

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 909
Tuesday, April 26, 2005, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Chair
Henke
Paddock
Stead
Stephens

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Butler
Cuthbertson

**OTHERS
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, April 21, 2005, at 3:57 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Dunham called the meeting to order at 1:00 p.m.

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

MINUTES

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stead, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of March 8, 2005 (No. 906).

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stead, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of March 22, 2005 (No. 907).

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stead, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of April 12, 2005 (No. 908).

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UNFINISHED BUSINESS

Case No. 20005

Action Requested:

Special Exception to permit a manufactured home in a RS-3 district (Section 401); and a Special Exception to extend the one year time limit to five years (Section 404.E.1), located: 101 N. 49th Av. W.

Presentation:

Merrill Smith, 7735 South 80th East Avenue, submitted a site plan and sketch (Exhibit A-1). He informed the Board the original house was torn down. He proposed to place a mobile home temporarily and to build a new home on the original home site. He mentioned that the previous owners may lease the new home and there is a lot of rental property in the neighborhood.

Comments and Questions:

Mr. Paddock asked if the mobile home photographs he provided at the last meeting were in the immediate neighborhood. Mr. Smith replied that they were and he could see three mobile homes from his house. Ms. Stead questioned him further about the location of the mobile homes and Mr. Smith responded that the three he could see were in the County, not in the city limits.

Interested Parties:

Mike Bender, 19 North 49th West Avenue, submitted a site map from the County Clerk's office (Exhibit A-2). He pointed out there are no mobile homes in the Vern Heights Subdivision. He noted the Board had approved a manufactured home on Lots 111 and 112, and the lots are now vacant. He submitted a petition (Exhibit A-3) signed by 74 neighbors, home owners and long-term renters in opposition. He provided photographs (Exhibit A-4) and County Assessor forms (Exhibits A-5 and A-6) regarding the ownership of the subject property. Mr. Dunham asked if he had discussed this application with Mr. Smith, to which he replied affirmatively.

Shirley Pridgen, 4805 West Archer, stated she formerly was a landlord to Jimmy Kelly and he did not maintain his yard well. She added that Mr. Kelly was the previous owner of the subject property.

Sandy Elwood, 5005 West Braden, stated they are in the process of placing a monument out near Bald Hill, which is in this general area. They want to make the area look as nice as possible.

Applicant's Rebuttal:

Mr. Smith informed the Board he paid up the back taxes; the abstract had been brought up to date; and he had cleaned up the property. Mr. Stephens asked if he

still intended to place a used mobile home on the property. Mr. Smith replied it would be used. Mr. Stephens asked if three years would be acceptable for a time limit. Mr. Ackermann mentioned that if the Board were to grant the relief for two parking spaces for the manufactured home, the spaces would need to be on the lot with the manufactured home, rather than a different lot.

Board discussion ensued.

Board Action:

On **Motion** of **Stead**, the Board voted 3-2-0 (Dunham, Stead, Henke, "aye"; Paddock, Stephens "nay"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to permit a manufactured home in a RS-3 district (Section 401); and a **Special Exception** to extend the one year time limit to five years (Section 404.E.1), finding it would be injurious to the neighborhood, on the following the described property:

LT 82 BLK G, LT 83 BLK G, VERN HGTS SUB, City of Tulsa, Tulsa County, State of Oklahoma

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NEW BUSINESS

Case No. 20014

Action Requested:

Special Exception to allow off-street parking lot in an RM-2 zoned district for additional parking for adjoining apartment complex (Section 401), located: 1139 South Xanthus Place East.

Presentation:

Barbara Casey, 4252 South 74th East Avenue, proposed to build a parking lot. She stated they considered it to be a substandard property for the neighborhood and it would be an improvement. This would alleviate the congestion in the neighborhood. She submitted a photograph (Exhibit B-1) of the property.

Interested Parties:

Samantha Livezy, 2021 East 12th Street, Apt. 1, was in support of the demolition of the house. She stated that homeless people go behind the house after dark and she is afraid to park on the street and walk to her apartment. Her car was totaled when it was parked on the street. She thought that a small park there would be beneficial also.

Maria Barnes, 1319 North Terrace Drive, stated she spoke for Don Barnham. She added that this project would be helpful to the neighborhood.

Ken Kelly, 231 Hazel Boulevard, stated he owns the duplexes adjacent to the north. He was in support of the parking lot. He thinks they need more than nine parking spaces. He would be in support of a three or four-foot fence rather than a six-foot fence.

Board Action:

On **Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow off-street parking lot in an RM-2 zoned district for additional parking for adjoining apartment complex (Section 401), 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 would be an improvement, on the following described property:

LT 12 BLK 2, BELL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20020

Action Requested:

Special Exception to allow a private park (Use Unit 5) in an IL zoned district, 5555 South 129th East Avenue.

