

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 645
Tuesday, November 23, 1993, 1:00 p.m.
Francis F. Campbell, City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle Chappelle S. White T. White	Doverspike	Gardner Moore Russell	Jackere, Legal

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, November 19, 1993, at 4:11 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, acting chairman Chappelle called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Chappelle, T. White, "aye"; no "nays"; S. White, "abstaining"; Doverspike, "absent") to **APPROVE** the Minutes of November 9, 1993 (No. 644).

MINOR VARIANCES AND EXCEPTIONS

Case No. 16517

Action Requested:

Minor Special Exception to amend a previously approved site plan.

Presentation:

The applicant, **Ronald Bebee**, 8937 South 45th West Avenue, submitted a plot plan (Exhibit S-1) and informed that the Fellowship Bible Church was previously approved for church use approximately 12 years ago. He explained that the plan has been previously amended, and requested an additional amendment.

Comments and Questions:

Mr. Chappelle asked how the new amended plan is different from the one previously approved, and he replied that the shape of the addition has been changed.

Mr. Jackere asked if the size of the addition remains the same, and Mr. Bebee stated that the size is basically the same; however, a dash line has been added for a future 10,000 sq ft addition to the southwest.

Case No. 16517 (continued)

Mr. Jackere asked the applicant if he is requesting approval of the 10,000 sq ft addition at this time, and he answered in the affirmative.

Mr. Jackere advised that there seems to be a significant change in the plot plan, and questioned if the proposed addition can be approved by a minor special exception.

After discussion, it was the consensus of the Board that the change to the originally approved plan is significant, and that the application should be continued to allow notification of surrounding property owners.

Ms. White stated that a complete long-range plan should be submitted for Board review.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 16517 to December 14, 1993, to permit notification of surrounding property owners and allow sufficient time for the applicant to submit a complete long-range plan for the project.

NEW APPLICATIONS

Case No. 16497

Action Requested:

Variance of the required setback from the centerline of East 4th Terrace from 50' to 39.5', and a variance of the required side yard from 5' to 0' to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 5921 East 4th Terrace.

Presentation:

The applicant, **Tulhoma Home Service**, was represented by **Chuck Hensley**, 2402 East Admiral, who requested permission to complete the construction of a carport on the subject property. He submitted a plot plan (Exhibit A-1) for the project. Mr. Hensley stated that he was not sure a building permit was required, and the carport was well underway when construction was stopped. He submitted photographs (Exhibit A-3) of the proposed carport and other carports in the neighborhood (Exhibit A-2).

Comments and Questions:

In response to Mr. Bolzle, Mr. Hensley stated that the carport was extended to the side property line in order to allow sufficient space to park two cars.

Case No. 16497 (continued)

Ms. White asked if the sides of the carport will remain open, and Mr. Hensley answered in the affirmative.

Mr. Gardner asked if the water runoff will drain toward abutting property, and Mr. Hensley stated that guttering is in place on the front and the elevation of the yard on the property line prevents the water from draining toward the abutting lot.

Mr. Bolzle inquired as to the distance from the edge of the carport to the neighbors house, and Mr. Hensley replied that there is an approximate 7' separation.

Protestants:

None.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 4th Terrace from 50' to 39.5', and a **variance** of the required side yard from 5' to 0' to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted (open sides); finding a hardship demonstrated by the narrow shape of the lot; and finding that there are numerous carports in the older neighborhood, and that approval of the request will not violate the spirit and intent of the Code; on the following described property:

Lot 14, Block 5, Toi Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16498

Action Requested:

Variance of the required rear yard from 25' to 15', and a variance of the required side yard from 20' to 15' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 4646 South Victor Avenue.

Presentation:

The applicant, **Unique Construction**, was represented by **Daniel Rich**, 6214 East 11th Street, who informed that he is proposing to remove an existing carport and construct a garage. A plot plan (Exhibit B-1) was submitted.

Case No. 16498 (continued)

Comments and Questions:

Mr. Chappelle noted that the new structure will not extend as close to the lot lines as the existing carport.

Protestants: None.

