown for years. He did not know the church owns that property. It overflows into the yards behind the church. Mr. Henke informed him that the Board does not deal with drainage issues but they consider issues of the owner not being a good neighbor by not maintaining their property. Mr. White pointed out the subject property to Mr. Collier for his information.

Naomi Collier, 18127 East 2nd Street, questioned if they would deal with the drainage issues. Mr. Cuthbertson stated they have identified a detention area in

the application. They will be required to detain the additional run-off. It will be part of the permit review process.

Angela Dooley, 18203 East 2nd Street, indicated that her yard abuts the subject property. She expressed concern about the size of the building, parking lot and the access points. The Board members answered her questions, including that the access points would be on Admiral only, not 183rd Street.

Board Action:

No action taken at this time.

W190 OF E929.68 LT 6 LESS .17AC RD SEC 119 14 .2.61AC; PRT GOV LT 6
BEG 550W EL LT 6 TH W190 S TO SL E190 N POB LESS APROX .37AC FOR
RD SEC 1 19 14 2.13AC, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20586

Action Requested:

Special Exception to permit the restoration of a partially destroyed non-conforming residential structure (Section 1405.B); and a Special Exception to reduce the front yard requirement by 4 ft. - 8 in. to permit a bay window addition (Section 403.A) , located: 1348 South Evanston Avenue.

Presentation:

Scott Martin, 1348 South Evanston Avenue East, stated the house was built in 1941 and he purchased it in 1995 and lived there until a fire in July 2007. He gutted the house, leaving eight-inch concrete block exterior walls and substructure of suspended floor over a crawl space of concrete I-beams with concrete planks. He discovered the original plat did not show building lines and the house was built over the side yard and front yard setbacks. He was informed that the lot is only 50 ft. wide in an RS-3 district, which makes the lot non-conforming also. There is a discrepancy between the City of Tulsa and INCOG as to the status of legal non-conformity. He proposed to rebuild the house on the same foundation with a covered front porch and a bay window. Mr. Martin stated the porch is only five feet and seven inches deep. He pointed out there is a house on his street that is built much closer to the street than the front of his house and it is more typical of the setback on his street.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** the Special Exception to permit the restoration of a partially destroyed non-conforming residential

structure (Section 1405.B); and a Special Exception to reduce the front yard requirement by 4 ft. 8 in. to permit a bay window addition (Section 403.A), and to include construction to cover the existing porch slab; the Board is issuing permission to rebuild a legal non-conforming house, which was partially damaged by fire; finding the dwelling's restoration to a conforming structure cannot be reasonably made in view of the nature and extent of the non-conformity and the nature and extent of the damages; the restoration shall be in accordance with partial site plan on page 4.7 and site plan on page 4.8 of the agenda, finding the special exception 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:

LTS 23 & 24 BLK 3, ROSEMONT HGTS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20587

Action Requested:

Verification of the spacing requirement for a Use Unit 12a (Wine Bar) (Section 1212a.C.3); a Variance of the spacing requirement of 300 ft. for a bar from a church property line (Section 1212a.C.3.b); and a Special Exception to permit a bar on a lot located within 150 ft. of R zoned land (Section 701), located: 5800 South Lewis Avenue.

Presentation:

Lou Reynolds, 1717 East 21st Street, stated the church tenant on the south has vacated the premises and he withdrew the variance request. He stated they meet the spacing requirement except for two properties that are OL and R-zoned within PUD's that are within the 150 ft. from the property line. They have OL use, with offices. The distance of the R-zoned lot is 400 ft. from the front door.

Comments and Questions:

In response to questions from the Board members, Mr. Reynolds replied the bar has 1,103 sq. ft. Mr. Ackermann asked if there was a reason he specified a wine bar. Mr. Reynolds wanted to be descriptive so all would know what they were planning.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **ACCEPT** a Verification by the applicant of the spacing requirement for a Use Unit 12a (Wine Bar) (Section 1212a.C.3); and **APPROVE** a Special Exception to permit a bar on a lot located

within 150 ft. of R zoned land (Section 701), finding the special exception 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; noting the variance originally requested was withdrawn, on the following described property:

PRT NE SE BEG 543S NEC SE TH W258 S595.62 E258 N595.50 POB LESS
E50 THEREOF FOR ST SEC 31 19 13 2.84ACS, City of Tulsa, Tulsa County,
State of Oklahoma

Case No. 20585

Action Requested:

Special Exception to permit (Use Unit 5) accessory church use (parking) in an RS-1 district (Section 401); and a Special Exception to permit required parking on a lot other than the one containing the principal use (Section 1301.E), located: Southwest corner of East Admiral Place and South 183rd East Avenue.

Presentation:

D. Leon Ragsdale, stated he is the architect for the church. The church acquired some more property. They seek relief to use it for a parking lot. He provided a hydrology report to the City of Tulsa as part of the platting process.

