

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 901
Tuesday, December 14, 2004, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Vice Chair
Paddock
Stephens
White, Chair

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Butler
Cuthbertson

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Friday, December 10, 2004, at 11:24 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. Wayne Alberty read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Paddock, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of November 9, 2004 (No. 899).

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Paddock, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of November 23, 2004 (No. 900).

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 19929

Action Requested:

Special Exception to permit off-street parking in an RM-2 District -- Section 401-- Use Unit 10; and a Variance of required 10 foot rear building setback to 5 feet to permit a parking garage in an RM-2 district -- Section 403.A. -- Use Unit 10, located: 252 West 15th Street South.

Presentation:

Mr. Alberty informed the Board the applicant requested a continuance to January 25, 2005. He added that it may require more advertising as there may be more amendments to the application. The applicant still needs to take plans to a plan review.

Interested Parties:

Lucky Lamons, 205 West 17th Street, stated that he and the Riverview Homeowners' Association Board President met with applicant and have been working through issues. He added they are in agreement with a continuance.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Paddock, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19929 to the meeting of January 25, 2005, on the following described property:

LT 9 AND LT 10, BLK 3, STONEBRAKER HGTS ADDN

Case No. 19955

Action Requested:

Special Exception to permit church and accessory uses in an RS-4 district -- SECTION 401 -- Use Unit 5; Special Exception to permit church parking on a lot other than the lot containing the principle use -- SECTION 1301.D -- Use Unit 5; Variance to permit accessory parking in the required front yard -- SECTION 1205.B.1.b -- Use Unit 5, located: 2235 North Norfolk Avenue.

Presentation:

Mr. Alberty stated the applicant has added additional property to the application and it needs to be continued to January 11, 2005. An interested party that was present did not object.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Paddock, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19955 to the meeting of January 11, 2005, on the following described property:

LT 7, 8, 11 & 12, BLK 1, LECLAIRE ADDN

UNFINISHED BUSINESS

Case No. 19940

Action Requested:

Special Exception to vary the height of a bell tower from 52.5 ft. to 106 ft. Section 208.C; and a Variance to vary the building height from 35 ft. to 64.0 ft. Section 403, 10310 South Sheridan Road.

Presentation:

Wallace O. Wozencraft, 1619 South Boston, submitted transparencies (Exhibit B-2) of the proposed design. He described the 27 acre property and the need for the height of the building and bell tower. He provided the site plan (Exhibit B-1). To stay within the height allowed by the zoning code would make the roof and bell tower out of proportion with the building. The cross on top of the tower is 20 feet in height. He listed several churches in the Tulsa area that received relief for the same thing, including: St. John's Episcopal has a 122' bell tower height; the old Asbury Church has 100'; the Eastland Baptist Church has 86'; St. Mary's Catholic has 64'; and the existing South Tulsa Baptist Church has an 82' bell tower.

Comments and Questions:

Mr. White asked if the applicant has met with the neighborhood. Mr. Wozencraft replied that they have been meeting with them from the beginning of the project. He stated there were not that many neighbors concerned. He emphasized the distance of the church from the residential property lines as a great benefit. He stated the distance is 822' from the apex of the building to 101st Street South and 510' south to the south property line.

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, Paddock, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to vary the height of a bell tower from 52.5 ft. to 106 ft. Section 208.C, 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; and a **Variance** to vary the building height from 35 ft. to 64.0 ft., per plan, finding

there are 27 acres with sufficient setback and it would work a hardship on the property owner to meet the height requirement, on the following described property:

NW NE NE LESS BEG NWC NE NE TH E399 S660.53 W TO PT N TO POB & LESS BEG 746.15W NEC NE NE TH S300 W180 N300 E180 POB SEC 27 18 13, NE NE NE LESS N454 E281 & LESS BEG 281W NEC NE NE TH S295 E14 N APR 52 W APR 189 N103 CRV LF 40.36 NW15.22 CRV RT 40.36 N50 E232 POB SEC 27 18 13, AND LT 1 BLK 1 AND RESERVE A, SOUTH TULSA BAPTIST CHURCH

Case No. 19941

Action Requested:

Special Exception to allow indoor only automobile sales in a CS District, located: 710 South Lewis Avenue East.

