

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 984  
Tuesday, July 22, 2008, 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, Secretary

**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 Thursday, July 17, 2008, at 8:17 a.m., as well as at the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

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

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

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**MINUTES**

On **MOTION** of **Stead**, the Board voted 4-0-0 (White, Henke, Stead, Stephens "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** the Minutes of June 24, 2008 (No. 982).

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**NEW APPLICATIONS**

**Case No. 20732**

**Action Requested:**

Variance of the required front yard setback from 25' to 16.5' (Section 403), located: 16222 East 49<sup>th</sup> Place South.

**Presentation:**

**Crayton Collier**, 8522 East 61<sup>st</sup> Street, explained that this encroachment was an

surveying error. The applicant requested a variance of the front yard setback (Exhibit A-1).

**Comments and Questions:**

Ms. Stead noted a discrepancy in the amount of footage in the variance request. Mr. Cuthbertson replied that he thought it was an error in the way the setback was applied to the property and the way it was platted. There were two mortgage plat surveys in the agenda packet, one that shows an encroachment of 16.5 ft. from the property line and a second one that shows 24.4 ft. The former was established without regard for intervening lot lines. He pointed out that page 2.7 of the agenda packet shows the correct plat.

**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 required front yard setback from 25' to 24.4' (Section 403), finding the platted building line inadvertently extended into Lot 15, and is in conflict with the code; these are exceptional conditions or circumstances which are peculiar to the land, structure or building involved, 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, per plan as shown on page 2.7 of the agenda packet, on the following described property:

LT 14 BLK 1, Trinity Creek II, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20734**

**Action Requested:**

Verification of the spacing requirement for an adult entertainment establishment (bar expansion) from an R district, church, school, public park, and another adult entertainment establishment (Section 1212a.C.3), located: 1060 South Mingo Road.

**Presentation:**

**Bobby Garza**, 6511 East King Street, Tulsa, Oklahoma, 74114, provided verification for spacing for the expansion.

**Comments and Questions:**

Ms. Stead verified with staff that the detention facility has never been designated a park. Staff confirmed the detention facility was never officially designated a public park.

**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** Verification of the spacing requirement for an adult entertainment establishment (bar expansion) from an R district, church, school, public park, and another adult entertainment establishment (Section 1212a.C.3), on the following described property:

BEG 65W & 115N SECR SE TH N410.35 W220.2 S410.35 E220.2 POB SEC 1  
19 13 TRACTS IN CITY, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20735**

**Action Requested:**

Variance to reduce the required side yard to permit a carport to align with existing dwelling (Section 403), located: 3107 South Cincinnati Avenue East.

**Presentation:**

**Ricky Jones**, with Tanner Consulting, 5323 South Lewis Avenue, Tulsa, Oklahoma, represented Dave and Marlene Riley, to reconstruct a carport. The property was platted in 1923. There have been numerous lot splits in the area and this lot is the reconfiguration of one lot with a piece of another lot. The garages in this area were built for one car and they do not meet today's standards for a full size car. They constructed a carport ten years ago and it was recently determined to be in violation, encroaching into the north property line. They removed the carport and made this application with a plan to rebuild it (Exhibit B-1) and align the post with the existing edge of the house (Exhibit B-2). He stated it would be about a 1 ½ ft. encroachment. The owners circulated letters of support (Exhibits B-3 and B-4). He stated that none of the surrounding property owners oppose the application. He listed the existing encroachment of the house, size of the garage, and location of the garage as the hardships.

**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 to



### **Comments and Questions:**

Ms. Stead asked for the height of the educational wing, which he replied would be less than a 35 ft. height. She asked if they planned for any additional screening on the sides abutting residential property. Mr. Countant responded that all of those sides are currently screened with one minor exception that the one closest to 69<sup>th</sup> Street is a low brick fence. The church does not have a specific landscape plan. They would like to plant some more trees over time. Ms. Stead mentioned the city insists on the requirement of sidewalks according to the subdivision regulations.

### **Interested Parties:**

**Peter Maroney**, 6752 South 66<sup>th</sup> East Avenue, Tulsa, Oklahoma, stated his property abuts the subject property. He expressed concern about the drainage. He thought trees would be a nice addition. He stated the church is a good neighbor. He submitted a petition and photographs of the subject property (Exhibits C-2 and C-3).

**Jim Melton**, 320 South Boston, Suite 500, Tulsa, Oklahoma, stated he served as a liaison between the church board and the neighbors. They discussed trees with the neighbors on the north side and agreed to plant some.

