

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 434
Thursday, March 7, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT

Chappelle
Clugston
Purser, in at 1:20
Smith,
 Chairman
Victor

STAFF PRESENT

Gardner
Jones
Phillips

OTHERS PRESENT

Linker, Legal
 Department
Hubbard, Protective
 Inspections
Noe, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Auditor on Monday, March 4, 1985, at 9:35 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Smith called the meeting to order at 1:06 p.m.

MINUTES:

Consider approval of the Minutes for February 21, 1985 (No. 433).

Lee Taylor, applicant in Case No. 13466 asked for permission to address the Board. Chairman Smith indicated that the Board would permit his request. Mr. Taylor asked that before the minutes are approved as read, the Board grant clarification of the motion made in regard to his case. He explained that the application was made in reference to two portable signs, under the envelope of a larger pole sign. The pole sign has been in that location for over twenty years. However, after the Meeting on February 21, 1985, the Sign Inspector issued a citation on the pole sign, stating that it was in violation of the decision of the City Board of Adjustment. Mr. Taylor requested that the Board determine that the pole sign was not affected by the decision to deny the two portable signs.

Comments and Questions:

Mr. Gardner informed that the presentation of Case No. 13466 was made in regard to the two portable signs; however, Dianne Noe of Code Enforcement mentioned that the original complaint was made in reference to the pole sign.

Mr. Taylor presented the original citations he received and informed that they do not mention the pole sign.

Mr. Clugston noted that the Board heard the item in reference to the portable signs, and did not address the pole sign at the February 21, 1985 meeting. Therefore, if Code Enforcement is now concerned with the pole sign, that would require a new application. However, he stated that

Minutes (continued)

in his opinion, it is unfair for Code Enforcement to address the signs at separate times, and should not warrant additional cost to the applicant should an additional Board Case be necessary. Smith and Victor, who were present on February 21, 1985, agreed that the motion referenced only the two portable signs.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to APPROVE the Minutes of February 21, 1985 as presented.

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 4-0-1 (Clugston, Purser, Smith, Victor, "aye"; no "nays"; Chappelle, "abstaining") to WAIVE any filing fees required, if in fact a subsequent citation is issued on any sign not included in the original citation regarding Case No. 13466.

UNFINISHED BUSINESS:

Case No. 13439

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1205—Request an exception to allow church use in an RM-1 zoned district; and a

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Request a variance of the 50' setback from the centerline of Pine Place to 25' to permit construction of a church building; and a

Variance—Section 1205.3—Use Conditions for Use Unit 5—Request a variance of the required 1-acre lot area and 100' lot width to 7,250 square feet lot area and 50' lot width, located E. of SE/c of Norfolk and Pine Place.

Presentation:

The applicant, Willis West, 1135 East Pine Place, Tulsa, Oklahoma, was not present.

Comments and Questions:

Mr. Jones reminded the Board that Case No. 13439 has been continued since January 24, 1985 to allow the applicant time to clear up the legal description of the land, and to determine what use unit was applicable. The applicant has not been present since that time.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to STRIKE Case No. 13439 from the agenda.

Case No. 13446 (continued)

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1205—Request an exception to permit a church and a private school in an existing school building in an RS-3 zoned district; and a

Variance—Section 420.2(d)—Accessory Uses in Residential Districts—Request a variance to permit the erection of an identification sign larger than permitted; and a

Variance—Section 1340(d)—Design Standards for Off-Street Parking Areas—Request a variance of the required all-weather material to permit gravel to be used for the parking areas, located at 7370 East 71st Street.

Presentation:

The applicant, Victory Christian Center, (lessee), was represented by Charles E. Norman, 909 Kennedy Building, Tulsa, Oklahoma, who requested that the case be continued until April 4, 1985.

Interested Parties:

Kathy Wilson, 7415 South 73rd East Avenue, Tulsa, Oklahoma, informed that she is in favor of the continuance.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13446 until April 4, 1985.