Presentation:

Brian Coats, Facility and Engineering and Maintenance Manager, at the Visteon Tulsa Glass Plant, 5555 South 129th East Avenue, stated they were notified that a private park is not permitted on IL-zoned property. They were instructed to discontinue the use of the Wildlife at Work area or to apply for a special exception. A description plat was provided (Exhibit C-1).

Comments and Questions:

Mr. Dunham asked if they would consider a small sign. Mr. Coats replied they intend to add to the existing sign that the park is to be used by permission only.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a private park (Use Unit 5) in an IL zoned district, 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 **Amended Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a private park (Use Unit 5) in an IL zoned

W/2 E/2 E/2 NW NE TH E165.10 N196.24 NW197.69 S306.03 POB SEC 27 20
13 City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20025

Action Requested:

Minor Special Exception to permit residential accessory uses and structures on abutting residentially zoned lots which are under common ownership, 3523 South Yorktown Avenue East.

Presentation:

James Sinko, 3523 South Yorktown Avenue, stated he is the owner of the subject property, and two lots to the south. He proposed to build a small storage building, consistent with the architecture of the home. The building would be 20' X 20'.

Interested Parties:

Will Smith, 3505 South Yorktown Place, stated he is President of the Kennebunkport Homeowners' Association. Their common property fence is directly adjacent to the subject property. The members object to any structure in that location. They have not had time to convene a meeting to discuss this with the applicant. He asked for an extension of 60-90 days for the association to meet.

Herb Beattie, 3474 South Zunis Avenue, stated he had questions and agreed they needed a continuance.

Applicant's Rebuttal:

Mr. Sinko stated he had a conditional building permit from the City of Tulsa. He provided the homeowners' association with a copy of the plans. He made a point to inform them in advance and even his wife talked with Mr. Smith about the application. He also talked with the neighbor to the north about it. He was surprised they stated they were uninformed.

Comments and Questions:

Ms. Stead asked for the height of the proposed building. Mr. Sinko did not know that measurement. Mr. Sinko informed the Board that the homeowners' board met on a Sunday previous to this meeting to discuss this application and they came over and observed the site.

Mr. Dunham asked, if this was to be continued, that the applicant provide the height of the proposed building, the height of the fence, and distance of the building from the fence. Mr. Sinko stated that he checked with the City to be sure the building height and everything would be in compliance.

Mr. Dunham made an exception to allow an interested party to speak.

Robert Houston, 3539 South Yorktown Place, stated his property is immediately east of the subject property. Mr. Sinko gave him a copy of the plans and the association met but did not come to a consensus. They felt if they could discuss it with Mr. Sinko they could resolve any issues. He indicated this was a very small private street and the structure would be close to the entrance area. They were concerned that the building would significantly tower above the fence which was architecturally part of the development.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20025 to the meeting on May 10, 2005, on the following described property:

N67.5 S275 W/2 W/2 W/2 W/2 SE NE SEC 19 19 13 0.13AC & LT 3 BLK 1, ADAMS ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20026

Action Requested:

Special Exception to permit a pool and pool clubhouse in an RS-3 zoned district - SECTION 401. -- Use Unit 5. Community Services & Similar Uses; and a Variance of the maximum 34% coverage of a parking area in the required front yard -- SECTION 1303.D. Design Standards For Off-Street Parking Areas, located: 16501 East 49th Street South.

Presentation:

Jim Crosby, 5155 East 51st Street, Suite 105, with J. Crosby Planning Design Group, submitted a site plan and landscape plan (Exhibit D-1 and D-2). This is Phase I of a 160 acre development. There are about 157 lots in Phase I. The pool would be private for residents only with no memberships to anyone outside the neighborhood. At the rear is a greenbelt with a trail system.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stephens**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a pool and pool clubhouse in an RS-3 zoned district - SECTION 401. -- Use Unit 5. Community Services & Similar Uses; and a **Variance** of the maximum 34% coverage of a parking area in the required front yard -- SECTION 1303.D. Design Standards For Off-Street Parking Areas, per plan and landscape plan, finding the literal enforcement of the terms of the Code would result in unnecessary hardship, on the following described property:

Reserve "G", Trinity Creek Addition, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20027

Action Requested:

Verification of spacing requirements for a liquor Store SECTION 1214.C.3, located: 1060 South Mingo Road East.

Presentation:

Jacqueline Dutton, 731 South 89th East Avenue, needed to verify the spacing requirements for a liquor store. A site map and county assessor form was provided (Exhibits E-1 and E-2).