Board Action:

On MOTION of BOLZLE the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a Variance of the required rear yard from 25' to 15', and a variance of the required side yard from 20' to 15' - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; finding that the proposed garage will replace an existing carport, and the new construction will not result in additional encroachments into the required setbacks; on the following described property:

Lot 8, Block 3, Bolewood Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16499

Action Requested:

Variance of the required setback from the centerline of East 61st street from 100' to 69' - SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 15, located 9721 East 61st Street.

Presentation:

The applicant, Julie Mueller, 9721 East 61st Street, was represented by Randall Iola, 1323 East 71st Street, Suite 300. He explained that his client is operating a kennel business in a building with a U-shaped courtyard, which she is proposing to enclose (Exhibit C-1) Mr. Iola stated that the new addition will align with the existing building wall and will not encroach farther into the required setback.

Protestants: None.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a Variance of the required setback from the centerline of East 61st street from 100' to 69' - SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 15; per plan submitted; finding that the wall of the new addition will align with the existing building wall,

Case No. 16499 (continued)

and will not encroach farther into the required setback;
on the following described property:

West 100' of east 190' of east 406.6' of south
431.0' of the W/2 of Lot 4, Section 31, T-19-N, R-
14-E of the IBM, City of Tulsa, Tulsa County,
Oklahoma.

Case No. 16510

Action Requested:

Special Exception to permit Use Unit 20 (commercial
recreation) in an IL zoned district - **SECTION 901.**
PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS -
Use Unit 20, located north of the NE/c and NW/c of South
102nd East Avenue and East 59th Street.

Presentation:

The applicant, **Tulsa Properties, Inc.**, 11010 East 51st
Street South, was represented by **Jim McIntosh**, who
informed that the property in question will be used to
install three ball diamonds (Exhibit D-1).

William Lewis, 5879 South Garnett Road, explained that
the proposed ball diamonds will be an extension of the
sports complex to the east, with access to the property
through the existing sports area.

Comments and Questions:

In response to Mr. Bolzle, Mr. Lewis stated that access
to the subject property is from Mingo Road only.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle,
Chappelle, S. White, T. White "aye"; no "nays"; no
"abstentions"; Doverspike, "absent") to **APPROVE** a **Special
Exception** to permit Use Unit 20 (commercial recreation)
in an IL zoned district - **SECTION 901. PRINCIPAL USES
PERMITTED IN THE INDUSTRIAL DISTRICTS -** Use Unit 20; per
plan submitted; finding that the property in question
abuts an existing sports complex, and the intended use
will not be detrimental to the area; on the following
described property:

Lots 3-7, Block 1, 100 East Industrial Park Amended,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 16511

Action Requested:

Special Exception to exceed the 20% maximum rear yard coverage, variance of the maximum size for a detached accessory building from 750 sq ft to 960 sq ft, and a special exception to permit a detached accessory building on an abutting lot under the same ownership - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1426 North Allegheny.

Presentation:

The applicant, **Sherrie Sowell**, 1426 North Allegheny, stated that she owns three lots and is proposing to construct a residential garage on one lot. Ms. Sowell informed that she is amenable to the execution of a tie contract, which will prevent the separate sale of the lot containing the garage. She stated that the new garage will house family vehicles and a motor home (Exhibit E-1).

Comments and Questions:

Mr. Chappelle asked if the garage will be used only for personal storage of vehicles, and the applicant answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to exceed the 20% maximum rear yard coverage, variance of the maximum size for a detached accessory building from 750 sq ft to 960 sq ft, and a **special exception** to permit a detached accessory building on an abutting lot under the same ownership - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to the execution of a tie contract, and no commercial use of the property; finding that 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:

Lots 4 - 6, Block 3, Homestead Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16512

Action Requested:

Variance of the maximum height for a fence in a required front yard from 4' to 6' - **SECTION 210.B.3. Permitted Yard Obstructions** - Use Unit 6, located 1178 East 24th Place.

Presentation:

The applicant, **Kleinco Construction**, 1660 2-A East 71st Street, was represented by the property owner, **Pawel Lewicki**, who requested permission to construct a fence around his property (Exhibit F-1) at the above stated location. He informed that the fence will be constructed of brick and wrought iron, and will be consistent with other fences in the neighborhood. Mr. Lewicki submitted letters of support (Exhibit F-3) and photographs (Exhibit F-4).