Presentation:

Paul Prather, 525 South Main, Suite 1000, stated this application was continued from the last meeting. He stated the request for relief. He reminded the Board of the physical aspects of the building, including: double garage doors on either end of the building. He reminded the Board of auto sales on neighboring properties. He offered duplicate exhibits: a photo of the building, suggested self-imposed conditions and a newspaper article describing the nature of the proposed business (Exhibits C-2, 3, 4, and 5).

Comments and Questions:

Mr. Stevens asked if they resolved any issues after discussing the case with the neighborhood association. Mr. Prather replied they did not. Mr. White asked for the size of the lot. Mr. Prather did not have that information. He stated he did not ask for relief of parking requirements. Mr. Boulden asked about marking on-street parking. Mr. Prather was open to his suggestions.

Interested Parties:

Mr. White noted there were three letters of opposition submitted to the Board (Exhibit C-1).

Maria Barnes, 2252 East 7th Street, for Kendall-Whittier Neighborhood Association, stated there was no dialogue when she met with Mr. Prather. She indicated that she was informed of options of businesses that could be opened there. She did not find the applicant open to discussion of the issues. Mr. Paddock surmised that the neighborhood is not as concerned with intensity as it is with the use of car sales. She agreed with his statement.

Nina Mayes, 2255 East 8th Street, stated she was in support of the application. She stated she would be opposed to increased intensity of use with more parking.

Applicant's Rebuttal:

Mr. Prather pointed out the surrounding businesses. He indicated he was open to any suggestions from the neighborhood.

Comments and Questions:

Mr. Paddock stated the zoning code is in place for a reason. The fact this use requires a special exception emphasizes the need to consider the affects on the neighborhood. He noted that the neighborhood consists of multiple uses commercial and residential. He indicated this proposed use appeared to be injurious to the neighborhood. Mr. Dunham reminded the Board of a court case for the very same use just to the south of this property that was approved. Mr. White described the neighborhood association's master plan as viable and lending to many improvements. He indicated this business would be detrimental to that plan.

Board Action:

On **Motion** of **Paddock**, the Board voted 4-0-0 (White, Dunham, Paddock, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to allow indoor only automobile sales in a CS District, for the reasons stated, finding it would 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 1, BLK 6, HILLCREST ADDN

*.*****.

Case No. 19944

Action Requested:

Variance of average lot width for Lot 1 and Lot 2, Block 1, from the required 75' to 66' in an RS-2 district, located: SE/c of Country Club Dr. and Haskell St.

Presentation:

Mr. Albery reminded the Board this case was continued for re-advertising. The applicant was not present. Mr. White asked staff to contact the applicant and moved the case further down on the agenda.

A tract of land located in the E/2 of Section 34, T-20-N, R-12-E of the IBM, City of Tulsa, Osage County, State of Oklahoma, being a part of Lots 2, 3, 6 and 7, Block 3, South Osage Hills Addition, according to the recorded plat thereof, more particularly described as follows: Commencing at the Southwest Corner of Osage Duplexes, said point being on the W right-of-way line of Country Club Drive; thence S 89°54'53" E along the S line of said Osage Duplexes for 60.00' to the POB; thence continuing along a S line of said Osage Duplexes on a non-tangent

curve to the right with an initial tangent bearing of N 0°05'07" E, a central angle of 90°30'12", a radius of 25.00, and an arc length of 39.49'; thence S 89°24'41" E continuing along a S line of said Osage Duplexes and the S right-of-way of West Haskell Street for 224.19'; thence continuing along a S line of said Osage Duplexes on a curve to the right with central angle of 89°29'48", a radius of 25.00', and an arc length of 39.05'; thence S 0°05'07" W line of said Osage Duplexes, and the W right-of-way of North Osage Drive, for 282.09'; thence N 89°54'18" W along the S line of said Lot 3, Block 3, South Osage Hills Addition, for 149.91'; thence N 0°02'50" E along the W line of said Lot 3, Block 3, South Osage Hills Addition, for 13.50'; thence N 89°51'58" E for 15.98'; thence N 84°19'54" W for 153.96' to a point on the W line of Block 3, South Osage Hills Addition, and also being the E right-of-way line of Country Club Drive; thence along the W line of said Block 3, South Osage Hills Addition, on a non-tangent curve to the left with an initial tangent bearing of N 24°12'19" E, a central angle of 24°07'12", a radius of 514.07', and an arc length of 216.41'; thence N 0°05'07" E for 45.54' to the POB

NEW APPLICATIONS

Case No. 19946

Action Requested:

Variance to permit changeable copy sign visible from a residential district and within 200 feet of such district -- Section 1221.B.2 -- Use Unit 5, 1835 South 129th East Avenue.

