

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 883  
Tuesday, March 9, 2004, 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 Wednesday, March 3, 2004, at 2:13 p.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. 19774**

**Action Requested:**

Variance from the required 100' setback to 95' 0" from centerline of Yale Avenue to allow drive-through canopy attached to building. SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS, located: 2152 South Yale Avenue.

**Presentation:**

Mr. Beach informed the Board that the applicant notified staff he wants to add a request for more relief; and continue to the meeting on March 23, 2004.

**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** a Case No. 19774 to the meeting on March 23, 2004.

Lot 1, Block 1, Mayo Meadow Extended, City of Tulsa, Tulsa County, State of Oklahoma.

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**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 February 24, 2004 (No. 882).

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 September 23, 2004 (No. 873) as amended.

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**NEW APPLICATIONS**

**Case No. 19770**

**Action Requested:**

Special Exception to allow a carport in front yard. SECTION 210.B.10. YARDS; a Variance to allow carport 24' x 24'. SECTION 210.B.10.a. YARDS; and a Variance to allow carport to extend 24' from front of building. SECTION 210.B.10.c. YARDS, located: 4323 West 56<sup>th</sup> Place.

**Presentation:**

Mr. White stated since the applicant was not present yet, the Board would hear it later in the meeting.

Lots 5, 6, and 7, Block 2, Doctor Carver Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19772**

**Action Requested:**

Variance of lot width from existing 50' to 48'. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS; and a Variance of required 5' side yard to 3' to permit a lot split for an encroaching retaining wall and fence in an RS-3 district. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, located: 1704 South Madison Avenue.

**Presentation:**

John W. Moody, stated the subject property is located in an older part of Tulsa. It was platted about eighty years ago. The lots are narrow 50' lots. There was an

old existing fence, which Mrs. Boyle (the owner) thought was built on the property line. His clients built a retaining wall and did some plantings and the fence was removed. They discovered the fence was not on the property line. Mrs. Boyle offered to sell a two-foot strip of land to his client, avoiding any dispute. He mentioned there was a letter of opposition in the file from a neighbor about five lots away. Mr. Moody stated it would not look any different from the street. This would just clear the title.

**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 lot width from existing 50' to 48'; and a **Variance** of required 5' side yard to 3' to permit a lot split for an encroaching retaining wall and fence in an RS-3 district, per plan, finding it is to correct an existing condition; 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 2, Block 6, Maple Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19773**

**Action Requested:**

Special Exception to allow a carport in front yard. SECTION 210.B.10. YARDS; a Variance to allow carport 24' x 24'. SECTION 210.B.10.a. YARDS; and a Variance to allow carport to extend 24' from front of building. SECTION 210.B.10.c. YARDS, located: 4323 West 56<sup>th</sup> Place.

**Presentation:**

**James Hanning**, 4526 S. 214<sup>th</sup>, Broken Arrow, Oklahoma, stated his requests. The house occupies three city lots. There are no close neighbors. The carport structure would be tied into the home with a shingled roof. He also mentioned it is located on a dead end street.

**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 carport in front yard; and a **Variance** to allow carport to extend 24' from front of building, per plan, finding it will look appealing, and is



14, excluding a tanning salon; a Special Exception under Section 1407.C modifying the parking requirements to permit the proposed uses with 59 parking spaces; In the event the non-conforming status of the Property as to parking is determined to have ended by virtue of non-use, a Variance from the provisions of Section 1402.D to permit the non-conforming status of the Property as to parking to continue; In the event the non-conforming status of the Property as to parking is determined to have ended by virtue of non-use and a Variance from Section 1402.D is denied, a Variance from Sections 1212.D, 1213.D and 1214.D to permit the proposed uses with 59 parking spaces; a Variance from Section 1303.B permitting the westerly parking spaces on the Property to be accessible from vacated South Quaker Avenue; a Special Exception from Section 1301.D allowing required off-street parking spaces to be allowed on a lot other than the lot containing the use; a Variance from Section 215 permitting a parking lot to be setback from the centerline of East 15<sup>th</sup> Street South from 35' to 30' to permit required off-street parking; and a Variance from Section 1002 reducing the landscaping requirements for the Property from fifteen percent (15%) of the street yard along East 15<sup>th</sup> Street South and South Quincy Avenue to zero as the Property is already fully developed without landscaping and no additional impervious surface will be added as a result of this application, located: 1338 East 15<sup>th</sup> Street South.

**Presentation:**

**Lou Reynolds**, 2727 E. 21<sup>st</sup> St., stated the structure was a Sound Warehouse Store until 2002. The retail use was non-conforming under the code at that time. It is a little larger than 9,400 sq. ft. and there were thirty striped non-compliant parking spaces. They plan to have a tie agreement with an adjacent lot for fifty-nine parking spaces; reconfigured to include a vacated portion of Quincy. He stated they would still be short by twelve spaces. There was no landscaping and they requested relief of the landscaping requirements. His client met with the neighborhood homeowners association and found support for this application since they would not serve alcohol.

**Comments and Questions:**

Ms. Turnbo asked for the hours of operation of the businesses. He replied that the leases did not limit the hours of operation. Mr. Stephens remarked that pulling parking spaces on Quaker Street would not be realistic. Mr. Reynolds replied they would not be using it for parking but for access into their parking. He added that they were trying to improve the flow of traffic by allowing room for traffic going both directions, because they did not have that before. Mr. Beach noted that Quaker would serve as the drive aisle and the entrance to the parking lot is from 15<sup>th</sup> Street.

**Interested Parties:**

There were no interested parties present who wished to speak.

