

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 699
Tuesday, March 12, 1996, 1 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Abbott
Bolzle
Box
Turnbo, Chair
White

Gardner
Beach
Moore

Linker, Legal
Department
Parnell, Ballentine
Code, Enf.

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, March 8, 1996, at 8:23 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the minutes of February 27, 1996 (No. 698)

NEW APPLICATIONS

Case No. 17314

Action Requested:

Special Exception to permit a transitional living center to be located in an IM zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2, located 6310 East 13th Street.

Presentation:

The applicant, **Jim Hawk**, PO 470058, was not present.

Comments and Questions:

Mr. Beach advised that the applicant has requested by letter (Exhibit A-1) that Case No. 17314 be withdrawn.

Case No. 17315

Action Requested:

Variance of the required width of landscaping strip along 21st Street from 5' to 0' - **SECTION 1002.A.2. LANDSCAPE REQUIREMENTS; Frontage and Perimeter Requirements** - Use Unit 14.

Variance of required landscape area of street yard from 15% to 13% - **SECTION 1002.A.1. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements** - Use Unit 14.

Variance of the required aisle width for 90° parking spaces from 24' to 16' - **SECTION 1303.A.2.d. (Figure 4) DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 14, located 13012 East 21st Street.

Presentation:

The applicant, **Dan Alaback**, 2642 East 21st Street, Suite 225, stated that he is representing the owner of the subject property, and explained that a PUD was previously filed; however, minor changes have been made to the original plot plan since that time. A revised plot plan (Exhibit B-1) was submitted.

Terry Garrett, 2115 South 130th East Avenue, stated that the parking lot is existing and, if the 5' landscaped area is installed, the parking would be reduced and there would be insufficient space to clear the building when backing out of the parking spaces. He stated that the project has been underway approximately four years and is nearing completion.

Comments and Questions:

Ms. Turnbo inquired as to landscaping requirements for the PUD, and he replied that planters were installed on the north and west sides of the building.

In reply to Mr. Bolzle, the applicant stated that the parking lot extends up to the property line.

Mr. Bolzle asked if the use complies with all parking requirements, and Mr. Garrett stated that he has one space above the required number, and noted that the variance of isle width is only requested for the three parking spaces on 130th East Avenue.

Mr. Gardner stated that the PUD could have been approved just before the landscape ordinance was adopted, and this could be the reason that a 5' strip of landscaping was not required at that time. He pointed out that these three requirements cannot be waived by the Planning Commission.

Case No. 17315 (continued)

Mr. Bolzle asked if the paving connection is needed between the building and the applicant's home, and there was discussion concerning the relocation of parking spaces.

Mr. Bolzle pointed out that there is not a hardship that would warrant the granting of a 16' drive aisle. He stated that he would be inclined to approve the variance regarding required landscaping and continued the remainder of the application to allow the applicant to revise the site plan to maximize parking on the site.

Mr. Alaback indicated that his client would be agreeable to a continuance to allow a revised site plan to be prepared.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Abbott, Bolzle, Box, Turnbo, "aye"; no "nays"; White, "abstaining"; none "absent") to **APPROVE** a **Variance** of the required width of landscaping strip along 21st Street from 5' to 0' - **SECTION 1002.A.2. LANDSCAPE REQUIREMENTS; Frontage and Perimeter Requirements** - Use Unit 14; a **Variance** of required landscape area of street yard from 15% to 13% - **SECTION 1002.A.1. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements** - Use Unit 14; and to **CONTINUE** a **Variance** of the required aisle width for 90° parking spaces from 24' to 16' - **SECTION 1303.A.2.d. (Figure 4) DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 14 to March 26, 1996, to permit a revision of the parking layout to maximize available parking on the lot; finding that the project has been underway for several years and that work began on the project before or near the time of the adoption of the landscape ordinance; and finding that landscaping has been installed near the building and that deletion of the 5' landscaped strip along the street will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Garnett Place, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17316

Action Requested:

Variance to permit access to Brownstone Apartments (zoned RM-2) by a private driveway (zoned RS-3) as has been the fact since constructed in 1964 - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10, located Skelly Drive and Jamestown Avenue.