Comments and Questions:

Mr. Ragsdale replied to questioning, that a retention pond will not be required in this case. He responded that he would inform the church of complaints of maintenance of the drainage area that has caused further drainage problems.

Interested Parties:

Angela Dooley, 18203 East 2nd Street, asked for more explanation of where they would construct the parking lot and building.

Mr. Ragsdale responded that the parking lot would be about 300 ft. from the south boundary line. He mentioned the church planned to leave a landscaped area along Admiral.

There was Board and staff discussion regarding landscaping, sidewalks and street trees. Mr. Ragsdale stated they have developed a landscape plan, which will be filed with the plat. Mr. Ackermann asked if the applicant has plans to light the parking lot. Mr. Ragsdale replied that someone else designed the parking lot and could not answer that question.

Board Action:

On **Motion of White**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** a Special Exception to permit (Use Unit 5) accessory church use (parking) in an RS-1 district (Section 401); and a Special Exception to permit required parking on a lot other than the

one containing the principal use (Section 1301.E), noting the second special exception could be dropped if the two lots are connected with a tie agreement or they go through the platting process to become one single lot; and any lighting for the parking lot will comply with the Kennebunkport formula; per plan as shown on page 3.6 of the agenda packet; finding the special exception 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:

W190 OF E929.68 LT 6 LESS .17AC RD SEC 119 14 2.61AC, PRT GOV LT 6
BEG 550W EL LT 6 TH W190 S TO SL E190 N POB LESS APROX .37AC FOR
RD SEC 1 19 14 2.13AC, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20588

Action Requested:

Verification of spacing requirements for an Outdoor Advertising Sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: 2311 South 87th Avenue.

Presentation:

Stephen Rogers, 2644 East 14th Street, submitted a survey certificate of spacing (Exhibit E-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **ACCEPT** a Verification of spacing requirements for an Outdoor Advertising Sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), on the following described property:

PRT E/2 E/2 NW & PRT W/2 W/2 NE BEG 1248S NEC 21ST & I-44 CENTER
ADDN TH S321 SW328.43 W40 S40 W90 S30 W205 SW111.27 SW203.70
SW158.40 SW170.08 W59.18 S69.94 SW133.19 W57.16 N312.50 N732.49
W30 N304.26 E25.20 S160.75 E585 N110 E675 POB SEC 13 19 13
20.707ACS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20589

Action Requested:

Verification of spacing requirements for an Outdoor Advertising Sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: Northwest corner of Highway 75 and West 61st Street.

Presentation:

Stephen Rogers, stated he did not have a certificate for this application, though the aerial is available.

Comments and Questions:

Mr. Henke stated the Board could not make a decision on this based on an aerial.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of White, the Board voted 4-0-0 (White, Henke Stephens, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **CONTINUE** Case No. 20589 to the meeting on November 13, 2007, on the following described property:

LOT 1 BLK 2, PARKVIEW TERRACE RESUB TURKEY MOUNTAIN HGTS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20590

Action Requested:

Verification of the spacing requirement for an Outdoor Advertising Sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: 11015 East Pine Street North.

Presentation:

Stephen Rogers did not have verification of the spacing on this application.

Board Action:

On Motion of White, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **CONTINUE** Case No. 20590 to the meeting on November 13, 2007, on the following described property:

LT 5 BLK 1, WOLF POINT BUSINESS CENTER RSB PT B2 WOLF POINT IND PKWY, City of Tulsa, Tulsa County, State of Oklahoma

Interested Parties:

Mr. Henke recognized an interested party, regarding Case No. 20590.

Jim Moon, 6601 East 60th Place, stated he owns property on Pine. He sold the subject property and the contract contained an agreement by the buyer not to allow billboard signs for twenty-five years. Mr. Henke informed him that this is not the proper forum for that issue.

OTHER BUSINESS

Case No. 20583

Action Requested:

Request to Reconsider a Variance of the required setback for a church in an R district from an abutting R district from 25 ft to 13.5 ft. (Section 404.F), located: 2245 North Norfolk Avenue.

Mr. Cuthbertson stated for the record that the Board unanimously denied the application in the previous meeting. The applicant asked the Board to reconsider the application.

Presentation:

R. E. Walker, provided a declaration of hardship, which was in the agenda packet. He referred to letters of support.

Comments and Questions:

Pastor Walker responded to questions, stating the church sanctuary opens to the west and the church owns Lot 14.

Interested Parties:

City Councilor, Jack Henderson sent a letter of support (Exhibit F-1).

Board Action:

On **Motion of White**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **Reconsider** Case No. 20583 at the meeting on November 13, 2007, on the following described property:

LT 14 BLK 3, HENRY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting adjourned at 2:30 p.m.

Date approved: 11/13/07


Chair

