

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 603
Tuesday, February 11, 1992, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle, Chairman Chappelle Doverspike Fuller	White	Gardner Jones Moore Russell	Jackere, Legal Department Hubbard, Protective, Insp.

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, February 7, 1992, at 1:20 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **CHAPPELLE**, the Board voted 2-0-2 (Bolzle, Chappelle, "aye"; no "nays"; Doverspike, Fuller "abstaining"; White "absent") to **APPROVE** the Minutes of January 28, 1992.

UNFINISHED BUSINESS

Case No. 15915

Action Requested:

Variance of the required setback from the centerline of Apache Street from 50' to 41' to permit enlargement of existing building - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12, located 1529 East Apache Street, Tulsa, Oklahoma.

Presentation:

The applicant, **Caesar Latimer**, PO Box 6061, Tulsa, Oklahoma, was not present.

Comments and Questions:

Ms. Hubbard advised that the applicant has revised the site plan and is now in compliance with the Code regarding the questionable required parking spaces.

Board Action:

Finding no opposition, Chairman Bolzle elected to **STRIKE** Case No. 15915 from the agenda.

Case No. 15919

Action Requested:

Variance of the off-street parking from 41 to 10 -
**Section 1217.D. Off-Street Parking and Loading
Requirements** - Use Unit 17, located 4050 South Sheridan.

Comments and Questions:

Mr. Gardner informed that the applicant has revised the plot plan to provide 36 parking spaces, as required by the Code. A letter and revised plot plan (Exhibit A-1) were submitted.

In reply to Mr. Bolzle, Ms. Hubbard stated that she has calculated that the applicant is required to provide 36 parking spaces, and not 41 spaces, as reflected in the case report.

Board Action:

Finding no opposition, Chairman Bolzle opted to **STRIKE** Case No. 15919 from the agenda.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15945

Action Requested:

Minor Variance of the required 25' setback to 20.9' to permit existing buildings - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 8, located southwest corner of South 137th East Avenue and East 21st Street.

Presentation:

The applicant, **Richmond Park**, was represented by **J. Lyon Moorehead**, 502 West 6th Street, Tulsa, Oklahoma, who stated that all encroachments are minimal except the corner of one existing apartment building that extends over 4' into the required setback. A plot plan (Exhibit B-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a **Minor Variance** of the required 25' setback to 20.9' to permit existing buildings - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 8, per plan submitted; finding that the apartment buildings

No. 15945 (continued)

in question are existing, and the encroachment is minimal; and finding that the granting of the request will not violate the spirit and intent of the Code; on the following described property:

Lot 3, Block 1, and Lot 1, Block 2, Eastland Acres, Tulsa, County, Oklahoma.

Case No. 15953

Action Requested:

Special Exception to amend a previously approved plot plan - Use Unit 14, located East 42nd Place South and South Memorial Drive.

Presentation:

Ronnie Williams, 7720 North 121st East Avenue, Tulsa, Oklahoma, representative for Wal-Mart, was not present.

Comments and Questions:

Mr. Gardner informed that Wal-Mart and H R Block had proposed to move temporary buildings on two Wal-Mart parking lots to be used during the tax season as an experiment; however, they have withdrawn the application and are no longer in need of the relief requested.

Board Action:

On MOTION of FULLER, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **WITHDRAW** Case No. 15953, as requested by the applicant.

NEW APPLICATIONS

Case No. 15926

Action Requested:

Variance of the required 25' rear yard to 10', and the required 30' front yard to 25' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2601 East 57th Street South.

Presentation:

The applicant, Kacy Reed, 6550 East 71st Street, Tulsa, Oklahoma, was represented by C. M. Davis, who informed that he is the real estate agent representing David Walkup, the current property owner. He submitted a plot plan (Exhibit C-1), and informed that his client is proposing to sell the property, and a dwelling house will be constructed in the future. Mr. Davis stated that the prospective buyers are present.