Case No. 17316 (continued)

Presentation:

The applicant, **J. Lyon Morehead**, 502 West 6th Street, stated that he represents the property owner, who owns both the RS-3 access strip, as well as the apartment complex that was constructed in 1964. A map (Exhibit C-1) was submitted containing lot dimensions and zoning classifications that were in effect 30 years ago. He explained that, in 1970 during a rezoning process, the zoning line for the 30' strip was probably inadvertently moved from the east boundary to the west boundary, resulting in the current RS-3 zoning classification. Mr. Morehead stated that Skelly Drive is the only access available to the apartment complex, and asked the Board to approve the request.

Comments and Questions:

Mr. Bolzle asked Mr. Morehead if his client owns the abutting CS zoned property, and he replied that Tulsa Baptist Association owns the CS property.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit access to Brownstone Apartments (zoned RM-2) by a private driveway (zoned RS-3) as has been the fact since constructed in 1964 - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10; per plan submitted; finding that the owner of the apartment complex also owns the strip of land that has continued to provide access to the apartments since their construction in 1964; and finding that approval of the request will not be injurious to the area, or violate the spirit, purpose or intent of the Code; on the following described property:

East 30' of that part of the NW/4, SE/4, SW/4, SW/4 north of Skelly Drive, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17317

Action Requested:

Variance to permit off-street parking - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 2, located 6130 East 81st Street.

Case No. 17317 (continued)

Presentation:

The applicant, **Jeff Ogilvie**, 7845 South 30th West Avenue, submitted a plot plan (Exhibit D-1) and requested permission to continue use of the property for temporary produce and Christmas tree sales with gravel parking, as was approved in 1994 and 1995.

Comments and Questions:

In reply to Mr. Bolzle, Mr. Beach stated that the use is in a PUD and was approved by the Planning Commission through 1998.

In response to Mr. White, Mr. Gardner advised that this type of business is a temporary use and gravel parking would be appropriate until the property is developed.

Mr. Bolzle asked if it would be Staff's recommendation that any approval of gravel parking run consecutively with the Planning Commission's previous approval of the use, and Mr. Gardner answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit off-street parking - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 2; per plan submitted; subject to temporary gravel parking being approved through 1998 (running consecutively with the Planning Commission approval of the use); finding that the produce and Christmas tree sales business has been operating at this location for two years; and finding that approval of the temporary use will not be injurious to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Part of the NE/4, NE/4, beginning 200' west and 58' south NE/c thence south 150.71', west 217.42', south 208.71', west 104.35', north 367.42', east 133.77', south 8', east 188' to POB, Section 15, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17318

Action Requested:

Variance to permit parking a recreational vehicle in the required front yard parallel to the front lot line - **SECTION 402.B.7.a.5. PARKING OR STORAGE OF RECREATIONAL VEHICLES** - Use Unit 7; appeal from the decision of an administrative official that the livability space provided is less than the required 2000 sq ft - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 7; or in the alternative, a variance of the required livability space - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 7, located 4179-4181 East Skelly Drive.

Presentation:

The applicant, **Jim Shofner**, 4143 East 31st Street, stated that he is representing the property owner, and advised that the lot contains 3265 sq ft of livability and complies with the required amount. Photographs (Exhibit E-5) and a survey (Exhibit E-6) were submitted.

Comments and Questions:

Mr. Bolzle asked if there is some confusion as to the required amount of livability space for the duplex, and Mr. Beach stated that the Code requires 2500 sq ft per dwelling, or 5000 sq ft for the entire building.

Mr. Gardner advised that the RD zoning requires 2000 sq ft of livability space per dwelling unit or 4000 sq ft for the entire building; however, the property is zoned RS-3, which requires 5000 sq ft for the duplex (2500 sq ft for each unit). He noted that the hard surface parking area on the lot has been expanded, in addition to the space providing a pad for the recreational vehicle. Mr. Gardner stated that the service road has limits of no access along the entire boundary, except the driveway to the duplex, which prevents a curb cut to park the vehicle behind the dwelling. He pointed out that there is already an accessory building and covered patio on the back portion of the lot, which would also prevent parking in the rear yard.