Presentation:

John Mardirosian, 3404 South 136th East Avenue, for the Eastland Baptist Church, stated the request and that the existing sign has been there for eighteen years. The changeable copy sign would benefit the church and the community. He noted the libraries have the same type of sign. A site plan, photographs and sign plan were provided (Exhibits D-1, D-2 and D-3).

Comments and Questions:

Mr. White asked about the functions of this sign. Mr. Mardirosian replied it would be to communicate community events. It would have the ability to flash, scroll, or remain constant. Mr. Dunham noted the four-lane road in front of the property with 100' in the front. The closest houses are across the street and face the opposite direction, with stockade fences behind them.

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, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to permit changeable copy sign visible from a residential district and within 200 feet of such district -- Section 1221.B.2 -- Use Unit 5, per plan, finding the four-lane arterial street in front of the property buffers it from nearby residential district; the closest residences faces away from the sign; 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, regarding the following described property:

LT 1 BLK 1 EASTLAND BAPTIST CHURCH, EASTLAND BAPTIST CHURCH,
City of Tulsa, Tulsa County, State of Oklahoma

Case No. 19947

Action Requested:

Special exception to allow a senior center in a residential zoned district, amend a previously approved site plan. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located: Southwest Corner East 6th Street and Peoria.

Presentation:

Greg Warren, with the Tulsa Parks Department, stated this application was for the senior center proposed for this property. They have outgrown the facility. They have talked with the neighborhood, and bid for this project to begin building in January 2005. He added this was an existing community center and they proposed to make it more accessible to senior citizens. He added there would be a large pond similar to the size of Swan Lake and overflow would be directed to the detention facility down stream. A site plan, general site plan, and sketches were provided (Exhibits E-1, E-2 and E-3).

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, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a senior center in a residential zoned district, amend a previously approved site plan, 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:

S414.3 OF NE SE SEC 1 19 12

Case No. 19948

Action Requested:

Special Exception to permit light manufacturing/industrial use in a CH zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 25, located: 5305 East Admiral Place South.

Presentation:

Steve Schuller, 100 West 5th Street, Suite 500, for McElroy Manufacturing, Inc., stated the company has outgrown the present facility. They proposed to expand at the old K-Mart site on the subject property. The property has been on the market for several years and is in a deteriorated condition. It is in a CH zoning district. The light manufacturing and industry they requested are permitted with a special exception. He pointed out the properties to the north and to the east are zoned IL. To the northeast is IM and to the west and south is CH and IL zoning. This business would have no objectionable environmental influences such as: odor, heat, smoke, noise or vibration. The work would all be conducted indoors. There would be no storage or manufacturing uses outside the building. They offered only conceptual plans at this time. He suggested this business would be attractive, compatible with the neighborhood, and create more jobs to list a few benefits.

Interested Parties:

Maria Barnes, 2252 East 7th Street, for Kendall-Whittier Neighborhood Association, stated they are in support of this proposal.

Comments and Questions:

Mr. Boulden asked about fencing materials for the property. Mr. Schuller replied it would be a steel material. Mr. Boulden asked if it would be a problem if the Board were inclined to restrict approval with a condition for this type of fence. Mr. Schuller replied it would not.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit light manufacturing/industrial use in a CH zoned district, with conditions: no outside storage; no chainlink fence, the fence must have the appearance of a wrought iron fence and consistent with the conceptual plan; and no outside manufacturing, on the following described property:

BEG 16.5S & 20E NWC GOV LT 3 TH E643.66 TO EL W/2GOV LT 3 TH S605.95 TO PT 40N SL LT 3 TH W530.34 N197 W113.5 N409.63 POB SEC 3 19 13 8.446ACS

Case No. 19944

Action Requested:

Variance of average lot width for Lot 1 and Lot 2, Block 1, from the required 75' to 66' in an RS-2 district, located: SE/c of Country Club Dr. and Haskell St.

