

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 649
Tuesday, January 25, 1994, 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 Doverspike, Chairman T. White	S. White	Davis Russell	Jackere, Legal

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, January 21, 1994, at 4:20 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** the Minutes of January 11, 1994 (No. 648).

UNFINISHED BUSINESS

Case No. 16534

Action Requested:

Special Exception to permit a community based correctional center and private jail facility - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 300 West Archer.

Presentation:

The applicant, **Robert Traband**, 5550 South Lewis, Suite 308, was not present.

Protestants:

None

Comments and Questions:

Ms. Russell informed that **Doug Jones**, attorney for the applicant, has requested (Exhibit A-1) that Case No. 16534 be continued to February 22, 1994. She advised that an ordinance is under consideration by the Planning Commission that may have an impact on the application.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; S. White, "absent") to **CONTINUE** Case No. 16534 to February 22, 1994, as requested by the applicant.

Case No. 16563

Action Requested:

Variance to permit a 6' masonry wall within the east 6' of street ROW - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 8, located east side of Southwest Boulevard between 19th Street and 21st Street.

Presentation:

The applicant, **City of Tulsa**, was represented by **David Giacomo**, Urban Development, 110 South Hartford Avenue. He explained that a traffic screen is proposed on the east side of Southwest Boulevard, which will consist of trees and an 18" masonry wall with ironwork (Exhibit B-2), some of which may extend to 6' in height. Mr. Giacomo stated that Urban Development staff has met with Darla Hall, councilor for the district, and with neighborhood residents, and the majority of these individuals were supportive of the application. He informed that, in this case, FHA has advised that they would look favorably on screening of the residential property from the commercial uses across the street.

Comments and Questions:

In response to Mr. Bolzle, Mr. Giacomo informed that the project is to entice FHA to insure loans in this area that fronts commercial property.

Mr. Jackere asked if FHA has reviewed the project, and Mr. Giacomo informed that they have not reviewed it, but the City's real estate appraiser has explained the proposal to that agency.

Protestants:

Ms. Russell submitted one letter of protest (Exhibit B-1) from an area property owner.

Wilma Roland, 1951 Southwest Boulevard, stated that the original fence plan depicted a solid brick wall, and that a wrought iron fence would be more acceptable to the neighborhood. Ms. Roland stated that she is opposed to trees being planted in front of the residences, because the water lines are located in that area.

Additional Comments:

In response to Mr. Bolzle, Mr. Giacomo stated that FHA has stated that installation of the fence would cause them to look more favorably on providing insurance.

In reply to Mr. Bolzle, Mr. Giacomo explained that the Urban Development Department does not manage the project, but is simply interested in stabilizing the property in the neighborhood.

Mr. Jackere asked if the neighborhood requested the project, and Mr. Giacomo replied that they did not.

Mr. Jackere asked who authorizes Tulsa Development Authority to make this type of improvement, and he replied that they are under contract with the City of Tulsa for Community Development Block Grants.

Mr. Jackere pointed out that similar fences have previously been approved for noise barriers and aesthetic purposes.

Case No. 16563 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** to permit a 6' fence (18" masonry and 4½' wrought iron) within the east 6' of street ROW - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 8; per plan submitted; subject to spacing between vertical posts being approximately 30'; finding that approval of the variance request will not cause substantial detriment to the public good or violate the spirit, purpose or intent of the Code; on the following described property:

Lying within the East 6' of the Southwest Boulevard right-of-way abutting Lots 1-28 of the West Tulsa Townhouse Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16553

Action Requested:

Special Exception to permit a dance hall in an IL zoned district, and a variance of the 300' setback from an R District - **SECTION 901 and 1219.C.2.** - Use Unit 19, located 1009 East Archer.

Presentation:

The applicant, **Joyce DeLeon**, 239 South Toledo Avenue, was represented by **Robert Garza**, 1007 East Archer, who stated that the case has been readvertised and the correct lots are now depicted on the case map. He submitted a drawing (Exhibit C-1) and informed that the proposed business will be open Thursday through Sunday from 8 p.m. to 2 a.m.

Comments and Questions:

Mr. Doverspike asked if parking can be provided on the lot containing the use, and Mr. Bolzle noted that it appears that the parking for the proposed business will be located on the 3 vacant lots across the alley to the north.