Protestants:

Bill Harrington stated that he is the attorney representing the protestants in Southern View Addition. He noted that the location of the recreational vehicle presents a safety hazard for motorists attempting to enter Skelly Drive. Mr. Harrington pointed out that the storage of the vehicle also violates the required setbacks and downgrades the neighborhood. A Certificate of Dedication (Exhibit E-1) and a petition of protest (Exhibit E-3) were submitted.

Case No. 17318 (continued)

Pauleda Sario, 4185 East Skelly Drive, stated that the lots are not large enough to accommodate outside storage of vehicles or boats. She stated that the storage of this RV in the yard continues to have an adverse impact on the neighborhood, because another resident has determined that, since the RV is stored beside the dwelling, he also has a right to store his boat and trailer in the yard. She stated that the property is being used for commercial purposes and trucks visit the property regularly. Ms. Sario submitted a photograph and letter of protest (Exhibit E-2) from a nearby resident.

Applicant's Rebuttal:

Mr. Shofner noted that the RV is parked beside the house and approximately 40' from the curb. He stated that the property owner has a large pickup, but it is not kept at this location on a regular basis. Mr. Shofner pointed out that this is a unique situation because the property abuts a public street, but street access is not permitted.

Comments and Questions:

Mr. White asked if the recreational vehicle is used as a residence, and the applicant replied that Mr. Olsen is living in the duplex; however, the RV is used frequently to travel to other states. He informed that the vehicle is not used for a residence at this location.

Ms. Parnell asked if David Olsen lives in the duplex, and the applicant stated that Art Olsen lives in the duplex; however, David Olsen is his son and owns the property. Ms. Parnell advised that she site-checked the property and David Olsen stated that he lives in the duplex and owns the RV. Ms. Parnell pointed out that she visited the property three times and each time she found David Olsen and his employees reviewing architectural plans.

Mr. Gardner advised that, if the Board is not inclined to approve the variance of livability space, the asphalt pad would have to be removed and the recreational vehicle could not remain on the property.

In response to Ms. Abbott, Mr. Beach advised that the property owner would need a variance of livability space (approximately 125 sq ft) if the lot was restored to its original condition (before addition of driveways and RV pad).

Mr. Gardner advised that the ordinance regarding livability space was not in effect at the time the dwelling was constructed.

Mr. Linker advised that the Board should determine if the recreational vehicle should be parked at any location on the lot.

Case No. 17318 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** the **Appeal** and **UPHOLD** the decision of the administrative official that the livability space provided is less than the required 2500 sq ft per dwelling unit - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 7.

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **variance** of the required livability space - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 7; per survey submitted to allow for the original concrete driveway and one parking lane on either side for a total of 4 off-street parking spaces per Code.

On **MOTION** of **BOLZLE**, the Board voted 4-1-0 (Bolzle, Box, Turnbo, White, "aye"; Abbott, "nay"; no "abstentions"; none "absent") to **DENY** a **Variance** to permit parking a recreational vehicle in the required front yard parallel to the front lot line - **SECTION 402.B.7.a.5. PARKING OR STORAGE OF RECREATIONAL VEHICLES** - Use Unit 7; finding the front yard to be along Skelly Drive and that there is insufficient space to place the recreational vehicle perpendicular to the street, as required by Code; finding that the applicant cannot comply with the requirement that the RV be parked on an all-weather surface (insufficient livability space if more hard surface added); and finding that approval of the request would be detrimental to the neighborhood and violate the spirit and intent of the Code; on the following described property:

Lot 19, Block 1, Southern View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17319

Action Requested:

Special Exception to permit automobile repair service in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 4102 South Harvard.

Presentation:

The applicant, **Russell Carson**, 2250 East 73rd Street, submitted a plot plan (Exhibit F-1) and stated that he represents the tenant at the above stated location. He explained that the previous denial of the applicant has been appealed to District Court; however, the plot plan has been revised in an attempt to upgrade the property and make the use compatible with the area. Mr. Carson stated that landscaping will be added and there will be no outside storage of vehicles on the property.

Case No. 17319 (continued)

Comments and Questions:

Mr. Bolzle noted that, according to the plot plan, the 12 parking spaces abutting the street extend into the right-of-way.

In reply to Ms. Parnell, Mr. Gardner advised that the large building at this location was approved for warehouse use only, which requires much less parking than many other uses.