Comments and Questions:

Ms. Russell read a letter (Exhibit F-2) from an interested party in the neighborhood, who requested specific conditions for approval relating to lighting and landscaping.

Mr. Chappelle asked Mr. Lewicki if he has discussed the project with **Jim Brackett**, 1203 east 25th Street, and he replied that they discussed the fence in detail. He informed that Mr. Brackett requested that the brick portion of the fence be reduced from 3' to 2'.

Mr. Bolzle remarked that the fence, as presented, is appropriate for the neighborhood.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the maximum height for a fence in a required front yard from 4' to 6' - **SECTION 210.B.3. Permitted Yard Obstructions** - Use Unit 6; per plan submitted; finding that the brick base of the fence is 3' in height and the remaining wrought iron portion will not hamper visibility and is appropriate for the area; on the following described property:

Lots 1 and 2, Block 3, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception to permit office use and Use Unit 5 in an RM-2 zoned district, variance of the required parking spaces and a variance of the all-weather surface requirement for off-street parking - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS, SECTION 1304. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS and SECTION 1205.D. Off-Street Parking and Loading Requirements - Use Unit 5 and 11, located 1748 South Carson Avenue.

Presentation:

The applicant, Irene Earl, 2618 East 3rd Street, was represented by Scott Demaree, 1748 South Carson, who explained that he is proposing to teach self-development programs on the subject property, and requested permission to park on the existing gravel surface. He stated that the major portion of all classes and events will be held at the recently purchased Camelot Hotel; however, this location is convenient for those in the downtown area. Mr. Demaree noted that there is sufficient parking for 10 to 12 vehicles.

Comments and Questions:

Ms. White inquired as to the availability of parking, and Mr. Demaree stated that there is a three-car garage and other parking in that area.

Mr. Bolzle and Ms. White noted that they are not aware of any available hard surface parking on the lot, and Mr. Demaree stated that there is a brick parking area and a 10' wide gravel area, which may not be needed since the purchase of the Camelot Hotel.

Mr. Jackere inquired as to the number of people living at this location, and Mr. Demaree stated that he and his wife will live on the premises, with most of the offices being located in the Camelot.

Mr. Bolzle advised that a more detailed plan would aid the Board in evaluating the application, and suggested that the case be continued to permit the applicant to supply this information.

Mr. Gardner informed that it is imperative that the exact square footage of office space be supplied, because that figure is used to calculate the number of required parking spaces for the use.

Case No. 16513 (continued)

Protestants:

John Weiss, 1728 South Carson, submitted photographs (Exhibit G-2) and stated that any changes to the house in question will destroy the chance of being designated as a historical home.

Jon Stolper, 1809 South Carson, stated that the use could be considered as a university, which requires a minimum of one acre of land. He voiced a concern that the religious events could attract large crowds of people to the residential area.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 16513 to December 14, 1993, to allow the applicant sufficient time to supply a detail site plan for the intended use.

Case No. 16514

Action Requested:

Variance of required setback from the centerline of Memorial Drive from 110' to 90', and from the centerline of East 51st Street from 100' to 80' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 13, located 4955 South Memorial Drive.

Presentation:

The applicant, **Architects Collective**, 4200 East Skelly Drive, was represented by **Larry Kester**, who submitted a plot plan (Exhibit H-1) for the project. He stated that the shopping center is being renovated, which includes the replacement of the existing fascia. Mr. Kester informed that the buildings are not encroaching into the required setback; however, the existing canopy does encroach, as will the new one.

Comments and Questions:

Mr. Bolzle asked if the new construction will encroach farther than the existing canopy, and he replied that the encroachment will be increased by only 6".

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of required setback from the centerline of

Case No. 16514 (continued)

Memorial Drive from 110' to 90', and from the centerline of East 51st Street from 100' to 80' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 13; per plan submitted; finding that the existing structures (canopies) are not in compliance with the current Code requirements concerning setbacks, and the new construction will only increase the encroachment by 6"; on the following described property:

Lots 6, 8 and 9, Block 4, Resubdivision of Second Research and Development Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16515

Action Requested:

Variance of required setback from the centerline of South Lewis Avenue from 85' to 55', variance of required rear yard from 25' to 4.2' and a variance to increase rear yard coverage from 20% to 25% - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS and SECTION 210.B.5. Permitted Obstructions in Required Yards** - Use Unit 6, located 2404 East 22nd Place.

