

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 740
Tuesday, December 9, 1997, 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 Cooper Dunham White, Chair	Turnbo	Beach Huntsinger Stump	Ballentine, Code Enforcement Parnell, Code Enforcement Romig, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, December 5, 1997, at 2:00 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays" no "abstentions"; Turnbo "absent") to **APPROVE** the minutes of November 4, 1997, (No. 738).

UNFINISHED BUSINESS

Case No. 17841

Action Requested:

Special Exception to amend previously approved site plan. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2, located 6727 South Sheridan Road.

Presentation:

The applicant, **Diane K. Gollnick**, present.

Comments and Questions:

Mr. Beach reminded the Board that this case had previously been denied. The Board agreed to rehear the case, however the applicant and protestors have not reached a resolution on the design of the storage building and are requesting a continuance to January 13, 1998.

Case No. 17841 (continued)

Mr. Bolzle asked Mr. Beach if both protestants and applicant are in agreement to continue this case to January 13, 1998? Mr. Beach answered affirmatively.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays" no "abstentions"; Turnbo "absent") to **CONTINUE** January 13, 1998 at 1:00 p.m.

Case No. 17868

Action Requested:

Special Exception to permit a 6' high wall in the required front yard, located 1508 East 31st Street.

Comments and Questions:

Mr. Beach explained that this case has been continued previously and there are still a number of issues unresolved. The staff is requesting a continuance in order to clarify all of the issues. Mr. Beach suggested that the case not be continued to a date certain. He informed the Board that this case will be re-advertised and re-noticed when the issues are clarified and hearing date is reset.

Presentation:

The applicant, **Warren Kruger**, present.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays" no "abstentions"; Turnbo "absent") to **CONTINUE** Case No. 17868 (date undetermined at this time; staff will re-advertise when the date is set.)

Case No. 17875

Action Requested:

Special Exception to allow auto sales, minor auto repair, auto upholstery and a car wash in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 17, located SW/c Sheridan Road & Queen Street.

Presentation:

The applicant, **Dean Hulsey**, 4926 East 45th, submitted two site plans (Exhibit A-1 and A-2). Mr. Hulsey stated he is the owner of the subject property. He explained that he would like to develop the subject property in order to sell automobiles, minor auto repair, car upholstery and a car wash. He proposes to erect two metal buildings containing offices and small garages. He explained that the garages would be for washing cars and minor repairs. The used car lot office and garage nearest to Queen Street will be leased. He stated he plans to occupy the other office and garage with the car lot, which will be to the south. Mr. Hulsey indicated that he plans to build a new building near the back of the lot for auto upholstery, mechanic work and storage, which will be leased out. He explained there will be eight inches of topsoil removed from the entire lot, except where the buildings are to be set. There will be 5" of gravel and 3" of asphalt will be laid to bring the subject property back to its original height. The subject property will be sloped to drain the water toward Queen Street. He indicated that there would be a 4" pipe fence enclosing the lot along with a chain gate. All of the lighting will be directed inward and downward. He stated that there will be burglar alarms on all of the buildings and private security provided in the evening hours. There will be a 6' wood screening fence installed at the back of the lot and along the south boundary line. The hours of operation will be 8:00 a.m. to 9:00 p.m., six days a week.

Comments and Questions:

Mr. Dunham asked if the upholstery shop, repair shop and car wash shop are all incidental to the auto lot? He stated that the upholstery shop might have outside business. He indicated that there would be autos from other auto dealers brought in for upholstery work.

Mr. Stump informed the applicant that the parking he indicated on the west side cannot fit in the area. He stated that the applicant will have to provide a 5' landscaping strip and parking will not fit. He explained to the applicant that he will have some landscaping requirements on the Queen Street side and the Sheridan Street side.

Mr. White stated that the proposed activity is similar to the existing activity in the area.

In response to Mr. Bolzle, Mr. Hulsey stated he realizes that the cars could only be parked length-wise in the back because there will only be 10'. He indicated that there could be three to four cars parked length wise in the back.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays" no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to allow auto sales, minor auto repair, auto upholstery and a car wash in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 17; per plan submitted; subject to the hours and days of

Case No. 17875 (continued)

operation be 8:00 a.m. to 9:00 p.m., six days a week; subject to the drainage being in compliance with stormwater management recommendations; subject to the west wall of the repair shop be a solid wall; subject to there being no outside storage other than operable automobiles or automobiles under repair; subject to all lighting be directed inward and away from the residential area; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Lots 1-3, Block 1, Douglas Court 3rd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17886

Action Requested:

Minor Special Exception to reduce the required front yard from 35' to 30'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** – Use Unit 6, located 34th & Atlanta Place.