Case No. 15926 (continued)

Comments and Questions:

In response to Mr. Chappelle, Mr. Davis informed that a house with 1548 sq ft of living area can be constructed on the lot by right; however the new owners of the property are proposing to build a 3900 sq ft dwelling.

Mr. Bolzle inquired as to the average size of houses in the area, and Mr. Davis stated that they all have more than 1800 sq ft. of floor area, which is the minimum size set forth in the restrictive covenants for the addition.

Mr. Kirkland, 7422 South Winston Avenue, Tulsa, Oklahoma, stated that the house next door to the lot in question contains 3500 sq ft of floor space. He informed that the proposed house and garage will total 3900 sq ft, with the living space being 3300 sq ft. Mr. Kirkland pointed out that the house he is planning to build will be consistent with those in the neighborhood.

Mr. Bolzle asked if the lots in the area are platted and Mr. Jones answered in the affirmative.

Mr. Gardner informed that Joe Creek improvements could have reduced the depth of the lot.

Interested Parties:

Lora Buck, 5708 South Birmingham, Tulsa, Oklahoma, stated that her home contains 2588 sq ft of floor space, and there are no houses in the area that have over 3000 sq ft. Ms. Buck stated that she is concerned that the house may set closer to the street than other structures.

Mr. Jones pointed out that the applicant has submitted two plot plans, one of which is a house with 1500 sq ft of floor space, and another that utilizes the maximum amount of space on the lot. He pointed out that the law states that the minimum amount of relief should be granted to relieve a hardship.

Ms. Buck stated that she is not opposed to the construction of a home on the lot, but is opposed to the construction being closer to the street than other homes in the area.

Applicant's Rebuttal:

Mr. Davis stated that the rear building line could be changed from 10' to 20' if the Board is not supportive of the request.

Mr. Bolzle asked Mr. Davis if he could return to the next meeting with a building plan, and he stated that time is of the essence, and it will not be possible to continue the case to a later date.

Case No. 15926 (continued)

In response to Mr. Doverspike, Mr. Jackere informed that the State law was recently amended to read that if a variance is granted it should be the minimum relief to alleviate the hardship.

Mr. Gardner stated that, in order to negotiate the turn into the garage, it probably will have to be located to within 10' of the rear of the lot. He pointed out that the lot curves because of the curve of the street, and the new home could not be made to align with the houses on either side. Mr. Gardner stated that the new house will still set back 37' from the curb.

After discussion, it was the consensus of the Board that a hardship has been demonstrated that would warrant the granting of the variance requests.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a **Variance** of the required 25' rear yard to 10', and the required 30' front yard to 25' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship imposed on the applicant by the irregular shape of the lot, curvature of the street and the fact that the rear of the lot borders Joe Creek and the channel easement; and finding that the approval of the request will not violate the spirit and intent of the Code or cause substantial detriment to the area; on the following described property:

Lots 2 and 3, Block 2, and that part of the north 25' of vacated East 57th Street, Southern Hills Manor, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15927

Action Requested:

Variance of the 50' required setback from the centerline of East 11th Street to 32' to permit a sign - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 11, located 1342 East 11th Street South.

Presentation:

The applicant, **Amax Signs**, was represented by **Don Beatt**, 9520 East 55th Place, Tulsa, Oklahoma, who submitted a sign plan (Exhibit D-1), and explained that their customer is proposing to install a projecting sign on the front of an existing building, which will overhang approximately 3'10" into the City right-of-way.

Case No.15927 (continued)

Comments and Questions:

Mr. Jones noted that **Jim Garriott**, City Sign Inspector, advised that the application will also require City Council approval if this Board is supportive of the request.

Mr. Jackere asked Mr. Beatt if the sign overhangs the sidewalk, and he answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a **Variance** of the 50' required setback from the centerline of East 11th Street to 32' to permit a sign - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 11; per sign plan and drawing submitted; and subject to City Council approval; finding that there are other signs along 11th Street that have similar setbacks, and that the granting of the request will not be detrimental to the area; on the following described property:

South 25' of Lot 1, and all of Lot 2, Block 3, Orchard Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15928

Action Requested:

Variance of the required 25' rear yard to 18' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL AREAS** - Use Unit 6, located 3336 South Allegheny.