Presentation:

The applicant, **Rick Braselton**, 5319 South Lewis Avenue, Suite 210, submitted a plot plan (Exhibit J-1) and explained that his client is proposing to construct an addition to an existing dwelling that will add a living area and increased garage space. He informed that a one-car garage is currently in place approximately 4.2' from the south property line, and his client is proposing to enlarge the garage and connect it to the existing dwelling. Photographs (Exhibit J-2) were submitted.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of required setback from the centerline of South Lewis Avenue from 85' to 55', **variance** of required rear yard from 25' to 4.2' and a **variance** to increase rear yard coverage from 20% to 25% - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS and SECTION 210.B.5. Permitted Obstructions in Required Yards** - Use Unit 6; per plan submitted; finding that the existing structures encroach into the required setback, and that the new construction will align with existing

Case No. 16515 (continued)

building walls and will not encroach farther into the required setbacks; on the following described property:

Lot 12, Block 2, Wells Heath Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16525

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Unit 6, 7701 South Elwood.

Presentation:

The applicant, **Melton Hair**, 7701 South Elwood, stated that he is proposing to construct a new home on his property and requested permission to retain the existing dwelling. He submitted a plat (Exhibit K-1) and noted that the two dwellings will have one access on Elwood Avenue.

Comments and Questions:

Mr. Bolzle inquired as to the amount of frontage on Elwood, and Mr. Hair replied that his land has 200' of street frontage.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Unit 6; per plat submitted; subject to one access point on Elwood Avenue; finding that the tract is large enough to support two dwelling units, and has sufficient land area and street frontage for two separate lots; on the following described property:

S/2, N/2, S/2, NW/4, SW/4 and the N/2, N/2, S/2, S/2, NW/4, SW/4 of Section 12, T-18-N, R-12-E, less a parcel of land more particularly described as follows: Beginning at the NW/c of the N/2, N/2, S/2, S/2, SW/4, SW/4 of Section 12, T-18-N, R-12-E, thence east a distance of 436.48' to a point thence north a distance of 50' to a point, thence west a distance of 436.48' to a point, thence south a distance of 50' to the POB, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Consider approval of the 1994 Planning Calendar

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to APPROVE the 1994 Planning Calendar as presented.

Case No. 16427 - Discussion of Appeal

Presentation:

Mr. Jackere informed that the vote regarding the case in question was 2-1-1, with Chappelle and Doverspike voting for approval, S. White voting for denial and Bolzle abstaining. He advised that he has discussed the case with Mr. Gardner and Ms. Matthews, INCOG staff, and with Mr. Stewart, the district representative. Mr. Jackere informed that Mr. Stewart stated that he would like for the applicant to erect a privacy fence and remove the barbed wire, and he has agreed to comply with that request. Mr. Jackere stated that, because of the 2-1-1 vote, he decided that further discussion would be appropriate.

Comments and Questions:

Ms. White stated that she may have thought that the applicant was expanding the use, because of the fact that the abutting property would also be used for the business. She added that the use is probably nonconforming.

Mr. Jackere stated that, if the use is nonconforming and the buildings cover less than 10% of the total lot area, the nonconformity will cease after a certain number of years, based on amortization of the replacement cost of the buildings.

Mr. Gardner stated that, based on his research of the case, he determined the value of the building to be between \$5000 and \$10,000 at the time of construction. He pointed out that the building could be amortized out by this time.

Mr. Jackere stated that, although the item is on the agenda, he is not asking for a vote on the case, but would ask for a consensus of how the Board's feels about settling the case. He noted that the principal protestant does not feel strongly about a denial of the operation.


Case No. 16427 (continued)

After discussion, it was the consensus of the Board that Mr. Jackere should settle the case in court, with the following two conditions:

1. A 6' wood privacy fence is to be erected along the west side of the property, with the finished side toward the neighborhood.
2. All barbed wire is to be removed from the fencing along the north, south and east sides of the lot in question.

There being no further business, the meeting was adjourned at 2:20 p.m.

Date Approved 12-14-93



Vice-Chairman