Presentation:

The applicant, **Carol L. Mersch**, not present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays" no "abstentions"; Turnbo "absent") to **CONTINUE** Case No. 17886 to January 13, 1998 at 1:00 p.m.

NEW APPLICATIONS

Case No. 17889

Action Requested:

Special Exception to allow off street parking in an RS-3 & RM-2 zoned district for University of Tulsa. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2, located NW/c East 8th Street & South Harvard Avenue.

Case No. 17889 (continued)

Presentation:

The applicant, **Charles E. Norman**, 2900 Mid-Continent Tower, submitted a site plan (Exhibit B-1) and a landscape plan (Exhibit B-2). Mr. Norman stated that in June of 1996, the Board approved a series of variances, special exceptions and site plans for the construction of the new arena and convocation center at the University of Tulsa ("TU"). He explained that at the time of approval the Board required 300 additional parking spaces be provided. He stated that the site plan has been amended to provide 105 parking spaces within the site and agreed to come back with a plan for the balance of the parking spaces required by the Board. He indicated that East 7th Street has been closed and TU has been able to add 334 parking spaces north of 8th Street, which will be approximately 100 parking spaces in excess of what was required by the Board.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays" no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to allow off street parking in an RS-3 & RM-2 zoned district for University of Tulsa. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

The Sly 10' of Lot 9, All of Lots 10-17 and the Sly 10' of Lot 18, that part of the vacated alleyway adjacent to the said Lots all in Block 15, College Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma AND all of Lots 8-17, that part of the vacated alleyway adjacent to said Lots all in Block 22, College Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma AND all of vacated E 7th St. S. lying between Blocks 15 and 22, College Addition, City of Tulsa, Tulsa County, Oklahoma, from the Wly ROW line of S. Harvard Ave. to the Ely ROW line of S. Gary Pl.

Case No. 17891

Action Requested:

Special Exception to approve an amended site plan to add an accessory storage building. **SECTION 702. ACCESSORY USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 14, located 4936 East 21st Street.

Case No. 17891 (continued)

Presentation:

The applicant, **Walter Nordella**, represented by **H.A. Winters** 5719 East 36th Street, submitted a site plan (Exhibit C-1) and stated he is the owner of the subject property, which is a pawn shop. He explained that he pawns cars and motorcycles as a part of his inventory. He stated he needed the additional building to store the motorcycles, which will be located behind the existing building.

Comments and Questions:

In response to Mr. White, Mr. Winters stated that the proposed building will not go back as far as the adjacent building, which belongs to Honda of Tulsa. He explained that the adjacent building goes another 5' past his proposed building.

Mr. White stated that there is a door on the south side of the existing building and if the proposed building is moved further north it may be difficult to open the door.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays" no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to approve an amended site plan to add an accessory storage building. **SECTION 702. ACCESSORY USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 14;** subject to there being 5' between the existing building and the proposed storage building; subject to the proposed building being no bigger than 28' x 36' and no closer than 8' to the south boundary line as generally shown on the submitted site plan; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

W 80', Lot 5, Block 1, Gracemont 1st Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17893

Action Requested:

Variance of the rear setback from 25' to 12' for addition to dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6,** located 55th & Yale.

Presentation:

The applicant, **David & Melody Eimen**, represented by Jim Gotwals, submitted a site plan (Exhibit D-1) and stated his clients live on the property immediately adjacent to South Yale Avenue on 55th Street. He explained that prior to the widening of South Yale there was a service road, which ran along the side of his client's home, and a median between the service road and Yale Avenue. Subsequent to the widening, the project eliminated the service road and the City of Tulsa built a privacy fence from 55th Place to 58th, but did not extend it up to the subject property. Mr. Gotwals commented that as a result of the widening of Yale Ave, 55th Street has become a cul-de-sac and his clients are the end house on the eastern most south side of the cul-de-sac. He explained that office buildings and parking lots are to north of the subject property. He indicated to the east of the subject property is South Yale Avenue and LaFortune Park. The south and west side of the subject property is residential. He explained that his clients have three children and need more room. He stated that the addition will be similar to the existing home. The south side of the subject property is bounded by an 8' privacy fence and the privacy fence along South Yale Avenue is 10'. He commented that the proposal will not be detrimental to the neighborhood and feels that, by virtue of the widening of Yale Avenue and the configuration of the subject property, creates extraordinary conditions for the approval of this proposal.

