

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 858
Tuesday, March 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
Cooper
Turnbo
White, Chair

**MEMBERS
ABSENT**

Perkins

**STAFF
PRESENT**

Beach
Butler

**OTHERS
PRESENT**

Boulden, Legal
Cox, Neighborhood
Inspections

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, March 6, 2003, at 11:34 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.

Case No. 19531

Action Requested:

Appeal of the decision of the Neighborhood Inspector as to alleged violations; Or in the alternative: a Special Exception to permit a home occupation interior design business. SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6, located 3515 S. Lewis.

Presentation:

Mr. Beach informed the Board that an interested party asked for a one month continuance. Mr. Roy Johnsen mailed a letter stating that he has no objection to the request.

Interested Parties:

There were no interested parties who wished to speak, and none with a complaint of the continuance.

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. 19531 to the meeting on April 8, 2003, on the following described property:

Part of Lots 8 and 9, Beg. NE/c Lot 9 thence S 227.00' W 453.50' N 47.00' NE 21.32' SE 91.06' NEly 164.08' NE 91.49' N 95' E 150.00' POB, Block 4, Oakview Estates Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19539

Action Requested:

Special Exception to amend previously approved plans to allow installation of security fencing. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located S & W of E. 6th St. & S. Delaware Ave.

Presentation:

Mr. Beach informed the Board that the notice was not correct because the legal description submitted was in error. It has been given new notice for March 25, 2003. This case was stricken from the agenda.

Mr. White offered to allow time for the applicant for BOA 19529 to speak with interested party that had questions or opposition to this case.

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 February 25, 2003 (No. 857).

NEW APPLICATIONS

Case No. 19526

Action Requested:

Variance to allow an accessory building in the front yard (carport, not attached and existing). SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6; and a Variance of required setback from centerline of street from 55' to

36'4". SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 5725 E. 23rd St.

Presentation:

Donald Cooney, 5725 E. 23rd St., stated he was not aware of the zoning code regarding carports. He informed the Board that the neighbors have no complaints.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo, "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** to allow an accessory building in the front yard (carport, not attached and existing); and a **Variance** of required setback from centerline of street from 55' to 36'4", with condition that the carport remain open-sided, and finding there are a number of existing carports in the immediate area, on the following described property:

Lot 30, Block 6, Mary Frances Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19527

Action Requested:

Variance of 45 square feet requirement to 107.5 square feet for a pole sign. SECTION 602.B.4.c. and e. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions – Use Unit 11, located 3709 E. 31st St.

Presentation:

James Adair, 7508 E. 77th St., stated he represented Tulsa Teachers' Credit Union. He introduced Christie Reed with TTCU. He stated the zoning is OL. There is an existing 18' sign. They would like to replace the drive-through sign with a new logo, and different color cabinet. A site plan was provided (Exhibits A-1a and A-1b).

Comments and Questions:

Mr. Beach mentioned the history of a BOA application, approved for an increase of the display surface area from 64 square feet to 72 square feet of sign in 1981, Case No. 11485, and to allow two signs on the same property. Mr. Dunham asked if he was asking for the setback to be changed. Mr. Adair replied that the setback is currently 50' and they want to move it back to 51'. The existing sign is 18' in height, and OL allows 20', and they plan to use the maximum height of 20'. They also plan to use a new sign pole.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo, "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** of 45 square feet requirement to 107.5 square feet for a pole sign, per plan, on the following described property:

Lots 9 and 10, Block 4, Loma Linda, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19529

Action Requested:

Special Exception to permit a private park in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located 3221 E. 34th St. N.

Presentation:

Brent Green, the applicant, stated he was withdrawing his application, after discussions with adjoining property owners.

Board Action:

No Board action was required, regarding the property described as follows:

S/2 W/2 W/2 NE NE NE, Section 20, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19530

Action Requested:

Variance to increase permitted wall sign square footage on the southeast and northeast walls of Southcrest Hospital in PUD 559-A. SECTION 1103.B.2.a. USES PERMITTED IN A PLANNED UNIT DEVELOPMENT, Accessory Uses – Use Unit 5, located 10101 E. 91st St.

Tom Cooper arrived at 1:17 p.m.

Presentation:

Brian Ward, the applicant came to present his case.

Ms. Turnbo announced she would recuse herself in Case No. 19530.

