

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 878
Tuesday, December 9, 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
Alberty

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, December 4, 2003, at 2:30 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

Mr. Beach informed the Board that **BOA Cases 19717, 19718, 19719, and 19723** were supposed to have signs placed on the properties. Due to a delay in the mail delivery, the signs were not placed in time for the required ten days notice. The staff requested a continuance to a date chosen by the Board for a special meeting, since the applicants provided complete applications by the cut-off date and a delay would cause them a hardship.

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** BOA Cases 19717, 19718, 19719, and 19723 to the **Special Meeting** on December 22, at the Francis Campbell Council Room at 1:00 p.m.

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 November 25, 2003 (No. 878).

UNFINISHED BUSINESS

Case No. 19706

Action Requested:

Approval of an amended site plan. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15, located: 10661 E. 31st St.

Presentation:

Gayle Crabtree, 10661 E. 31st St. stated her original application was approved per plan. She submitted an amended site plan (Exhibit A-1) for approval.

Comments and Questions:

Mr. Boulden advised the Board that any approval should not imply approval for any special exceptions or variances.

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** an amended site plan, per plan submitted today, with a condition: that it does not imply approval of any special exception or variance, on the following described property:

All of Lot 3, Block 1, and part of Lot 2, Block 1, Helen N. Commercial Center, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, said part of Lot 2 being more particularly described as follows, to-wit: Beg. at the NE/c of Lot 3, Block 1; thence W along the N line of Lot 3 to the NW/c of Lot 3; thence N to a point on the N line of Lot 2; thence E on the N line of Lot 2 to the NE/c; thence SEly along the E line of Lot 2 to the POB. And a Tract of land in the SE/4 of Section 18, T-19-N, R-14-E of the IBM, particularly described as follow, to-wit: Beg. at a point 824.17' due E and 50.00' due N of the SW/c of said SE/4, said point also being the SE/c of Block1, Helen N. Commercial Center; thence N 38°41'36" W along the Ely line of said Helen N. Commercial Center, a distance of 320.31' to a point, said point also being the NE/c of said Helen N. Commercial Center; thence due E and parallel with the S line of said SE/4, a distance of 200.24' to a point; thence S, a distance of 250.00' to the POB.

Case No. 19716

Action Requested:

Variance to reduce setback from 8'6" to 5.00' per site plan submitted (BOA 14398). SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Minor Variance to reduce the required side yard from 5' to 4'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located: 2108 E. 25th Pl.

Presentation:

Mr. Beach reminded the Board this case was continued for additional relief to reduce the required side yard.

John Arnold, 2108 E. 25th Pl., stated this condition has existed for fourteen years. 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 **Variance** to reduce setback from 8'6" to 5.00' per site plan submitted (BOA 14398), finding the hardship is to correct a condition that has existed for fourteen years.

Mr. Alberty asked for a motion regarding the Minor Variance also.

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 **Minor Variance** to reduce the required side yard from 5' to 4', both motions regarding the following described property:

Lot 9, Block 7, Wildwood, City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 19720

Action Requested:

Variance of 18' height requirement for a detached accessory building to 27'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: 1366 East 26th.

Interested Parties:

John Rooney, stated he lives at 4539 S. Atlanta, across the street from the subject property. His mailing address is 401 S. Boston, Ste. 1100. He was opposed to the application. He added the plan would not be in conformity with the neighborhood. He stated that the lot with 60' of frontage would be much less than the other lots with 100' frontage. Mr. Rooney thought the hardship was self-imposed. He indicated that the applicant had the opportunity to do a lot-split without relief of the required frontage. He stated he would not be opposed to a lot-split of the 190' and split it into 95' frontages.

Mike Barquette, 4646 S. Atlanta Ave., stated he owns the property immediately to the south, as of November 21, 2003. He stated opposition to the application for several reasons as mentioned by Mr. Rooney. It was represented to him originally as a lot split with two equal size lots, with 110' frontage on each. He expressed concern that it would set a precedent for the neighborhood and lower the value of the properties.

Steve Wilcox, 4527 S. Atlanta Ave., stated he is just to the northwest of John Neale's house. He added that he moved there for the large lots and country-feel. He objected to the application. He was concerned that the people behind him would want to do the same thing with their property.