Presentation:

Jeff Beeson, 415 East Independence, stated this request is for the two northern lots. This is the last phase of the Hope VI Project for single-family homes.

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, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of average lot width for Lot 1 and Lot 2, Block 1, from the required 75' to 66' in an RS-2 district, finding it is consistent with the neighborhood to the east and north, and with the lots in the developing neighborhood, on the following described property:

A tract of land located in the E/2 of Section 34, T-20-N, R-12-E of the IBM, City of Tulsa, Osage County, State of Oklahoma, being a part of Lots 2, 3, 6 and 7, Block 3, South Osage Hills Addition, according to the recorded plat thereof, more particularly described as follows: Commencing at the Southwest Corner of Osage Duplexes, said point being on the W right-of-way line of Country Club Drive; thence S 89°54'53" E along the S line of said Osage Duplexes for 60.00' to the POB; thence continuing along a S line of said Osage Duplexes on a non-tangent curve to the right with an initial tangent bearing of N 0°05'07" E, a central angle of 90°30'12", a radius of 25.00, and an arc length of 39.49'; thence S 89°24'41" E continuing along a S line of said Osage Duplexes and the S right-of-way of West Haskell Street for 224.19'; thence continuing along a S line of said Osage Duplexes on a curve to the right with central angle of 89°29'48", a radius of 25.00', and an arc length of 39.05'; thence S 0°05'07" W line of said Osage Duplexes, and the W right-of-way of North Osage Drive, for 282.09'; thence N 89°54'18" W along the S line of said Lot 3, Block 3, South Osage Hills Addition, for 149.91'; thence N 0°02'50" E along the W line of said Lot 3, Block 3, South Osage Hills Addition, for 13.50'; thence N 89°51'58" E for 15.98'; thence N 84°19'54" W for 153.96' to a point on the W line of Block 3, South Osage Hills Addition, and also being the E right-of-way line of Country Club Drive; thence along the W line of said Block 3, South Osage Hills Addition, on a non-tangent curve to the left with an initial tangent bearing of N 24°12'19" E, a central angle of 24°07'12", a radius of 514.07', and an arc length of 216.41'; thence N 0°05'07" E for 45.54' to the POB

Case No. 19949

Action Requested:

Variance of allowable height for accessory building from 18 ft to 26 f t; variance of limitation that detached garage not exceed 25% of required rear yard - SECTION 403; and variance to allow a 2-story accessory building in a RS-2 district – SECTION 210.B.5.A, located: 2135 East 26th Street South.

Presentation:

Roy Johnsen, 201 West 5th St., Suite 500, stated he represented the owners of the subject property. The site plan, elevations, a photo and floor plan were provided to the Board (Exhibits F-1 through F-4).

Mr. White out at 2:32 p.m.

Mr. Johnsen pointed out they meet the 5,000 sq. ft. of open space within the lot. The garage is not seen from the street.

Mr. White returned at 2:34 p.m.

He informed the Board that the neighbors to the north and west are in support of the project. He pointed out the numerous two-story garages in the neighborhood. They proposed to use the second story for a play space for the family and not for renters or living quarters. The area was platted in the 1920's

Comments and Questions:

Mr. Boulden asked what amenities would be in the play area. Mr. Johnsen replied there would be a bath facility but no kitchen.

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, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of allowable height for accessory building from 18 ft to 26 ft; a **Variance** of limitation that detached garage not exceed 25% of required rear yard - SECTION 403; and a **Variance** to allow a 2-story accessory building in a RS-2 district – SECTION 210.B.5.A, per the plan and elevation submitted, finding the design is consistent with other houses in the area; livability space and back yard is more than offset with the additional space on the side yard; with condition that the second floor of the garage never be used for a second residence, on the following described property:

LT 16 BLK 7 , WILDWOOD, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 19951

Action Requested:

Variance of Lot Area from the required 9,000 sq ft to 8,880 sq ft and 8,890 sq ft to permit splitting a lot zoned RS-2. – SECTION 403.A., located: 2823 East 25th Street South.