The Chair reopened the hearing from Board discussion for one more interested party.

**Francie Bomer**, President of the homeowners' association, 6718 East 66<sup>th</sup> Place, Tulsa, Oklahoma, 74133, stated she has been involved with the church and neighbors in meetings. She repeated the items they discussed with the church and trust they will be a good neighbor. She stated the association would be all for the tree plantings. She suggested that the Re-green Tulsa Program would be a way to accomplish that easily, quickly, and with very little expense to anyone.

### **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** an Amendment to a previously approve site plan and a Variance of the required setback from an adjoining arterial street from 35 feet to 32 feet (Section 403); to permit additions to an existing church, subject to conceptual plan dated July 21, 2008, showing a building setback of the new activity wing of 25 ft.; that sidewalk along South Sheridan will be maintained and sidewalks of concrete will be constructed and maintained on the south side of the property along East 69<sup>th</sup> Street South to the limits of the church property; any lighting shall be shielded from the abutting residences; finding the variance of less than three feet to be granted is extraordinary or exceptional conditions on this odd-shaped lot, and that existing developments need relief; that these conditions are peculiar to the land, structure or buildings involved, 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;

Mr. Cuthbertson asked for more specific wording regarding the landscaping for the permit officer. He suggested perhaps having the applicant return to the Board later with a landscape plan. He added that the Board could provide some measurable standards, by which the permit office could evaluate. Mr. Cuthbertson stated they could revert to the zoning code, which does not require much in the form of landscaping. The Board members discussed this matter. Ms. Stead asked Mr. Coutant to give some input. He noted there is 800 ft. along the property line. He suggested a tree planting of approximately every 50 ft. The Board determined no additional specific landscape requirements would be applied.

**Motion continued:**

And in amending the site 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:

LT 14 BLK 12, PARK PLAZA SOUTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20566-A**

**Action Requested:**

Modification of a previously approved site plan for an approved church use, located: Southeast corner of North 67<sup>th</sup> East Avenue and East Oklahoma Place.

**Presentation:**

**Steve Olsen**, 324 East 3<sup>rd</sup> Street, Tulsa, Oklahoma, Olsen Coffey Architects, stated they already have been approved for a property on this parking lot. They have been revising it slightly and asked the Board to approve it as a conceptual plan (Exhibit D-1).

**Comments and Questions:**

Ms. Stead referred to the staff recommendations and asked Mr. Olsen about screening on the north and south. He replied they will have the landscape plan, sidewalks, and lighting will be directed away from the neighbors' yards. He was aware they would be required to build a six to eight foot fence on the east.

**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 **APPROVE** a Modification of a previously approved site plan for an approved church use, per the conceptual plan submitted today on page 6.7 of the agenda packet, with the conditions approved September 11, 2007 to apply, finding the modification 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:

LT 6 BLK 5, LT 7 BLK 5, LT 8 BLK 5, LT 9 BLK 5, SAINT PETER AND PAUL SUB, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20741**

**Action Requested:**

Variance of the parking requirement to permit renovation of an existing building in the CH district (Section 1200), located: 1302 East 6<sup>th</sup> Street South.

**Presentation:**

**Shelby Navarro**, 418 South Peoria, with One Architecture, stated they are redeveloping a small building on the southeast corner of 6<sup>th</sup> and Peoria that was built property line to property line. They plan for uses compatible with the master plan of the Pearl District, such as a coffee/sandwich shop, pizza restaurant, gallery, and bicycle shop. They have estimated parking to be about 50 spaces and have sought agreements for shared parking. There is no parking space available on the subject property. They were asking for a parking variance from 50 to 0. He pointed out public parking across the street in a curved parking area with about 30 spaces. He added that in 1/8<sup>th</sup> of a mile they have found 115 parking spaces and an additional 302 street parking spots within 1/4<sup>th</sup> mile that are available. He noted the Indian Health Care Center has 115 employees plus patients, and Family and Children services, where they hope they will receive a lot of their patronage.

**Interested Parties:**

**Jerry Bowen**, 728 South Owasso Avenue, Tulsa, Oklahoma, 74120, stated he is a resident of the Village at Central Park. He serves on the Pearl District Association Board and Pearl Farmers' Market Board. He stated that he spoke on behalf of the village and Pearl District Association in supporting this application. They felt it will enhance the community. He stated the crosswalks and bicycle racks to be installed by the City will help pedestrians to and from the shared parking.