In response to Mr. Jackere, Ms. Russell stated that the lots to the north were not advertised for parking use.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit a dance hall in an IL zoned district, and a variance of the 300' setback from an R District - **SECTION 901 and 1219.C.2.** - Use Unit 19; and to **CONTINUE** the balance of the application to February 8, 1994 to allow the applicant to advertise for parking on a lot other than the lot containing the principal use; per drawing submitted; subject to days and hours of operation being Thursday through Sunday, 8 p.m. to 2 a.m.; finding the use to be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

Lots 25 and 26, Block 7, Frisco Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16565

Action Requested:

Variance of the setback from the centerline of South Peoria from 50' to 40' to permit a sign - **SECTION 1221.C.6. General Use Conditions for Business Signs** - Use Unit 12, located 6006 South Peoria Avenue.

Presentation:

The applicant, **Acura Neon**, 509-A North Redbud, Broken Arrow, Oklahoma, was represented by **Richard Craig**, who requested permission to change the sign face of an existing pole sign (Exhibit D-1). Photographs (Exhibit D-2) were submitted.

Comments and Questions:

Mr. Bolzle asked if the new face will be installed inside the existing pole structure, and the applicant answered in the affirmative. He explained that the setback requirement has been changed from 40' to 50' since the initial installation of the sign, and requested that the sign be permitted to remain at the current location.

Mr. Bolzle noted that there are numerous signs in the area with a 40' setback.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a Variance of the setback from the centerline of South Peoria from 50' to 40' to permit a sign - **SECTION 1221.C.6. General Use Conditions for Business Signs** - Use Unit 12; per plan submitted; subject to the execution of a removal contract; finding that the sign will be placed on an existing pole, which complied with the Code at the time of installation; and finding that there are numerous signs in the area that are 40' from the centerline of the street; on the following described property:

Lots 1 and 2, Block 8, Broadview Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16567

Action Requested:

Variance of the required livability space from 4000 sq ft to 3373 sq ft and a variance of the required side yard from 5' to 4.5' to permit an existing encroachment - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1611 South Norfolk.

Presentation:

The applicant, **Joe Baffer**, 1611 South Norfolk, submitted plot plan (Exhibit E-1) and explained that the existing older house was constructed 4½' from the side boundary line and the proposed addition will align with that building wall. He pointed out that other homes in the area are similar in size to his residence, with the new addition included.

Case No. 16567 (continued)

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that the new addition will be 16' by 22'.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required livability space from 4000 sq ft to 3373 sq ft and a **variance** of the required side yard from 5' to 4.5' to permit an existing encroachment - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship imposed on the applicant by the long narrow shape of the lot, and the fact that the dwelling in question was constructed prior to current Zoning Code requirements; finding that the house, including the addition, will be comparable in size to other homes in the area; finding that the addition will align with the existing building wall and will not encroach farther into the required setback; and finding that approval of the variance will not cause substantial detriment to the public good, or violate the spirit, purpose and intent of the Code; on the following described property:

Lot 10, Block 17, Amended Plat of Morningside Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16568

Action Requested:

Special Exception to permit a manufactured home in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 9, located 950 South 129th East Avenue.

Presentation:

The applicant, **Neal Paulson**, 950 South 129th East Avenue, submitted a plot plan (Exhibit G-2) and informed that the existing dwelling is being used as a flower shop, and requested permission to install a mobile home for his residence. Mr. Paulson explained that he and his wife have previously used the existing structure for their home and their business; however, the business is growing and is being expanded into the living area.

Comments and Questions:

Mr. Doverspike inquired as to the size of the proposed mobile unit, and the applicant replied that it is approximately 14' by 60'.

In reply to Mr. Doverspike, Mr. Paulson informed that his property line is approximately 40' from the existing dwelling to the north.

Mr. Jackere questioned the use of a manufactured home in a Commercial District, and Ms. Russell replied that Ms. Hubbard had noted in her requirements for a Zoning Clearance Permit that the applicant was in need of a special exception to permit the mobile home.

Case No. 16568 (continued)

Mr. Jackere advised that the application could be continued or the Board could consider the request as a variance.

Protestants:

Sonya Turney, 12835 East 11th Street, stated that she and her husband own and operate an auction company on abutting property, and she is opposed to the mobile unit for aesthetic reasons. She submitted photographs (Exhibit G-1) and pointed out that the mobile unit detracts from the appearance of the area.

Mr. Bolzle asked Ms. Turney if she would be opposed to a new mobile unit on the property, and she answered in the affirmative. She stated that a mobile home would not be appropriate for the CS zoned area.