Mr. Cooper announced he would abstain from Case No. 19530.

within Tract A to be located within Tracts B and C (Exhibits G-H). SECTION 1301.D. GENERAL REQUIREMENTS; and a Variance deleting the screening requirement of Section 1302.A for the existing off-street parking in Tract B in a RM-2 district along the north boundary and the north 20' of the west boundary (Exhibit G). SECTION 1302.A. SETBACKS; a Variance of the off-street parking setback from the centerline of 10th Street required by Section 1302.B from 50' to 35' to permit existing off-street parking in Tract B to be located along the north boundary (Exhibit G). SECTION 1302.B. SETBACKS; a Variance deleting the screening requirement of Section 1032.A to permit off-street parking on the west side of Tract C in a CH district on the east side of Delaware (Exhibit H). SECTION 1302.A. SETBACKS; and a Variance of the off-street parking setback from the centerline of Delaware required by Section 1302.B from 50' to 35' to permit off-street parking in Tract C along the east side of Delaware (Exhibit H). SECTION 1302.B. SETBACKS, located 2745 E. 11th St

Presentation:

Charles E. Norman, 2900 Mid-Continent Tower, stated he represented the Bama Pie Company. He submitted applicant's packet and photographs (Exhibit B-2 and B-3) to the Board. The purpose of the application is to permit Bama to add an additional product line and expand the facility on the north side as indicated in the exhibits submitted. Mr. Norman mentioned they presented plans to Maria Barnes, Chairperson of the Kendall-Whittier Neighborhood and Scott Swearingen, the President of the Renaissance Neighborhood. They did not express any concerns regarding this project. Mr. Norman informed the Board that the existing east building wall of the main building encroaches on the Delaware right-of-way by three feet. This has existed for 45 to 50 years. They have contacted City of Tulsa Public Works and Traffic Engineering and they stated they have no intention of trying to acquire part of the building in order to widen and improve Delaware Ave. The City of Tulsa has recommended three feet of the right-of-way to permit the building to remain. He added this has gone through the process and should go before the City Council Thursday of this week. He explained the concept plans have been approved by Traffic Engineering and Public Works as a part of the vacation of the three feet. They would prefer to use cameras for security and not have solid screening fences. A site plan was provided (Exhibit B-1a-d).

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Special Exception** under Section 701 to permit Use Unit 23, Bakery Products only, within the existing CH and CG districts and the requested additional CG district (Exhibit D); a **Variance** of the Major Street Plan setback required under Section 215 reducing the urban arterial setback on the west side of the centerline of Delaware from 35' to 22'; a **Variance** of the building setback required by Section 703 in the CG zoning district on the west side of the centerline of Delaware from 85' (35' urban arterial right-of-way width plus 50') to 22' for approximately 75' (Exhibit E); a **Variance** of the requirements of Section 1301.D to permit a part of the required off-

street parking for the offices and plant facilities within Tract A to be located within Tracts B and C (Exhibits G-H); a **Variance** deleting the screening requirement of Section 1302.A for the existing off-street parking in Tract B in a RM-2 district along the north boundary and the north 20' of the west boundary (Exhibit G); a **Variance** of the off-street parking setback from the centerline of 10th Street required by Section 1302.B from 50' to 35' to permit existing off-street parking in Tract B to be located along the north boundary (Exhibit G); a **Variance** deleting the screening requirement of Section 1032.A to permit off-street parking on the west side of Tract C in a CH district on the east side of Delaware (Exhibit H); and a **Variance** of the off-street parking setback from the centerline of Delaware required by Section 1302.B from 50' to 35' to permit off-street parking in Tract C along the east side of Delaware (Exhibit H), per plan, with condition for a tie-agreement between Tracts A, B, and C.

An interested party was overlooked and Mr. White welcomed her to speak to the Board.

Interested Parties:

Mary Burkholder, 1128 S. Delaware Pl., expressed concern that this project was going to take up five feet of her property. When she found this was not true, she had no objections.

The Board Action stands approved as above, finding this is a continuation of previous plans, 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, and finding it would be beneficial to the neighborhood, regarding the following described property:

Tract A: Lot 1, Block 1, Bama Pie, and the E 40.00' of Lot 2 and the W 50' of Lot 3 and the S 75' of Lot 12, Block 13, Highlands Addition, and a part of vacated 10th St. adjacent to the Nly line of said Lot 1, Bama Pie, being more particularly described as follows, to-wit: Beg. at a point that is the most Ely NE/c of said Lot 1, Bama Pie; thence S 89°40'27" W along said Nly line of Lot 1 for 20.00'; thence N 00°00'06" E and parallel with a Nly extension of the Ely line of Lot 1 for 10.00'; thence N 89°40'27" E and parallel with the Nly line of Lot 1 for 20.00' to a point on said Nly extension; thence S 00°00'06" W along the Nly extension for 10.00' to the POB of said tract of land; Tract B: Lots 6 and 7 and the E/2 of Lot 8, Block 12, Highlands Addition; Tract C: Lots 15 – 21 inclusive, Block 3, Signal Addition, all in the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19535

Action Requested:

Variance of the required rear yard from 25' to 14'0" for an addition to a non-conforming structure. SECTION 403. BULK AND AREA REQUIREMENTS IN

THE RESIDENTIAL DISTRICTS – Use Unit 6; a Variance of the required 5,000 square feet livability space to 2,875 square feet (existing 2,940 square feet – lot is 5,148 square feet). SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance to expand a non-conforming structure. SECTION 1405. STRUCTURAL NONCONFORMITIES, located 2433 S. Troost.