Presentation:

The applicant, **Steve Vogt**, 3336 South Allegheny, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-2), and explained a proposal to attach the detached garage to the existing home and build an addition to the rear of the garage. Photographs (Exhibit E-1) were submitted.

Comments and Questions:

Mr. Gardner asked the applicant to explain the use of the new addition, and he replied that he is proposing to use the new portion as a shop.

In reply to Mr. Gardner, Mr. Vogt stated that he is an architect.

Case No. 15928 (continued)

The applicant noted that he has a building permit to place the new addition on the back portion of the house; however, this would block the windows, and constructing the shop on the back of the garage seems to be a better plan.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a **Variance** of the required 25' rear yard to 18' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL AREAS** - Use Unit 6; per plot plan; finding that a new detached garage could be constructed closer to the rear lot line than the proposed addition; and finding that approval of the application will not cause substantial detriment to the neighborhood, or violate the spirit, purposes and intent of the Code; on the following described property:

Lots 6 and 7, less the south 30' thereof, Block 3, of the Resub of Lots 2, 3 and 4, Block 3, and all of Blocks 4-13, Yorkshire Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15929

Action Requested:

Variance of the 25' required rear yard to 9.2' to tie to an existing building - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2120 East 30th Place South.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) for a proposed addition on an existing residence. He explained that the existing detached stone garage is within 9.2' of the south property line, and his client is proposing to construct an addition and connection from the house to the garage. Mr. Norman stated that 102 sq ft of the proposed addition connecting to the garage and 100 sq ft of the covered porch encroach into the required 25' rear yard. He pointed out that the proposed addition will be significantly less than the area permitted for a detached accessory building, and will not be closer to the rear lot line than the existing garage. He noted that the addition would be permitted by right if the garage remained detached. Mr. Norman submitted photographs (Exhibit F-3) and letters of support (Exhibit F-2) from property owners in the neighborhood.

Case No. 15929 (continued)

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a **Variance** of the 25' required rear yard to 9.2' to tie to an existing building - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship demonstrated by the size of the lot and the fact that the 200 sq ft addition would be permitted by right in the rear yard if detached; and finding that the approval of the variance would not cause substantial detriment to the neighborhood, or violate the spirit, purposes and intent of the Code; on the following described property:

Lot 7 and west 71' of Lot 6, Block 19, Forest Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No 15930

Action Requested:

Variance of the required 40' setback from the centerline of East 24th Street to 31'; and a Variance of the minimum required livability space, to permit an addition - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2404 South Birmingham Place, Tulsa, Oklahoma.

Presentation:

The applicant, **Ray Ulmer**, Route 7, Box 303, Claremore, Oklahoma, submitted a plot plan (Exhibit G-1), and stated that he is the contractor employed to construct an open-air arbor with a 10' by 10' covered area. He informed that a permit is not required for the portion of the arbor that is not roofed. Photographs (Exhibit G-2) were submitted.

Protestants:

Ann Kenny, 2647 East 25th Street, Tulsa, Oklahoma, stated that she is concerned with the precedent that will be set if the setback variance is approved. She pointed out that the structure is nearing completion at this time.

Mr. Bolzle explained that the applicant is proposing to cover only a 10' by 10' portion of the arbor, and the remaining open part is allowed by right.

Ms. Kenny stated that she is opposed to a solid wall being installed closer to the street because of the amount of traffic and pedestrians in the area.

Case No. 15930 (continued)

Comments and Questions:

In response to Mr. Bolzle, Mr. Jackere informed that any conditions imposed by the Board remain with the property, and any variation requires further Board of Adjustment approval.