Mr. Bolzle asked Mr. Carson if his client is in need of 20 spaces, and he replied that 20 spaces would not be in use at one time, and probably 15 spaces would be adequate.

In reply to Mr. Bolzle, the applicant stated that he has not contacted the neighborhood in regard to the installation of berms, but has discussed landscaped-grassed areas along the 41st Street frontage and Harvard Avenue.

Mr. White noted that noise was a neighborhood concern at the previous hearing and asked if this issue has been resolved. Mr. Carson stated that this issue has not been discussed with the neighborhood; however, several nearby neighbors who are supportive of the application are in attendance.

In reply to Mr. White, Mr. Carson informed that his client's business involves automotive repair, as well as transmission repair.

Mr. Bolzle suggested that a 5' strip of grass and landscaping be required south of the north sidewalk (between the sidewalk and the parking area).

Mr. Carson stated that the parking can be rearranged on the lot to permit the addition of the suggested green space along 41st Street.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit automobile repair service in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted, including landscaping areas, with the addition of a 5' landscaped space installed and maintained in the area south of the north sidewalk (designated as 4 parking spaces on the plot plan); subject to the existing canopy and pump island being removed; and subject to a license agreement with the City of Tulsa (parking

Case No. 17319 (continued)

extends into City right-of-way); finding the use, per conditions, to be compatible with the area and in harmony with the spirit and intent of the Code:

North 200', east 150', NE/4, NE/4, NE/4, less north 50' and less east 50',
Section 29, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17320

Action Requested:

Variance of the required side yard setback from 10' and 5' to 5' and 4' to permit a carport and an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3622 East 55th Street.

Presentation:

The applicant, **Don Bomer**, 3622 East 55th Street, was represented by **Lee Levinson**, 5310 East 31st Street, who submitted a plot plan (Exhibit G-2) and informed that the roof was extended to cover an existing one-car driveway. He requested that the carport be permitted to remain.

Comments and Questions:

Mr. Bolzle asked if the property has been surveyed, and Ms. Bomer stated that the building contractor had the property surveyed before he began construction.

Mr. Bolzle pointed out that the carport appears to be closer to the property line than is requested in the application, and may even extend over the property line.

Ms. Bomer stated that the driveway has been in place for approximately 19 years.

Mr. Gardner noted that the southeast corner of the roof appears to overhang the abutting property.

Mr. Beach stated that the dimension from the structure to the rear property line is not legible and relief may be needed in that area (25 ft rear yard required).

Mr. Levinson requested that the application be continued to permit sufficient time to obtain a survey and determine if relief of the rear yard setback is required.

Protestants:

Francis Ellis, 5433 South Louisville, stated that it is evident that the roofline is over the setback line and a survey is not required to make this determination.

Case No. 17320 (continued)

Gene Crabtree, 3706 East 55th Street, stated that approval of this request would set a precedent in the neighborhood and asked the Board to deny the request.

Terry Thomas, 3628 East 55th Street, stated that an existing driveway was in place when he purchased his property; however, the area has been covered since that time. A survey and photographs (Exhibit G-3) were submitted. He informed that the fence is on the property line and the structure extends to this point. Mr. Thomas noted that Mr. Bomer has built his carport over the utility easement, which could result in a fire hazard in the event of downed utility lines.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 17320 to April 9, 1996 to allow sufficient time to obtain a survey.

Case No. 17321

Action Requested:

Special Exception to amend a previously approved site plan for Case No. 8971, heard March 18, 1976, to add tennis court lights - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located 47th Place and South Harvard Avenue.

Presentation:

The applicant, **City of Tulsa/Ross Weller**, 707 South Houston, Suite 201, submitted a revised site plan (Exhibit H-1) and informed that lights are proposed for an existing tennis court at the above stated location. He pointed out that the courts are heavily used; however, they are not near a residential area and lighting should not be a problem.

Comments and Questions:

In response to Mr. White, Mr. Weller stated that the proposed lighting will not have an adverse impact on the apartment complex to the south. He pointed out that the proposed lighting has very little spill-over and would not pose a problem for the apartments.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to amend a previously approved site plan for Case No. 8971, heard March 18, 1976, to add tennis court lights - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2; per revised plan submitted; subject to all