Applicant's Rebuttal:

Mr. Johnsen responded that it would be an overstatement to say this is the equivalent to RS-3 zoning. The two lots resulting would be 34,500 sq. ft. and the other would be 24,400 sq. ft. The smaller lot would still be almost double the size of an RS-1 lot. A 50' separation to the neighbor's house is not a bottle neck nor would this be like a panhandle situation. New construction in older neighborhoods has been proven to increase the property values. They are almost always a higher density than surrounding properties, but this would be a lower density than most of the neighboring properties. He added that it is consistent with infill study requirements and configured to be practical.

Comments and Questions:

Ms. Perkins asked for the hardship. Mr. Johnsen replied it is the size of the lot relative to the frontage. She asked if that didn't make it self-imposed. He responded he didn't believe it was self-imposed for property that was platted in 1922.

Board Action:

On **Motion** of **Perkins**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of average lot width from 100' to 80', finding lack of a hardship, on the following described property:

S. 190.00' Lot 5, Barrow's Orchard, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19722

Action Requested:

Variance of required 20' setback for a garage to 16' to permit lining up with existing dwelling in an RS-3 district, located: 3701 East 30th Street.

Presentation:

Dave Henry, 3132 S. Utica, requested a variance of the required setback. They proposed to add a two-car garage on the back of the house. The house was built in 1953. They would like to build the addition in line with the existing house. A site plan was provided (Exhibit E-1).

Comments and Questions:

Mr. White asked if the zoning code setback requirements from 1970 applied to this case. Mr. Beach replied this has to do with the house being on a corner lot. He reminded the Board that on corner lots the owner can choose which side to call the front yard.

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 20' setback for a garage to 16' to permit lining up with existing dwelling in an RS-3 district, per plan, finding it is consistent with the neighborhood, 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 11, Block 2, Loma Linda Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19724

Action Requested:

Variance of Title 42, Section 404.1.9 and display surface area to permit a wall sign per plan, located: 7715 East Easton Street.

Presentation:

John Moody, 1924 S. Utica, stated he represented the owners. They are building a mini-storage on an RM-1 lot by a special exception. They requested a variance

for a wall sign. He pointed out that the property is in an area that qualifies for corridor zoning, in which a wall sign would qualify without this relief. The topography is the hardship for viewing the sign. 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 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Title 42, Section 404.1.9 and display surface area to permit a wall sign, per plan, for a 3' x 12' wall sign, finding the hardship is the location in a neighborhood consistent with CO zoning, where it would be allowed by right; 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:

Lots 14 and 15, Bloomfield Heights, City of Tulsa, Tulsa County, State of Oklahoma, less and except a re-subdivision of the E 126.75' of said Lots 14 and 15.

OTHER BUSINESS

Case No. 19715

Action Requested:

Reconsideration of the request for a Special Exception to allow an indoor law enforcement training facility and paintball facility in an IL district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19; and a Variance of required parking from 90 to 22 spaces. SECTION 1219.D. USE UNIT 19. HOTEL, MOTEL, AND RECREATION FACILITIES, located: 5563 S. 104th E. Ave.

Mr. Beach reminded the Board this case was heard at the previous meeting. He added that the Board need only decide if they will hear the case again at another date.

Presentation:

Steve Schuller, 100 W. 5th St., Ste. 103, indicated they have the required number of parking spaces. He stated they would withdraw the request for a variance of the parking. He noted the two main concerns when the case was heard was the number of parking spaces vs. overflow into other parking lots or onto the street. The other issue was the presence of minor children on the premises and overflowing onto adjacent properties. The applicant plans to have off-duty police officers to secure the area; and to require a parent to come into the facility to pick up a minor.

Comments and Questions:

Ms. Perkins asked if the applicant still plans to operate the business as it was presented at the last meeting. Mr. Schuller replied that it would be the same with law enforcement training and paintball games for commercial purposes.

Interested Parties:

Mr. White inquired of the interested parties if they were present to oppose the application. They indicated they were opposed.

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 **DENY Reconsideration** of the request for a Special Exception to allow an indoor law enforcement training facility and paintball facility in an IL district; and a Variance of required parking from 90 to 22 spaces, on the following described property:

Lot 2, Block 18, Tulsa Southeast Industrial District, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19717

Action Requested:

The request was for a refund.

Presentation:

Mr. Beach informed the Board that the applicant paid for two signs but only one was required. The staff recommended a \$70.00 refund.

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** the recommended refund of \$70.00.

There being no further business, the meeting was adjourned at 2:19 p.m.

Date approved: JANUARY 13, 2009



Chair