Mr. Bolzle informed that he is not convinced that granting the variance, in this limited manner, would set a precedent or be detrimental to the area.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a **Variance** of the required 40' setback from the centerline of East 24th Street to 31'; and a **Variance** of the minimum required livability space, to permit an addition - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; subject to subject to the structure remaining open without screening, lattice, or any other type of enclosure; finding that the request, per conditions, will not cause substantial detriment to the neighborhood, or violate the spirit, purposes and intent of the Code; on the following described property:

South 4' of Lot 5, and all of Lot 6, Block 1, Quinlan Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15931

Action Requested:

Variance of lot frontage from 150' to 133' and 100' to permit a lot split - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12, located 4616 South Peoria.

Presentation:

The applicant, **Clayton Morris**, 7935 East 57th Street, Tulsa, Oklahoma, requested permission to split a tract into two lots, one of which would contain 133' of required street frontage and the other 100'. A site plan (Exhibit H-1) was submitted.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that both lots are vacant. Mr. Morris informed that a Taco Bell restaurant will be constructed on the northernmost lot.

Case No. 15931 (continued)

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a **Variance** of lot frontage from 150' to 133' and 100' to permit a lot split - **Section 703.BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** -- Use Unit 12; per plot plan; finding the proposed lot frontages to be consistent with those already developed along South Peoria; and finding that approval of the request will not have a detrimental impact on the surrounding area; on the following described property:

Lot 1 and 2, Evergreen Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15932

Action Requested:

Variance of the required 50' setback from the centerline of South Peoria to 43' to permit a sign - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 21, located 4300 South Peoria.

Presentation:

The applicant, **Scott Orbison**, 555 North Denver, Tulsa, Oklahoma, who submitted a sign plan (Exhibit J-1) and photographs (Exhibit J-2), requested permission to raise an existing sign.

Comments and Questions:

Mr. Bolzle asked if the current location of the sign is 43' from the centerline of South Peoria, and the applicant answered in the affirmative. Mr. Orbison stated that a permit to reconstruct the sign was issued in 1985.

In response to Mr. Bolzle, Mr. Orbison informed that, if all eight panels are installed, the lowest portion of the sign will be 8' from the ground; however, only four panels will be installed at this time.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a **Variance** of the required 50' setback from the centerline of South Peoria to 43' to permit a sign - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** Use Unit 21; per sign plan submitted, and subject to the

Case No. 15932 (continued)

execution of a removal contract; finding that only the sign face will be changed, and the pole will remain at the current location (sign edge is 43' from the centerline); on the following described property:

Lot 1, Block 4, Pasadena Addition Resub Block 4, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15933

Action Requested:

Variance of the required number of parking spaces from 38 to 20 - **Section 1205.D. OFF-STREET PARKING AND LOADING REQUIREMENTS** - Use Unit 5, located 1706 South Boston Avenue.

Presentation:

The applicant, **Douglas Huber Architects**, PO Box 702241, Tulsa, Oklahoma was not represented.

Comments and Questions:

Mr. Jones informed that Staff received a letter (Exhibit K-1) from the applicant requesting that Case No. 15933 be withdrawn.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **WITHDRAW** Case No. 15933, as requested by the applicant.

Case No. 15934

Action Requested:

Special Exception to permit a restaurant/bakery in an IL zoned district - **Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 20, located 10309 East 61st Street.

Comments and Questions:

Mr. Gardner advised that, if approved, restaurant use should be restricted to a restaurant being operated in conjunction with the existing sports complex building, and not for the entire 7-acre tract.

Presentation:

The applicant, **Robert Saxby**, was represented by **George Saxby**, 951 West Main, Jenks, Oklahoma, who submitted a plot plan (Exhibit L-1) and explained that the restaurant will replace a sporting goods store that previously operated inside the sports facility building.

Case No. 15934 (continued)

Protestants:

H. D. Surface, 10224 East 61st Street, Tulsa, Oklahoma, stated that he is opposed to the restaurant because it will add to an existing traffic problem in the area. He pointed out that numerous motorists turn around in his driveway and park on the sidewalks. Mr. Surface noted that the school also generates a lot of traffic in the neighborhood.