Presentation:

Mike Marrara, 10759 East Admiral Place, stated he represented the agent on the property, for a variance to permit a lot split into two tracts. They proposed to remove the existing dwelling and accessory building; and sell the property to a builder that plans to build a home on each lot. He pointed out two fairly new homes at the southeast corner of the intersection of 25th and Delaware. A site plan was provided (Exhibit G-1).

Comments and Questions:

Mr. White asked when the existing structure was built. Mr. Marrara suggested the late thirties or early forties.

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, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Lot Area from the required 9,000 sq ft to 8,880 sq ft and 8,890 sq ft to permit splitting a lot zoned RS-2, per plan, finding it would be consistent with other lots platted to the west of this area, and a new development on the southeast corner of the same intersection; 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:

LT 6 BLK 7, BRYN-MAWR, and part of vacated street, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 19952

Action Requested:

Variance of average lot width from 60 ft to 58 ft Tract A and 55 ft Tract B for lot split (L-19535). – SECTION 403, located: 3121 South Rockford Drive.

Presentation:

Darin Akerman, 6111 East 32nd Place, with Sizemore, Weisz, and Associates, stated he represented the purchaser of the property. They proposed a lot split with Tract A at 58' and Tract B at 55'. A site plan was provided (Exhibit H-1).

Interested Parties:

Ann Harrell, 3127 South Rockford Drive, stated she and her husband do not object to the application. They asked for a condition for either no windows or opaque windows on the side that would overlook their home. She submitted photographs (Exhibit H-2) to the Board.

Comments and Questions:

Mr. Boulden advised that the interested party's request has no relationship to the relief requested. Mr. Alberty agreed, stating these are uses permitted by right.

Interested Parties:

Larry Harrell, 3127 South Rockford Drive, asked if this is the only opportunity they have to speak to this issue. Mr. Dunham replied this was the only public hearing.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of average lot width from 60 ft to 58 ft Tract A and 55 ft Tract B for lot split (L-19535), per plan, finding this is consistent with the lots across the street, on the following described property:

PT LT 1 2 BEG PT 202.55 S OF NEC LT 1 S 148 NWLY 216.5 NE LY 97.5 TO
PT ON W L LT 2 202.55 S OF NW COR TH E 190.6, PEORIA ACRES ADDN,
City of Tulsa, Tulsa County, State of Oklahoma

Case No. 19953

Action Requested:

Variance of front yard setback from 30 feet to 20 feet in an RS-2 zoned district -- SECTION 403.A -- Use Unit 6, located: 2501 South Cincinnati Avenue East.

Presentation:

Paul Jackson, 5579 South Lewis, with Landmark Construction, LLC, proposed to remove a house to construct a new one. He indicated the shape of the lot is the hardship. They planned to build the new home at an angle parallel to Cincinnati. Mr. Jackson stated he contacted neighbors and found them in support.

Interested Parties:

Janice Nicholas, 122 East 25th Street, stated she is the President of the Maple Ridge Association. Their Board voted unanimously to oppose this application for

several reasons. They are concerned that a variance of the front yard setback would begin to erode the character of the neighborhood. She pointed out that the intersection of 25th and Cincinnati is the busiest intersection in the neighborhood and was concerned about the possible affect on sight lines. They questioned if there was a hardship in this case.

Gregory Vilner, 2450 South Cincinnati, stated he lives across the street from the subject property. He saw the plans and talked with the immediate neighbors and found them to be in support. He considered the plans to be an improvement and a correction of existing problems. He submitted an email message from Ms. Nicholas (Exhibit I-4).

Beth Battles, 207 East 25th Street, stated the applicant did not have a hardship. She added that Mr. Jackson showed a disregard for the character and integrity of the neighborhood when he built his most recent house in this neighborhood. She asked at the association's board meeting for setbacks to be maintained.

Sally Davies, 2700 South Boston, stated she is the Maple Ridge representative on the Tulsa Preservation Commission subcommittee. This part of the neighborhood is not in the historic preservation zoning, but they are on the National Register of Historic Places as a neighborhood listing. One of the big factors of historic preservation is scale, proportion and materials. She indicated this would be a large variance of setback. She recognized that the arrangement of the house minimizes the affect.