Comments and Questions:

Mr. Stephens noted an existing liquor store at the corner of 11th and 95th Streets. Mr. Cuthbertson pointed out the circumference of 300' from the shopping center of the subject property. It shows that the existing liquor store is just outside the 300'. Ms. Dutton informed the Board that the liquor store they were referring to has been closed since last December. The owner is deceased and the property is to be sold.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Verification of spacing requirements for a liquor store SECTION 1214.C.3, finding that the information submitted is sufficient to show a 300' spacing from like businesses, on the following described property:

BEG 65W & 115N SECR SE TH N410.35 W220.2 S410.35 E220.2 POB SEC 1
19 13 TRACTS IN CITY, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20028

Action Requested:

Amend a previously approved site plan (BOA-19747) to permit a building expansion, located: 9725 East Admiral Place South.

Presentation:

Gayle Plummer, with Midwest Precision, proposed to add 13,000 sq. ft. to their existing facility.

Comments and Questions:

Ms. Stead asked if Mr. Plummer owned everything north to the expressway. She asked if they would still have plenty of parking in the front. Mr. Plummer replied that they would have plenty.

Interested Parties:

There were no interested parties who wished to speak.

Mr. Henke out at 2:46 p.m. and returned at 2:47 p.m.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** an Amendment of a previously approved site plan (BOA-19747) to permit a building expansion, on the following described property:

PRT LT 1 BEG NWC TH S400 NELY200 N400 SWLY200 POBBLK 1, PRT LT 1 BEG 400S NWC TH S35 E TO PT N250 NE140.85 W121.96 N60 W224.87 S400 SWLY200 POB BLK 1, PRT LT 1 BEG 435S NWC TH S289.80 E25 S51.10 SE312.47 E164.50 N563.06 W TO POB BLK 1, VAN ESTATES NO 2 AMD, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20029

Action Requested:

Special exception to allow manufactured home sales (Use Unit-17) in a CS zoned district (Section 701), located: 202 South 193rd Avenue East.

Presentation:

Mike Harrison, 20399 South 4210 Road, Claremore, Oklahoma, stated he has owned this property since 1996. It is a mobile home park and has been since 1968. The size of newer model mobile homes has increased since the park was developed. All of his larger lots are filled but only 40% of the smaller lots are occupied. He proposed to put new mobile homes only on the vacant lots for sale as an accessory use.

Comments and Questions:

Ms. Stead mentioned that the code requires screening to the south and west. Mr. Dunham brought up the need for a sign, as the frontage is limited. Mr. Harrison stated he would need time to clear the fence line before he could construct a fence. Mr. Stephens asked about the percentage of lots that are vacant. Mr. Harrison replied that all of his large lots are full, but 40% of the smaller lots are vacant.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, stated he represented the Southern Hills Country Club. They proposed to utilize the flag pole as a monopole cellular tower, as well. The equipment would be housed in a small building on the west end of the existing golf cart storage building. It would be located near the building that houses the equipment. He submitted amended site plans and photographs of the site (Exhibits F-1 and F-2). The flag pole would be moved to the pro shop and would be somewhat larger in diameter at a maximum of 28". The height of the pole would be increased by ten feet, a maximum of 80', and it would be located at a lower elevation, which would appear to be approximately the same height as the existing pole. The antennas would be on the interior of the pole. Mr. Norman stated that no security fencing is required because there are no elements that would permit someone to climb the pole. He also asked that no landscaping be required because the country club would provide seasonal flowers around the base and the club is bordered by thick woods and trees on almost all sides and viewpoints.

Comments and Questions:

Ms. Stead asked about the maximum wind resistance. Mr. Norman stated it is designed to withstand 100 mph wind and ½" coating of ice. Mr. Dunham asked about collocation. He replied it is designed for collocation. Mr. Paddock asked how any work could be accomplished inside a flag pole, to which Mr. Norman replied, it would require a portable crane.

Interested Parties:

King Kirchner, 6655 South Evanston Circle, expressed concern for the larger diameter, the location proximity to the new driveway, and blocking his view of downtown.