Mr. Saxby agreed that there is an existing traffic problem in the area, but stated that he does not anticipate additional traffic being generated by the operation of the restaurant. He pointed out that it will primarily serve the patrons of the sports facility, and probably would not attract much outside business. Mr. Saxby stated that they have requested that the size of the median be reduced to allow east bound traffic to access the sports complex.

Comments and Questions:

Mr. Bolzle asked if the hours of operation for the restaurant are the same as the sports complex, and the applicant answered in the affirmative.

In response to Mr. Bolzle, Mr. Saxby stated that the restaurant sign will be located on the existing pole with the sports complex sign.

Mr. Fuller inquired as to the type of restaurant that is planned for the complex, and Mr. Saxby stated that a Simple Simon's pizza restaurant is proposed.

In reply to Mr. Fuller, the applicant stated that the size of the building will not be increased.

Mr. Doverspike remarked that the hours of the restaurant should be the same as those of the general sports complex.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a **Special Exception** to permit a restaurant/bakery in an IL zoned district - **Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 20; per plot plan; subject to the restaurant being open no earlier or later than the existing sports complex; finding that the use, as presented, will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Case No. 15934 (continued)

Resub of Lot 1, Block 1, Ron-Jon Industrial Park,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 15935

Action Requested:

Variance of the required number of parking spaces from 140 to 125 - **Section 1219.D Off-Street Parking and Loading Requirements** - Use Unit 19, located 8888 South Lewis Avenue.

Presentation:

The applicant, **Duane Muhs**, 25 Northwest 7th Street, Krebs, Oklahoma, submitted a site plan (Exhibit M-1) and informed that he is representing the new owners of the University Inn. He explained that a 10,000 sq ft portion of the south end of the motel was not finished inside at the time of construction. Mr. Muhs requested that the number of required parking spaces be reduced from 140 to 125, which would permit the new owners to finish approximately 2800 sq ft of the unfinished area. He informed that the new addition would be used for a bar and grill to accommodate the motel customers.

Comments and Questions:

Mr. Gardner inquired as to the size of the finished portion of the motel, and the applicant stated that there are 106 rooms available for use.

Mr. Muhs stated that the owners of the motel anticipate no more than 40% to 50% occupancy after the remodeling project is complete.

In response to Mr. Doverspike, the applicant stated that all available space has been utilized for parking.

Mr. Doverspike asked if the property to the north and south are available, and Mr. Muhs stated that the property to the north may be available, but it is located approximately 500' from the unfinished portion of the building.

Mr. Gardner advised that, if inclined to approve the request, the Board could limit the amount of space that can be finished.

Mr. Muhs stated that the new owners do not plan to finish more than 2800 sq ft of the building.

Case No. 15935 (continued)

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a **Variance** of the required number of parking spaces from 140 to 125 - **Section 1219.D Off-Street Parking and Loading Requirements** - Use Unit 19; per plan submitted; subject to 4000 sq ft of the unfinished portion of the structure being finished for motel use, and 6000 sq ft remaining unfinished, unoccupied and not open to the public; finding that partial use of the vacant portion of the building will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

All of Lewis Center West, a subdivision of Lot 1, Block 1, Southern Villa Mobile Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15936

Action Requested:

Variance of the setback from 21st Street and Yorktown Avenue - **Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 11.

Variance to permit required parking on a lot other than the lot of principal use - **Section 1301.D. GENERAL REQUIREMENTS** - Use Unit 11.

Variance of the 6' screening fence on the north property line - **Section 212.A.2. SCREENING WALL OR FENCE** - Use Unit 11.

Special Exception to exceed FAR from 30% to 34% - **Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 11, located 2105 East 21st Street South.

