

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 815
Tuesday, March 27, 2001, 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

Dunham, Vice Chair		Beach	Prather, Legal
Cooper		Butler	
White, Chair			
Perkins			
Turnbo			

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Thursday, March 22, 2001, at 3:30 p.m., as well as at the City Clerk's office, City Hall.

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

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UNFINISHED BUSINESS

Case No. 19008

Action Requested:

Mr. Beach stated the applicant requested a Continuance to meet with the whole neighborhood association, at the regularly scheduled meeting on April 17, 2001.

Interested Parties:

The interested parties were in agreement with the continuance.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19008 to April 24, 2001, to give applicant time to meet with the neighborhood association.

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Case No. 19025

Action Requested:

Mr. Beach stated that there was a flaw in the notice and a new notice has been prepared for the April 10, 2001 meeting. He stated that no action was needed for this case.

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Case No. 18993

Action Requested:

Variance of the required 25-foot setback from adjacent property lines for temporary office trailers during the US Open Championship. SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 5, located 2636 E. 61st St.

Mr. Cooper stated he would be abstaining from this case.

Presentation:

Steve Worthy, for Frank Bussey, Director of Operations for the U.S. Open, came to present this case. Mr. White asked if the neighbors have been contacted. Mr. Worthy responded that it is mostly the club members that would be affected, and they are aware of this application. He stated that because of the increased size of the U.S. Open vs. the PGA Championship in 1994, they would like to have this variance just in case it is needed.

Interested Parties:

Virginia Nowlin, 6126 S. Florence Pl., stated her backyard abuts the country club. She was not in opposition but needed more information about the application. She stated she was trying to sell her home.

Comments and Questions:

Mr. White asked the applicant what he would need for a time frame. He asked for a month on either side of the U.S. Open.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-1 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; Cooper "abstained"; no "absences") to **APPROVE** a **Variance** of the required 25-foot setback from adjacent property lines for temporary office trailers during the US Open Championship, finding it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A tract of land in Section 32, T-19-N, R-13-E, and Section 5, T-18-N, R-13-E, City of Tulsa, County, State of Oklahoma; Beg. at the SW/c of Lot 3, Block 2, Southern Villas Addition, the E 165.09'; thence S 330.18'; thence E 165.11'; thence S 815.5'; thence SE 368.48'; thence E 295.42'; thence S 656'; thence W 955'; thence S 825';

thence W 827.98'; thence N 165.05'; thence W 1,817.73'; thence S 330.5'; thence W 1,444.5'; thence N 208.71'; thence W 168.71'; thence N 2,389.4' to a point which is 25' S and 40' E of the NW/c of Section 5, T-18-N, R-13-E; thence E along the S Boundary line of E. 61st St. S. to a point, said point being 329.4' N of the POB; thence S 329.4' to the POB.

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Case No. 19000

Action Requested:

Variance of the required street frontage from 30' to 0' to facilitate a street closing of East 20th Place and to tie these lots with tie contract to combine with balance of multi-family project. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6-8, located N or NW/c E. 21st St. & 77th E. Ave.

Presentation:

Bruce Straub, 3105 E. Skelly Dr., attorney for Colonial Park Apartments, stated that this application was made to satisfy a requirement of the title company. He explained that the apartment pool and a small accessory building abut an abandoned street. He stated there are no plans for expansion of the apartments.

Interested Parties:

Kathy Siebert, 1510 S. 75th E. Ave., stated she is the president of the Moulder Heights Neighborhood Association just north of the subject property. She added that she has talked with Mr. Staub, and he assured her this is just a housekeeping matter. She informed the Board they do not want to see any additional multi-family dwellings constructed at this location.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE a Variance** of the required street frontage from 30' to 0' to facilitate a street closing of East 20th Place and to tie these lots with tie contract to combine with balance of multi-family project, with condition that there not be any expansion, finding that it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lots 23-25, Block 7, Moeller Heights and a part of the unnamed street lying S of Lots 23 through 26, Block 7, Moeller Heights, City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows: Beg. at the SE/c of said Lot 23, thence S 26°01'09" E, along the W line of said Lot 23 extended, a distance of 50.00' to a point in a curve; thence Ely along a curve to the right having a radius of 575.00' and whose chord bears N 77°04'18" E, with a chord distance of 257.29' and arc distance of 259.49' (platted as 260.07') to a point of tangency; thence N

Applicant's Rebuttal:

Ms. Watts admitted that she has a copy of court records that since 1947 the easement was filed for access to the subject property.

Board Action:

On **MOTION** of **Cooper**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a manufactured dwelling in an IM zoned district; and a Variance of the required 30' frontage on a public street to 0', with conditions that existing frame house be removed in 180 days; and subject to an access easement, on the following described property:

The N 105' of the following described tract, to-wit: that part of the W/2 SE/4, Section 23, T-19-N, R-12-E, described as Beg. at a point on the E line of said W/2 SE, 295' S of the NE/c of the S/2 S/2 NW/4 SE/4 of said Section; thence W to a point on the E line of the Midland Valley Railway. Co. right-of-way; thence SEly along said right-of-way to the intersection with the E line of said W/2 SE/4; thence N said E line 635', more or less to the POB. Also, an easement for roadway purposes only over the E 15' of the N 295' of the S/2 S/2 NW/4 SE/4 of Section 23, T-19-N, R-12-E, subject to an easement for roadway purposes over E 15' of the above described 105'.