Case No. 13448

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1214—Request a variance of the 150' frontage to 100' and of the 50' front yard to 20' all to permit an existing building in a CS zoned district, located W. of SW/c of 25th West Avenue and I-44.

Presentation:

The applicant, Gerald Cypert, 3340 South 63rd West Avenue, Tulsa, Oklahoma, was not present.

Comments and Questions:

Mr. Jones informed that the case has been continued from two previous meetings, neither of which the applicant attended. There was a question about whether the lot split has ever been approved. The Staff has been unable to reach Mr. Cypert.

Case No. 13448 (continued)

Board Action:

ON MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to CONTINUE Case No. 13448 until April 4, 1985.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13479

Action Requested:

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Use Unit 1206--Request a variance of the 60' lot width to 50' to permit a lot split in an RS-3 zoned district, located at 1417 East 35th Street.

Presentation:

The applicant, Rus Roach, 209 East 21st Street, Tulsa, Oklahoma, informed that the lot split was approved in 1972. He submitted a copy of a notice he sent to the surrounding property owners explaining his plans to build a single family residence on the property (Exhibit "A-1"). The subject property is divided into two parcels, one of which contains a duplex. The vacant lot is planned for his personal residence. It will be a small house, since he and his wife have no children.

Protestants: None

Comments and Questions:

Mr. Clugston asked Mr. Roach why the lot split was denied by the Board in 1983. Mr. Roach replied that the property was not in his ownership at that time, but he recalls that the previous owner asked for the lot split in order to put duplexes on both lots.

Mr. Jones informed that a triplex was planned for one of the lots, and that the request was denied.

Ms. Purser asked Mr. Roach if any other variances will be needed for the house. Mr. Roach informed that he has only had preliminary plans drawn, but that the house will be small enough that no other variances should be necessary.

Mr. Smith asked Mr. Roach if he intends to file for duplexes at a later time. Mr. Roach informed that he does not.

Mr. Jackere informed that the lots will be split 50/50, which will be a variance from 60' to 50' on the single-family lot, but will be from 75' to 50' on the duplex lot. In essence, the duplex lot will become a nonconforming lot. Should anything happen to destroy the duplex on the property, it cannot be rebuilt without relief.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no

Case No. 13479 (continued)

"abstentions") to APPROVE a Variance (Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Under the provisions of Use Unit 1206) of the 60' lot width to 50' to permit a lot split in an RS-3 zoned district; finding the size of the lot and the structure to be consistent with the area, and therefore, in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 3, Block 7, Olivers Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13480

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1214—Request a variance of the 150' frontage to 125' and 80' to permit a lot split in a CS zoned district, located W. of the SW/c of 21st Street and Garnett Road.

Presentation:

The applicant, Bob Griffin, 2160 South Garnett Road, Tulsa, Oklahoma, submitted a plat of survey (Exhibit "B-1") and explained that TAC and TMAPC have recommended approval of the lot split.

Protestants: None

Comments and Questions:

Mr. Jones informed that TMAPC approved the lot split on March 6, 1985. Mr. Jones explained that the lot split is requested to allow the applicant to increase the lot area of an existing lot.

Mr. Gardner explained that there is one lot with less than 125' of frontage, with a flag lot behind it. The applicant is splitting off a piece of the lot and adding it to the lot to the east. There will be no additional access points. This frontage request is consistent with the area, and will allow the properties to be leased separately.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to APPROVE a Variance (Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1214) of the 150' frontage to 125' and 80' (handle lot) to permit a lot split in a CS zoned district; subject to no additional access points; finding that the variance requested 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:

The West 205 feet of Lot 3, Block 1, Garnett Acres Amended, an addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 13273

Action Requested:

Consider approval of a substitute plot plan for Case No. 13273 (approved February 7, 1985).

Presentation:

The applicant, Frank Lucenta, submitted a letter requesting that this item be stricken from the agenda (Exhibit "C-1") at this time.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to STRIKE Case No. 13273 from the agenda.

There being no further business, the meeting was adjourned at 1:45 p.m.

Date Approved _____

3-21-85

Chairman

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