Presentation:

Michael Schmitz, 1601 S. Detroit, stated he is the architect representing Robert and Kimberly Norman. They propose to add a master bath and closet space on the second level above the family room. The home was built in 1927. They also want to add a mudroom on the first level. It is an irregularly shaped lot and the existing livability space is well under the maximum of 5,000 square feet. The owner spoke with neighbors and found no opposition. A site plan was provided (Exhibit D-1).

Comments and Questions:

Mr. Beach pointed out that the livability space would be within the requirements and the variance of livability space is not needed.

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, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** of the required rear yard from 25' to 14'0" for an addition to a non-conforming structure; and a **Variance** to expand a non-conforming structure, per plan, noting the variance for livability space is not required, finding this is a non-conforming lot and structure, 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 8, Block 8, Terwilliger Heights, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19536

Action Requested:

Variance to allow a sign in the planned right-of-way 35' from the centerline of East 31st Street. SECTION 1104.D. BULK AND AREA REQUIREMENTS, Building Height, Setbacks and Yards – Use Unit 11, located 3708 E. 31st St.

Presentation:

James Adair, 7508 E. 77th, stated he represented Tulsa Teacher's Credit Union. This application is regarding the main office building with a credit union on the

lower floor. There is an existing sign they wish to replace. The trunks of the trees interfere with the view of the sign.

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, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** to allow a sign in the planned right-of-way 35' from the centerline of East 31st Street, per plan, subject to a removal contract, finding the hardship to be that if the sign were moved any further south it would be blocked by the existing trees, 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:

E/2 Lot 4 and Lot 3, Albert Pike Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No.19537

Action Requested:

Variance of 25' rear yard to 20'8" on corner for new construction in an RS-2 district. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 9444 S. Jamestown Ave.

Presentation:

Robert Montgomery, 4018 E. 87th St., He purchased the subject property for a new home. They have house plans that fit the lot with the exception of the northeast corner. He stated the hardship is the shape of the lot. A site plan was provided (Exhibit F-1).

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, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** of 25' rear yard to 20'8" on corner for new construction in an RS-2 district, per plan, finding the unusual shape of the lot, and the variance is for only one corner of the house, 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:

Presentation:

Lou Reynolds, 2727 E. 21st St., stated he represented the applicant on this project. They propose to build a car wash with eight bays, and brick exterior. They plan to follow the screening requirements, and use lighting that is shielded away from the neighborhoods. The utility easement was removed and there will be a substantial ditch, which will provide a natural barrier. The applicant discussed the application with the neighbors to resolve issues.

Interested Parties:

Gary Pinc, 16435 E. 1st St., stated he is not in opposition. He explained their desire to use the driveway and gate in the back yard to access the cul-de-sac. Mr. White responded that this would involve crossing property that is not involved in this application. Mr. Beach added there would be a lot of problems trying to achieve that. Mr. White informed Mr. Pinc that the Board could not help him with his request at this time.

Gary West, 16403 E. 1st St., expressed concern regarding noise and suggested a sound barrier for the car wash. He provided letters and a petition (Exhibits G-1 and G-2) from neighbors that could not attend. They are concerned about noise and fumes.

Daniel Franks, 16201 E. 1st St., stated he was concerned about the water drainage that flows to his property.

Johnnie Charles, 16429 E. 1st St., was concerned that access to the cul-de-sac would cause a traffic problem. Mr. Beach informed him the car wash would not have any access to the cul-de-sac.

Applicant's Rebuttal:

Mr. Reynolds pointed out that two of the car wash bays are automatic and they do not have the noisy dryer blowers. There is adequate distance from houses, and a solid screening fence will be constructed. Mr. Cooper stated concern about the noise of the vacuums. Mr. Reynolds responded that he was informed the vacuums do not generate that much noise, and they will be 300' to 400' away from the rear property line, plus the distance to the homes. Mr. Cooper asked if there were hours of operation. Mr. Reynolds replied it would be a 24 hour per day operation.

Board Action:

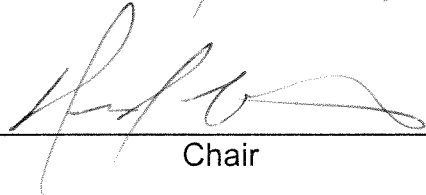
On **MOTION** of **Dunham**, the Board voted 3-1-0 (White, Dunham, Turnbo, "aye"; Cooper "nay"; no "abstentions"; Perkins "absent") to **APPROVE** a **Special Exception** to permit a car wash in a CS district, with conditions for car wash and vacuum island only on west end of plan, no truck wash, brick exterior, no dryer blowers, a solid screening fence to be constructed on the south boundary line, all lighting be directed away from the neighborhood to the south and east of the property, 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, regarding the following described property:

Lot 4, and 5, Block 1, Quik Trip Commercial Center, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 2:55 p.m.

Date approved: MARCH 25, 2003



Chair