**Theron Warlick**, with the City of Tulsa Planning Department, concurs that this proposal is consistent with the adopted Pearl Master Plan. He offered potential hardships for the Board to consider. He noted the lot was platted in 1913 and is too small to offer both commercial and an off-street parking solution. He added that a literal interpretation of the zoning code would separate the area from the goals of walk ability and density.

**Kha Rahhal Hall**, 4363 East 72<sup>nd</sup> Street, Tulsa, Oklahoma, 74136, stated he owns numerous properties in the area. He appreciated the group that has applied for this application. He has confidence in their work and in support of the application. He did not expect parking to ever be a problem.

**Sara Kobos**, 3709 East 43<sup>rd</sup> Street, Tulsa, Oklahoma, 74135, stated she represented Tulsa Now, 2210 South Main, Tulsa, Oklahoma, 74114. They are supportive of this application, the restoration of an historic building and commitment to pedestrian and bicycle transportation.

**Christine Booth**, 2332 South Evanston Avenue, President of the Pearl District Association stated their support for similar reasons as listed previously.

**Kathy Henry**, 754 South Norfolk, Tulsa, Oklahoma, 74135, supports the application. She thought it was consistent with the precedents being set in the district.

**Blake Ewing**, 523 South Marion Avenue, Tulsa, Oklahoma, 74112, stated he is a Managing Member of Jo Mama's, LLC, a pizza restaurant. He proposed to open a small neighborhood pizza restaurant in the building on the subject property and make deliveries by bicycles and scooters. He wants a place that is conveniently located for delivery and carry-out.

**Eric Gomez**, City Councilor, District 4, expressed his support for the application, as consistent with the Comprehensive Plan and the In-fill Plan. He pointed out the traffic count on 6<sup>th</sup> Street is low. He considered this project to fit the long-term vision for the City of Tulsa.

**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 parking requirement to permit renovation of an existing building in the CH district (Section 1200), with conditions that they will maintain sidewalks on 6<sup>th</sup> Street and Peoria to the limits of the property; finding according to the 6<sup>th</sup> Street and the Pearl District Plans, approved by the Tulsa City Council as part of the Comprehensive Plan, and believing there is adequate parking in the area; finding the building constructed in approximately 1913 made no provision for parking; finding these are extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure and the building involved, 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 8 BLK 9, FACTORY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20745**

**Action Requested:**

Variance of the maximum coverage of a required rear yard by a detached accessory building permitted in the RS-2 district from 25% (Section 210.B.a); a Variance of the minimum setback requirement for a detached accessory building from 3 ft. to 0 ft. (Section 210.B.5.b), located: 2425 South Troost Avenue East.

**Mr. White abstained from Case No. 20745.**

**Presentation:**

**Jo Glenn**, 2425 South Troost, Tulsa, Oklahoma, proposed to build a garage. They have owned the property for 80 years. The original garage was a two-story, one-car garage. It was torn down and replaced with a one-car garage. It had to be torn down about eight years ago, but the slab was left in place. They planned for a two-car garage (Exhibit E-1). She also mentioned their plans are for a smaller garage than most of the garages in the neighborhood. She pointed out the pie-shaped lot, much wider in the front than in the back. The location for the garage is the same as the former garage. The façade would be the same as the house and they would re-pave the driveway. She stated the hardship is the size of the lot and the location of the house.

**Comments and Questions:**

Ms. Stead confirmed adequate distance between the house and garage and pavement to the width of the garage. She also suggested she obtain an agreement with the neighbor to maintain the north side of the garage.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**


On **Motion of Stead**, the Board voted 3-0-1 (Henke Stephens, Stead "aye"; no "nays"; White "abstained"; Tidwell "absent") to **APPROVE** a Variance of the maximum coverage of a required rear yard by a detached accessory building permitted in the RS-2 district from 25% (Section 210.B.a); a Variance of the minimum setback requirement for a detached accessory building from 3 ft. to 0 ft. (Section 210.B.5.b), finding these variances are necessary because of the lot size of 5,883 sq. ft., the rear of the lot is only 46.63 ft. wide, making a pie-shaped lot, that this approval is per plan, as shown on page 8.6 of the agenda packet, with the notation that the concrete driveway shall extend to the width of the two-car garage between the northeast corner of the house and the new garage, all driving surfaces shall be concrete; finding the above cited reasons have necessitated the variances, extraordinary or exceptional conditions or circumstances which are

peculiar to the land, structure or building involved, 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 variances 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:

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There being no further business, the meeting adjourned at 2:38 p.m.

Date approved: 8/12/08



Chair