Mr. Dunham out at 3:25 p.m. and returned at 3:27 p.m.

James Perault, 215 East 25th Street, stated he had no objection to the application.

Melissa Jackson, stated she is Paul Jackson's wife. She informed the Board that the shape of the lot is the main hardship.

Paul Gilling, 1231 East 24th Place, stated he is a member of the Maple Ridge Board. They decided at their meeting they are opposed to the setback variances. They were opposed to building houses too large for the lot.

Comments and Questions:

Mr. White asked how many people attended the Maple Ridge Board meeting. Mr. Gilling replied there were about fifteen people. He asked how many homes they represented, to which Mr. Gilling replied about 1800 homes. He added they have about four representatives for each district.

Applicant's Rebuttal:

Mr. Jackson stated they are only asking for a variance of the front yard setback. He described the property as a corner lot and the angle of the two intersecting streets creates a much larger front yard. He stated it is about forty feet from the

corner to the front of the house. They are not planning to build closer to another house. He submitted a petition of neighbors in support of the application (Exhibit I-2). A plan and elevations were provided (Exhibit I-1 and I-5). He was given a letter stating he did not need to be at the Maple Ridge Board meeting because everything was ok.

Comments and Questions:

Mr. Boulden asked for the size of the existing house compared to the proposed house. Mr. Jackson stated the existing house is a two bedroom, one-story structure. The new home would be a four-bedroom, two-story, about 4,000 sq. ft. and would be a little more than double the size of the existing home.

Mr. White asked if there were any restrictions on the Board regarding property on the historic register but not in HP zoning. Mr. Boulden and Mr. Alberty did not know of any such restrictions. Mr. White asked Ms. Nicholas to respond to his question. She did not know of any restrictions either.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of front yard setback from 30 feet to 20 feet in an RS-2 zoned district, finding a lack of hardship, on the following described property:

LT 23 BLK 7, SUNSET TERRACE, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 19954

Action Requested:

Variance of parking requirements for existing buildings to reduce the number of parking spaces from 66 spaces (1 space for 300 feet of Use Unit 11 office space) to 31 parking spaces - SECTION 1211.D.; Special exception to allow required parking on a lot other than the lot containing the principle use; Variance to permit current double door loading facilities with a width of 71 inches and height of 82.5 inches – SECTION 1607, located: 1609 South Boston Avenue East.

Mr. Stephens abstained from case 19954.

Presentation:

Jeff Levinson, 9308 South Toledo, stated he was representing his client, Docu-File, Inc. They are purchasing the subject property. He submitted a site plan and photographs (Exhibits J-1 and J-2). They want to convert the existing 19,067 sq. ft. building to office space. This property does not abut single-family residential. The literal enforcement of the zoning code in this case would be a hardship. The parking on the separate lot is dedicated to this building. The double door loading

facilities were built before the most current zoning code requirements and do not meet the newer requirements. The need for a loading dock would be less for offices than the former jewelry warehouse.

Jim Stephens out at 3:54 and returned at 3:59.

Comments and Questions:

Mr. Dunham asked if the entire building was to be used for office space. Mr. Levinson replied they want the flexibility to use the whole building as an office. The 66 spaces would be required for office use of every square foot of the building, which would not be possible.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 3-0-1 (White, Dunham, Paddock "aye"; no "nays"; Stephens "abstained"; no "absences") to **APPROVE** a **Variance** of parking requirements for existing buildings to reduce the number of parking spaces from 66 spaces (1 space for 300 feet of Use Unit 11 office space) to 31 parking spaces - SECTION 1211.D; **Special Exception** to allow required parking on a lot other than the lot containing the principle use; **Variance** to permit current double door loading facilities with a width of 71 inches and height of 82.5 inches, on conditions: for a tie agreement between the properties; and the property being tied to the lot with the principal use would be for the exclusive use of the building, finding this would be consistent with other properties in the neighborhood, on the following described property:

LT 2-4, BLK 3, CODY & HOLLOWAY ADDN, AND LT 4, BLK 11, MAPLE PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 19956

The applicant was not present. This item was moved down on the agenda.