Applicant's Rebuttal:

Mr. Paulson stated he decided to seek Board of Adjustment approval before attempting to renovate the mobile home. He pointed out that there is an existing mobile home to the north of his property.

Mr. Bolzle remarked that he did not have an opportunity to view the property in question, and suggested that the application be continued to February 8, 1994.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; S. White, "absent") to **CONTINUE** Case No. 16568 to February 8, 1994, to allow the Board sufficient time to view the site.

Case No. 16569

Action Requested:

Variance of the required setback from the centerline of East 35th Street from 55' to 40' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 4148 East 35th Street.

Presentation:

The applicant, **Donald Arney**, 4148 East 35th Street, submitted a plot plan (Exhibit H-2) and explained that the attached garage has previously been converted to living space and the carport in question was recently constructed to protect his vehicles. Mr. Arney stated that his building contractor did not acquire a building permit and a City official determined that the structure was encroaching into the required street setback. The applicant informed that the encroaching carport was then removed, and a new structure is now being proposed. Mr. Arney stated that numerous carports have been constructed in the neighborhood. Photographs (Exhibit H-1) were submitted.

Dorothy Arney pointed out that there are 14 carports within a two-block area that have not been permitted.

Comments and Questions:

Mr. Bolzle inquired as to the size of the proposed carport, and the applicant replied that it will be 22' wide and 26' long. Mr. Arney stated that he is requesting the 26' length in order to provide a cover for his 26' camper.

Case No. 16569 (continued)

Mr. Jackere noted that a City Ordinance prohibits the storage of a camper in the front yard if it can be placed in the back yard. Mr. Arney stated that he was not aware of that Ordinance and that he can move the camper to the rear of the house.

In response to Mr. Doverspike, Mr. Arney stated that a 20' carport will provide adequate space for his automobiles.

After discussion, Mr. Jackere stated that there is a possibility that the 20' carport can be constructed on the Richmond Avenue frontage without Board relief. He suggested that the applicant visit with the Building Inspector to determine what relief is needed, if any.

Protestants:

Brian Giboney, 4150 East 34th Street, stated that he lives across the street from the subject property, and asked for clarification as to front yards. Mr. Bolzle advised the protestant that the applicant lives on a corner lot and has the right to elect which street frontage will be considered the front yard. Mr. Giboney stated that his main concern is the height of the carport.

Jim Walker, 4141 East 35th Street, stated that the previous carport covered the major portion of the front of the house, and was an eyesore in the neighborhood.

Matt Kohl, 3405 South Richmond, submitted letters of protest (Exhibit H-3) and stated that he is concerned with property values being maintained in the neighborhood. Mr. Kohl noted that the applicant is parking his vehicles on a gravel surface, and that the previous carport was constructed in such a manner as to be detrimental to the neighborhood.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; S. White, "absent") to **CONTINUE** Case No. 16569 to February 8, 1994, to allow the applicant sufficient time to research the possibility of constructing the carport on the Richmond Avenue frontage without Board of Adjustment relief.

Case No. 16571

Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 3207 South Utica Avenue.

Presentation:

The applicant, **Stephen Turner**, One Williams Center, submitted a plot plan (Exhibit F-1) and informed that he is the architect for the project in question. He explained that his client, **Elizabeth Brown**, is proposing to remodel and enlarge a detached accessory building, which will occasionally be used as sleeping quarters for her elderly mother when she visits the family. Photographs (Exhibit F-3) of the accessory building were submitted. Mr. Turner noted that Ms. Brown's home does not have a bedroom on the ground floor. A letter explaining the project and letters of support (Exhibit F-2) were submitted.

Case No. 16571 (continued)

Comments and Questions:

Mr. Bolzle remarked that it seems that an accessory building with a kitchen and bath could constitute a second dwelling on the lot, and Mr. Turner stated that the accessory building is actually a cabana.

There was discussion concerning the fact that cabanas are currently being constructed with kitchens, fireplaces, etc.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per plan submitted; subject to no use of the accessory building as a second dwelling on the property; finding that cabanas are currently being constructed with kitchens, and that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 9, Block 7, Bren-Rose Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 16440

Action Requested:

Site Plan Approval.

Presentation:

The applicant, **Living Waters Church**, P.O. Box 9602, was represented by **Glen Short**, 1717 West 45th Street, who informed that the previously presented site plan has been revised to comply with Code requirements. He informed that the size of the building has been reduced.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** the revised site plan, as submitted.

There being no further business, the meeting was adjourned at 2:27 p.m.

Date Approved _____

2/8/94


Chairman