Presentation:

The applicant, Michael Dwyer, 201 West 5th, Suite 120, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-1) for a renovation project at the above stated location. He explained that the roofline of the existing structure will not be extended, but only the open spaces will be enclosed. Mr. Dwyer advised that, as a result of the change in the setback requirement since the time of construction, the existing building encroaches into the required setback. He pointed out that the new additions will not extend closer to the street than the existing building walls. Photographs (Exhibit N-2) were submitted by the applicant.

Case No. 15936 (continued)

Comments and Questions:

Mr. Bolzle asked Mr. Dwyer if the parking lot to the north is owned by his clients, and he replied that they own the lot and share access and parking with the dermatology clinic located to the east.

In reply to Mr. Bolzle, the applicant stated that the property owners would be amenable to the execution of a tie contract connecting the parking lot to the north with the lot containing the principal use.

Mr. Fuller inquired as to the applicant's intention regarding the required screening fence, and Mr. Dwyer stated that there has never been a screening fence on the north property line.

Mr. Gardner commented that the applicant would not need the parking variance or floor area ratio variance if the entire tract was platted into one lot.

Protestants:

None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a **Variance** of the setback from 21st Street and Yorktown Avenue - **Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 11; to **APPROVE** a **Variance** to permit required parking on a lot other than the lot of principal use - **Section 1301.D. GENERAL REQUIREMENTS** - Use Unit 11; to **APPROVE** a **Variance** of the 6' screening fence on the north property line - **Section 212.A.2. SCREENING WALL OR FENCE** - Use Unit 11; and to **APPROVE** a **Special Exception** to exceed FAR from 30% to 34% - **Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 11; per plot plan submitted; and subject to the execution of a tie contract between the lot containing the principal use and the parking lot to the north; finding that the new construction will not extend closer to the street than the existing building and roofline; and finding that the north property line has been without screening since the construction of the building; and that the granting of the requests will not cause substantial detriment to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lots 11 and 12, Block 10, Woodward Park Addition,
City of Tulsa, Tulsa, County, Oklahoma.

Case No. 15938

Action Requested:

Special Exception to permit Retail Tire Sales and Installation (Use Unit 17) - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located southeast corner East 41st Street and Broken Arrow Expressway.

Presentation:

The applicant, **Joe Covey**, 828 Southeast 29th Street, Oklahoma City, Oklahoma, was not present.

Comments and Questions:

Mr. Jones informed that the applicant, Joe Covey, has requested by letter (Exhibit P-1) that Case No. 15938 be continued to allow additional time to finalize a site plan.

Protestants:

None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **CONTINUE** Case No. 15938 to February 25, 1992, as requested by the applicant.

Case No. 15939

Action Requested:

Special Exception to modify the screening requirements to permit an existing fence - **Section 212.C.2. Modification of the Screening Wall or Fence Requirements** - Use Unit 17, located 5108 North Peoria Avenue.

Presentation:

The applicant, **Andrew Briscoe**, 4148 East Xyler, Tulsa, Oklahoma, was not present.

Comments and Questions:

Mr. Jones informed that the applicant has requested by letter (Exhibit R-1) that Case No. 15939 be continued.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **CONTINUE** Case No. 15939 to February 25, 1992, as requested by the applicant.

Case No. 15940

Action Requested:

Variance of the required 5' side yard to 2'; and a Variance of the required 20' rear yard to 19.6' to replace an existing structure - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1123 South Florence Avenue.

Presentation:

The applicant, **Robert Carter**, 1119 South Florence Avenue, Tulsa, Oklahoma, submitted a site plan (Exhibit S-1) and explained that he recently purchased the property in question with the intention of renovating it for his home. Mr. Carter requested that the variances be approved to allow him to complete the project.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a **Variance** of the required 5' side yard to 2'; and a **Variance** of the required 20' rear yard to 19.6' to replace an existing structure - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the structure will encroach approximately 6" into the required rear yard, and will align with the existing structure on the side yard; and the approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 19, Block 2, Pilcher Summit Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:47 p.m.

Date Approved

February 25, 1992


Chairman