Case No. 19957

Action Requested:

Variance of rear yard from required 25 feet to 9.94 feet for an addition to a dwelling which will connect to an existing detached garage in an RS-2 district -- SECTION 403.A. -- Use Unit 6, located: 2511 South Terwilliger Boulevard East.

Presentation:

Michele Falkensten, 3319 South Yorktown, stated she is with the architectural group, Oakley Designs that represent the owners, Cathy and Ford Brett.

Mr. White out at 4:00 p.m.

The front of the property faces Terwilliger and the back faces 26th Street. The width of the front is 109' and the back narrows down to 50' wide. The site plan and elevations were provided (Exhibits K-1 and K-2). They proposed to attach the existing garage to the house.

Mr. White returned at 4:02 p.m.

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, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of rear yard from required 25 feet to 9.94 feet for an addition to a dwelling which will connect to an existing detached garage in an RS-2 district, per plan, finding the garage exists and variance is required to attach it to the house, 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 will be consistent with other properties in the neighborhood, on the following described property:

LT 11 BK 10, TERWILLEGER HGTS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 19958

Action Requested:

Variance of the required setback from centerline of East 33rd Street and South Indianapolis Avenue from 50' to 25', located: 33-1 South Harvard Avenue East.

Presentation:

Bruce Rothell, 2448 East 81st Street, Suite 700, stated he represented the owner Bob Aery. He proposed to build behind the existing structure and on the right-of-way line. He added this would be consistent with the neighborhood and allow him maximum use of the property for parking.

Comments and Questions:

Mr. Dunham noted the property is zoned CG. Mr. Alberty added that if it was CH he could do this without relief.

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, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required setback from centerline of East 33rd Street and South Indianapolis Avenue from 50' to 25', per plan, finding it is consistent with properties to the north and south, and that Indianapolis is a dead end street; 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 150 N 150 less E 25 Lot 24 ALBERT PIKE SUB, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 19959

Action Requested:

Variance to allow structure to be built over platted lot lines; special exception to meet parking requirements on a lot other than the lot containing the principle use, located: Southwest Corner East Oklahoma Street & North Lansing Avenue.

Presentation:

Greg Alberty, 502 West 6th Street, stated he represented the Tulsa County Industrial Authority, the contract purchaser for the subject property, Lots 1-5 of Block 2 and Lot 8 of Block 1. They proposed to develop the property for a health center. The owner will own all the lots in Block 2 and Lot 8. They requested relief to build over the lot lines and allow parking on lot that does not contain the principal use.

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, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to allow structure to be built over platted lot lines; **Special Exception** to meet parking requirements on a lot other than the lot containing the principle use, subject to a tie agreement on the parking, on the following described property:

LT 8 BLK 1 & LT 1-5 BLK 2, LANSING INDUSTRIAL PARK II RSB PRT ROSEDALE & FAIRVIEW ADDNS , City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 19956

Action Requested:

Variance of parking requirement for Dollar Store from 41 spaces to 35 spaces; a Variance of the 150 foot minimum lot frontage to 120 feet, located: 4501 North Peoria Avenue East.

Presentation:

The applicant was not present. Mr. Alberty suggested the case be continued to the next regularly scheduled meeting.

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, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19956 to the meeting of January 11, 2005, regarding the following described property:

N 120 FT OF S 200 FT OF N 550 FT OF E 250 FT OF W 300 FT GOV LT 1, SEC 18, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma

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OTHER BUSINESS

Consider Addition to Fee Schedule

Presentation:

Mr. Alberty stated the recent Zoning Ordinance amendment requires all uses that require separation to file an application with the Board of Adjustment to verify they have met the spacing requirement. The fee comes under II. City and County Board of Adjustment Fees, C. Verification that spacing requirement has been met (City only), and the fee is \$100.00.

Comments and Questions:

Mr. Alberty stated that each of these cases is advertised to notify property owners in the area and give them opportunity to respond in support or opposition.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the new Fee Schedule, including: II. City and County Board of Adjustment Fees, C. Verification that spacing requirement has been met (City only), and the fee is \$100.00.

There being no further business, the meeting was adjourned at 4:16 p.m.

Date approved: 1/25/05



Chair