Applicant's Rebuttal:

Mr. Norman responded that the size of the pole is not going to be significant when viewed from a distance. He reminded the Board that the pole would not be in a direct line of site from Mr. Kirchner's home to downtown. He also reminded them that it is designed for collocation.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a cellular telephone antenna in an RS-1 district Sect. 401; a **Special Exception** for a waiver of the screening requirements to enclose the antenna and equipment as security is provided for the entire property Sect. 1204.C.3; and a **Special Exception** for a waiver of the landscaping buffer of planted materials around the antenna and equipment as the entire country club has significant landscaping Section 1204.C.5.c, finding the Board reviewed the eleven conditions of Section 1204.C.5, and believe all of those have been met,

with conditions: for a monopole, no guy wires, per amended plan submitted, 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:

NE LESS 36.39AC & NW LESS 8.5AC & LESS 2.16AC FORRD SEC 5 18 13 270.75AC, BALMORAL RESUB LB B1 MUZINGO HILL, BROADMOOR HILLS, CAPETOWN RESUB PRT LT A MUZINGO HILL ADDN, CLUB TERRACE RESUB L2-4 & PRT L1&5 CLUB VIEW EST, CLUB VIEW EST, L&M SQUARE ADDN CORR & AMD, MANOR VIEW ESTATES ADDN, MUZINGO HILL, PECAN ACRES, SOUTHERN HILLS MANOR ADDN AMD, SOUTHERN-KAY ADDN, SOUTHERN VILLAS, TIMBERLANE ROAD ESTATES, VINSON ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20031

Action Requested:

Variance of the required 5 ft side yard to 3.5 ft. and the 25 ft rear yard to 6.5 ft. to permit an addition between the existing detached garage and house -- SECTION 403.A. Bulk and Area Requirements In The Residential Districts - Use Unit 6, 1918 E. 30th Pl. S.

Presentation:

Brian Freese, 6144 South Lewis, Suite 300, of Brian Lloyd Freese Architecture, Inc. represented his clients, George and Phyllis Dotson. They proposed to build an addition to connect the existing home to an existing detached two-car garage. He indicated the project would be in character with the neighborhood. The house was built before the current zoning code was written. When the code is considered in the strictest sense it does not allow for an attached garage. A site plan was provided (Exhibit G-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required 5 ft side yard to 3.5 ft. and the 25 ft rear yard to 6.5 ft. to permit an addition between the existing detached garage and house, per plan, finding the literal interpretation of the code would result in unnecessary hardship, and 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:

ALL LT 2 & PRT LT 3 BEG 20 ELY NWC LT 3 TH SLY TOSL LT 3 TO PT
25.875E SWC LT 3 TH E TO SECR LT 3 N143.03 TO NEC LT 3 TH W POB BLK
18, FOREST HILLS

Case No. 20032

Action Requested:

Special Exception to allow church and accessory uses in an RS-3 district (401); a Variance of parking lot setbacks from 50 ft to 0 ft (1302); and a Variance of the landscape requirements for parking (1002.A.2), 2027 North Cincinnati Avenue.

Presentation:

Steven Whittaker, represented the John 3:16 Mission. The mission owns Lot 13 and traded with the TDA for Lot 12 and they will close the deal, pending approval of this application. The mission is growing and needs to expand. He stated that during events Ute Place is congested. He added that the neighborhood is in support of the application.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow church and accessory uses in an RS-3 district (401); a **Variance** of parking lot setbacks from 50 ft to 0 ft (1302); and a **Variance** of the landscape requirements for parking (1002.A.2), finding that the literal interpretation of the code would create a hardship as to the landscape, and the setback as specified in the action requested; 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:

LT 10 LESS N30 & LESS S5 THEREOF BLK 4, LT 11 LESS N30 & LESS S5
THEREOF BLK 4, MEADOWBROOK ADDN, City of Tulsa, Tulsa County, State
of Oklahoma

OTHER BUSINESS

Case No. 20013

Action Requested:

Request for Reconsider previous Board of Adjustment action regarding a Variance of the required 70 ft setback from the centerline of S. Peoria Avenue to 40 ft. (Section 403); and a Special Exception of the allowable height for a fence in the

required front yard from 4 ft to 8 ft for a stucco screening wall (Section 210.B.3), located: 1308 East 27th Place South.

Presentation:

Greg Jennings, stated no other property has an 8' stucco wall in this neighborhood. One similar case had varied topography elevations, unlike this case. This wall would be in the front yard, which would change the character of the neighborhood. The Board and staff did not make a distinction between walls and fences. He stated an 8' wall in a front yard would be detrimental to the subject property and the neighborhood. He stated that rehabilitation of Peoria would take place soon, with improvements including new sidewalks.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Paddock**, the Board voted 4-0-1 (Dunham, Paddock, Henke, Stead "aye"; no "nays"; Stephens "abstained"; no "absences") to **CONTINUE** a Case No. 20013 to the meeting of May 24, 2005, regarding the following described property:

BEG AT A PT 1771N & 18.5E OF SWC OF SEC 18 TH N194 E121.5 S194 W121.5 POB SEC 18 19 13, City of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting was adjourned at 4:15 p.m.

Date approved: 5/10/2005.


Chair