Comments and Questions:

Mr. Gotwals stated that the sound-proofing wall that the City of Tulsa built does not extend to the subject property and his clients do have a 10' privacy fence on the eastern boundary of their property, which would essentially screen this addition from the street.

Mr. Gotwals indicated that South Yale Avenue is 15' from his client's fence line.

Mr. Bolzle asked the applicant if his client's yard has been reduced from 90.25'? He answered negatively.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-1-0 (Cooper, Dunham, White, "aye"; Bolzle "nay" no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of the rear setback from 25' to 12' for addition to dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** – Use Unit 6; per plan submitted; finding that the widening of Yale; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Lot 1, Block 2, Tip Top View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17894

Action Requested:

Special Exception to approve an amendment to a previously approved site plan. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2, located SW/c 101st & South Yale.

Presentation:

The applicant, **A. Blaine Imel**, 2415 East Skelly Drive, #101, representing Jenks Schools, submitted a site plan (Exhibit E-1) and a parking plan (Exhibit E-2). Mr. Imel stated he proposes to complete the Master Plan of the southeast campus located at 101st and Yale.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays" no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to approve an amendment to a previously approved site plan. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Jenks Southeast Campus, Lot 1, Block 1, an addition to the City of Tulsa, being a subdivision of part of the E/2, NE/4, NE/4, Sec. 28, T-18-N, R-13-E, Tulsa County, Oklahoma.

Case No. 17895

Action Requested:

Variance of the 85' building setback requirement from the centerline of S. Peoria Ave to 63' to permit the expansion of the Fenster Museum wing of the synagogue. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; a Variance of the 55' setback requirements from the centerline of E. 17th St. to 35' to permit the expansion of the Fenster Museum wing of the synagogue and the reconstruction of the school and accessory synagogue uses building pursuant to an amended site plan approved by the Board. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; a Variance to permit the total building floor area of the synagogue to exceed 50% of the site area. **SECTION 404.F.1. SPEICAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; and a Variance to permit off-street parking required for the synagogue to be located on Lots 9-17, Block 7, Morningside Addition. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**, located SW/c 17th Street & South Peoria Avenue.

Case No. 17895 (continued)

Presentation:

The applicant, **Charles E. Norman**, 2900 Mid-Continent Tower, submitted a letter requesting a continuance (Exhibit F-1). Mr. Norman stated that he has requested the continuance to January 13, 1998 as a result of a meeting with neighborhood leaders and interested parties. He explained that Mr. Kevin Berry, Maple Ridge Neighborhood Association, has called the staff and confirmed the request of continuance. Mr. Norman indicated that he notified all interested parties that the application would not be heard today and will be continued.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays" no "abstentions"; Turnbo "absent") to **CONTINUE** Case No. 17895 to January 13, 1998 at 1:00 p.m.

Case No. 17896

Action Requested:

Special Exception to allow tents on CS zoned property for outdoor activities related to Martin Luther King Day (1/19/98). **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 2, located NE/c North Detroit Avenue and East Pine Street.

Presentation:

The applicant, **Frederick J. Munkholm**, 5207 South Oxford Avenue, submitted a site plan (Exhibit G-1) and stated he is representing a small group of people at American Airlines who would like to have a Martin Luther King parade. He explained that the employees would like to have a small gathering and erect two tents, which are owned by American Airlines. The tents are small and would be located at the North Point Center, which is near east Pine Street and North Cincinnati Avenue. The parade would be held on January 19, 1998 from 6:30 a.m. to 2:00 p.m. He indicated that the luncheon will be serving less than 100 people, which will be catered. Mr. Munkholm stated he contacted the group who own and manage the subject property. He indicated the owner is Roy Moses of Nations Bank, which is managed by Lincoln Properties Company. He stated he checked with Ms. Denise Pilan and she has no problem with the proposal.

Comments and Questions:

Mr. Cooper asked the applicant if he owned the subject property? He stated that he did not own the subject property, but his company did own the tents. He explained that Nations Bank owns the property.