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Case No. 19017

Action Requested:

Variance of setback from South 66th East Avenue from the required 50' to 43'7" to permit an existing office building. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 11, located 6030 S. 66th E. Ave.

Presentation:

Robert Jones, 2219 S. Terwilliger, came to present his case. Mr. Dunham verified that this was an existing condition, and the application was to clear the title on the property.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of setback from South 66th East Avenue from the required 50' to 43'7" to permit an existing office building, finding it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

S 35' of Lot 6 and all of Lots 7 and 8, Block 1, Plaza Professional Park, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19018

Action Requested:

Variance of required front yard from 30' down to 20'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 1919 E. 38th St. S.

Presentation:

Steve Gray, 4530 S. Sheridan Rd., Ste. 205, stated he is an attorney for Steven Harris the owner of the lot. He submitted a packet of exhibits to the Board (Exhibits A-1 through A-4). Mr. White informed the Board that the house shown in the aerial has been leveled. He pointed out the severe elevation fall of an 8% grade, and the unusual shape of the lot as the hardship.

Interested Parties:

John Brewman, 3744 S. Xanthus, stated his support of the application, and expects the large tree will be save.

Comments and Questions:

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required front yard from 30' down to 20', per plan submitted, finding the hardship to be the topography and shape of the lot, and that it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 9, Block 11, of the amended Plat of Block 1, 2, 3, 11 and 12 of Highland Park Estates, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19019

Action Requested:

Special Exception for an outdoor car show to be held on May 19, 2001. SECTION 1202.B. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Included Uses and SECTION 1202.C. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Use Conditions; and a Special Exception for off-street parking on an unpaved area. SECTION 1202.B. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Included Uses and SECTION 1202.C. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Use Conditions, located NW/c Brady & Elgin & E side of Elgin.

Presentation:

Rick Horton, 8317 E. 117th St., Bixby, Oklahoma, submitted a packet of exhibits to the Board (Exhibit B-1). The application is for an antique car show, and proceeds go to cancer research. He stated that they would like to make it an annual event.

Interested Parties:

There were no interested parties present who wished to speak.

Comments and Questions:

The Board considered the conditions provided by the Tulsa Development Authority, along with the requests of this application.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a ***Special Exception*** for an outdoor car show to be held on May 19, 2001; and a ***Special Exception*** for off-street parking on an unpaved area, subject to conditions submitted by the Tulsa Development Authority as follows: 1) Cancersucks.com will conduct an event, entitled "Hot Rods and Handlebars" in and around the above referenced land on May 18, 19 & 20, 2001. Any related equipment will be set up on May 18 & 19, 2001 and removed on May 20, 2001. 2) During the above referenced period, Cancersucks.com will have use of the vacant land described as follows: See Attached Legal Descriptions and Plat. 3) Cancersucks.com shall provide a Certificate of Insurance of at least \$1,000,000.00 combined limits per occurrence. The Tulsa Development Authority and the City of Tulsa, Oklahoma shall be named as additional insured on the Certificate of Insurance. Said Certificate to be provided no later than April 30, 2001. 4) Cancersucks.com shall hold the Tulsa Development Authority and the City of Tulsa, Oklahoma, harmless from any loss, cost damage or expense that may arise out of the above-mentioned activity. 5) Cancersucks.com shall clean all areas used for the above-mentioned activity by Midnight May 20, 2001. All materials and equipment shall be removed and the site returned to the condition of May 18, 2001. Cancersucks.com agrees to provide a deposit in the amount of \$500.00, payable to the Tulsa Development Authority, in cash or by Certified check, as security for the performance of the obligations of Cancersucks.com to be performed prior to the return of the Deposit to Cancersucks.com or its retention by the Tulsa Development Authority as liquidated damages. Said Deposit to be provided no later than April 30, 2001. 6) Cancersucks.com will provide parking attendants, security guards and clean-up personnel as needed during the above-mentioned event period from May 18 through May 20, 2001. 7) Cancersucks.com will provide certified copies of permits and authorizations required by government entities including a special Events Permit issued by the City of Tulsa, Tulsa County, State of Oklahoma. Said permit to provide for temporary use of grassy areas for parking. 8) Hours of operation shall be between 6:00 a.m. to 12:00 p.m., finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Part vacant railroad right-of-way and vacant street and alley and Lots 1 through 5, Beg. NE/c Lot 1, thence SE 136.5' SW 300' NW 270' E 328.30', POB Block 22; Part Lots 1 and 6 vacant alley and street Beg. NE/c Lot 1; thence SE 50' SW 299.86' NW 90' NE 300' SE 40' POB, Block 25; Part vacant railroad right-of-way and vacant street and alley and Lots 1 through 6, Block 24; Part railroad right-of-way and vacant alley and streets and Lots 1 through 6, Beg. NE/c Lot 1, thence NE 40' SE along centerline Frankfort Ave. to point, thence NW to Point 3.65' NW SE/c Lot 2, thence SE 103.65' SW 300' NW 340' NE 300' SE 40' POB, Block 45; N 88/2, Lot 1 and E 10' vacant alley adjacent on W le4ss Beg. NE/c, thence W 80' E 89.4' N 40' POB for highway, Block 22; S 11.5' Lot 1 N 25' Lot 2 and E 10' vacant alley adjacent on W Block 22; S 50' N 75' Lot 2 and E 10' vacant alley adjacent on W Block 22; Lot 3 and W 10' vacant alley adjacent on E Block 22, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19020

