

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 874  
Tuesday, October 14, 2003, 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

**OTHERS  
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, October 8, 2003, at 9:37 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, White called the meeting to order at 1:00 p.m.

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

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**REQUEST TO CONTINUE AND CASES TO WITHDRAW**

**Case No. 19668**

**Action Requested:**

Special Exception to permit an office/warehouse in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15, located: 12565 E. 21<sup>st</sup> St.

**Presentation:**

Mr. Beach informed the Board that the applicant has requested a continuance to October 28, 2003 to obtain a correct legal description.

**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. 19668 to the meeting on October 28, 2003 regarding the following described property:



the front and rear views of the garage (Exhibit B-1). Mr. White asked for the hardship. She informed the Board the property is in the 100-year flood plain; the utility lines run across her back yard and a big tree were her hardships. She submitted a petition (Exhibit B-2) to the Board with signatures of neighbors in support of the application. She received notice from Neighborhood Inspections.

**Comments and Questions:**

Mr. Beach read the examiner's response to the application for a building permit. The reviewer stated that the site is in a regulatory flood plain, with a base elevation of 692.93. The requirements for a garage in a flood plain are: provide a site plan from a registered land surveyor showing the new structure is built outside the flood elevation; the slab may be at grade and flood vents must be installed; the top of the stem wall must be one foot above the base flood elevation or set at an elevation of 693.93; and any electrical or water connections, sanitary sewer drains or equipment servicing the building must be one foot above base flood elevation. Ms. Turnbo asked why there was a door on the back of the garage. Ms. Loflin replied in order to pull a truck in or to deliver yard and garden supplies.

**Interested Parties:**

**Mary Mason**, 821 N. Kingston, stated she did not oppose the application. She lives across the street. The applicant and neighbors discussed safety issues after a woman was kidnapped nearby. They thought the garage was a good idea for the applicant's safety.

**Martha Mills**, 827 N. Kingston Ave., stated she does not oppose the application. She was harassed by neighbors for building a garage on her property. She obtained permits and had it built to code.

**Dale Mills**, 827 N. Kingston Ave., stated that as his wife said, they have been harassed for building a garage. They opposed this application because it was done outside of the code and requirements for permits.

**Applicant's Rebuttal:**

Ms. Loflin stated she was not trying to get around the law. The only reason she built the garage was for her safety.

**Comments and Questions:**

Ms. Perkins asked for what purpose she used the back door to the garage. Ms. Loflin replied to have access to her back yard. Ms. Perkins noted it must have been used a lot because there was no grass behind the door but the rest of the yard is covered with grass. Ms. Perkins asked if she was parking a vehicle there. Ms. Loflin replied that she was not. She stated she had moved some dirt into her back yard. Mr. Dunham cautioned her about moving much dirt; and that she could not displace water. Ms. Perkins commented that utilities could be moved and one tree could be cut down in order to build the garage in a different direction.

**Board Action:**

On **Motion** of **Turnbo**, the Board voted 4-1-0 (White, Turnbo, Perkins, Stephens "aye"; Dunham "nay"; no "abstentions"; no "absences") to **DENY** a **Variance** of required 5' side yard to 1.4' to permit the addition of a garage in an RS-3 district, finding lack of a hardship, on the following described property:

Lot 6, Block 5, Mary Ellen Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19682**

**Action Requested:**

Special Exception to allow a single-family dwelling in a CH zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6, located: 934 S. Yale.

**Presentation:**

**Martin Veale**, 936 S. Yale, and his wife, **Aurora Veale** of the same address, stated they purchased the property in 1993. They planned to live there. They have applied for building permits. They are seeking a special exception for the house that exists there. A site plan was provided (Exhibit C-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 allow a single-family dwelling in a CH zoned 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 7, Block 1, Yale Heights, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**OTHER BUSINESS**

**Case No. 19681**

**Action Requested:**

Applicant requested a refund.

**Presentation:**

Mr. Beach stated the applicant requested a refund. There was some processing of the application before it was withdrawn. The staff recommended a refund of \$371.00.

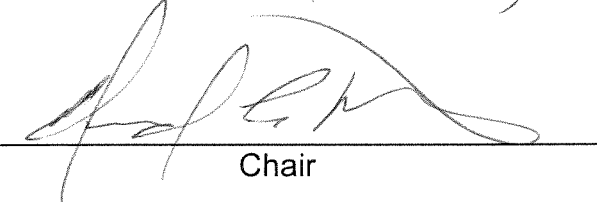
**Board Action:**

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 recommendation from staff to refund \$371.00.

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There being no further business, the meeting was adjourned at 2:15 p.m.

Date approved: OCTOBER 28, 2003

  
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Chair