Case No. 17896 (continued)

Mr. Bolzle asked the applicant if he has written permission to be on the subject property? He stated that he has talked with everyone he can find that is associated with the subject property, including the property manager. He explained that Ms. Pilan of Lincoln Properties gave him a picture of the property and gave her permission for the proposed activity.

Mr. Cooper asked the applicant if alcoholic beverages will be served at the activity? He stated that alcoholic beverages will not be served. He explained that the menu includes hot chocolate and coffee, barbecue, etc.

Mr. Dunham asked the applicant if this is a one time event? Mr. Munkholm stated that it will be a one time event.

Mr. Stump stated that the applicant has to be the owner, an agent of the owner or have the consent of the owner to make the application. He commented that if the Board feels comfortable that the applicant has permission to use the subject property, the Board could act on the application.

After lengthy discussion it was determined that it was the applicant's responsibility to obtain written approval from the owner of the subject property to allow the proposed event on January 19, 1998.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays" no "abstentions"; Turnbo "absent") to **APPROVE** a Special Exception to allow tents on CS zoned property for outdoor activities related to Martin Luther King Day (1/19/98). **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 2, subject to the applicant submitting a letter from the property owner granting their permission prior to the event; subject to a one time event which will be held January 19, 1998 from 6:00 a.m. to 2:30 p.m.; subject to there being no alcohol beverages being served; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Lots 1-8, Block 4, Strobel, City of Tulsa, Tulsa County, Oklahoma/

Case No. 17897

Action Requested:

Special Exception to allow a temporary mobile storage unit on a lot other than the lot containing the principal use, located 9139 South Yale Avenue East.

Presentation:

The applicant, **Pat Bennett**, 8715 South Oswego, submitted a site plan (Exhibit H-1) and stated he owns a gift store "The Perfect Touch". He explained that currently the store needs additional room for storage. He proposes to install a trailer for storage behind the existing building. He indicated that he has contacted the land owners behind the shopping center and they have given him permission to place the trailer on their property. He proposes to install a 12' x 60' trailer, which will be used for checking in and storing merchandise. He explained that the location will be directly south of the back door of the existing building.

Comments and Questions:

In response to Mr. White, the applicant stated he understands that the City of Tulsa only allows a trailer for one year. He explained that the owner of the property will only lease the subject property from month to month.

In response to Mr. Beach, Mr. Romig stated that the one year time limit for a trailer still applies to the zoning classification.

Mr. Bennett stated that trees and buildings block the view of the trailer.

Mr. Bolzle stated that the approval of this application will set a precedent and every retail center will have storage trailers behind it.

Mr. Bennett stated that the trailer is temporary until he can move to another location or find another solution to expand.

Ms. Parnell stated that Code Enforcement spends many hours monitoring department stores, which routinely have trailers parked behind their stores. She explained that the trailers parked behind the stores are a continuous rotating process of dropping off full trailers and pickup the empty trailers. She commented that Code Enforcement receives numerous calls and complaints regarding trailers behind the stores.

In response to Mr. Cooper, Mr. Beach stated that the subject property has been approved for CS and OL uses. He explained that CS uses are typically retail types of uses and storage is not a CS use. He commented that mini-storage is allowed by special exception.

Mr. Beach informed the Board that the approval for mini-storage, which was never developed on the subject property, is due to expire at the end of December 1997.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-1-0 (Cooper, Dunham, White, "aye"; Bolzle "nay" no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to allow a temporary mobile storage unit on a lot other than the lot containing the principal use; subject to a period not to exceed one year; finding that the subject property had previously been approved for mini-storage; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Hunters Glen, Block 1, Lot 3, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. Bennett asked when the one year limitation begins? Mr. Beach informed the applicant that the one year limitation begins immediately.

OTHER BUSINESS

Action Requested:

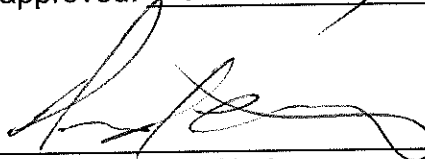
Discussion: Requiring an oath being administered prior to presenting information to the Board.

Comments and Questions:

After a lengthy discussion Mr. Cooper tabled the request. The Board did not act on this request.

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

Date approved: January 13, 1998



Chair