Action Requested:

Variance of side yard setback requirement of 15' down to 6' for an addition to residence. SECTION 403.A.5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts – Use Unit 6, located 5339 S. 32nd W. Ave.

Presentation:

Harry L. Harper, 5339 S. 32nd W. Ave., stated he wanted to add a garage and convert the existing garage to a downstairs bedroom. He described the steep topography and odd-shaped lot with a retaining wall 15' behind the house that prevents any changes at the back of the house. He added that he would like to change the access to the garage from 55th Street to S. 32nd.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of side yard setback requirement of 15' down to 6' for an addition to residence, per plan submitted, finding the hardship to be the shape of the lot and the topography and that it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 11, Block 7, Mountain Manor Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19021

Action Requested:

Variance of required parking for shopping center from 284 spaces to 222 spaces. SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements and SECTION 1213.D. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Off-Street Parking and Loading Requirements, located 8242 E. 71st St.

Presentation:

Andi Bahlinger, 5818 E. 77th St., stated she represented Edgar Gill, the owner of the restaurant on the subject property. It has been in operation for three years and they are just getting a certificate of occupancy. She stated they are seeking the variance to comply with Code.

Comments and Questions:

Ms. Turnbo asked for the hours of operation. Ms. Bahlinger replied from 10:00 a.m. to 9:00 p.m. She added it is a family restaurant. Mr. Cooper asked for a hardship. She responded that it has been an existing condition for three years. Ms. Turnbo asked why this application was filed under adult entertainment. Ms. Bahlinger replied that the owner applied for a beer license only, but does not want to have sexually oriented entertainment. Mr. Beach informed the Board that the Variance is needed for the whole shopping center, even if this restaurant was not there.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required parking for shopping center from 284 spaces to 222 spaces, finding that the center was built at a time when parking requirements were different than today, and that it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan , on the following described property:

N 430' of Lot 3, Block 3, El Paseo Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19022

Action Requested:

Applicant was not present. Tabled until the end of the agenda.

of 609.25'; thence S 89°31'05" W a distance of 1266.19' to a point, said point being 58.00' N 89°31'05" E of the W line of said SW/4; thence N 00°03'35" E, parallel with said W line, a distance of 479.48'; thence N 89°30'24" E, parallel with the N line of said SW/4, a distance of 103.58'; thence N 00°03'35" E, parallel with the N line of said SW/4, a distance of 130.00' to the POB.

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Case No. 19023

Action Requested:

Variance of side yard requirement of 15' to 10'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2448 E. 33rd St.

Presentation:

Alan Madewell, 5314 S. Yale, stated he represented the owners of the subject property. He informed the Board that the house was designed before the estate zoning was established. He filed for a building permit after the zoning was set in place. They decreased the footage but in order to retain the large trees on this undeveloped lot they request the variance.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of side yard requirement of 15' to 10', for the western-most lot, finding the hardship to be the existing trees, and that it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lots 2 and 3, Block 2, Timberlane, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19022

Action Requested:

Variance of the rear yard setback from 25' to 10'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance of side yard from 20' to 10' for addition to an existing non-conforming garage. SECTION 403. 5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 2934 E. 39th St.

Presentation:

Nathan Koch, stated he is with Olson, Coffey Architects. He submitted site plans to the Board (Exhibit E-1). He explained the dimensions and need for the variances to add a one-car garage on a cul de sac.

Comments and Questions:

Mr. White questioned the footage requested. Mr. Beach noted the concern that any car not parked in the garage would be parked within the public right-of-way; that is the purpose for the 20' for off-street parking. Mr. Dunham commented that on a cul de sac there would not be a lot of traffic.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the rear yard setback from 25' to 15'; and a **Variance** of side yard from 20' to 17' for addition to an existing non-conforming garage, per plan submitted today, finding it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 8, Block 26, Resubdivision of Blocks 19 through 26, Ranch Acres, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19031

Action Requested:

Minor Special Exception to amend a previously approved site plan, located 4102 S. Harvard Ave.

Presentation:

Tim Fox, 9411 S. Gary, stated he owns Fox Cleaners, and he is the general contractor. He has added a canopy to the plan that was previously approved by this Board.

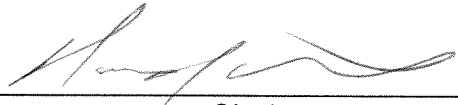
Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Minor Special Exception to amend a previously approved site plan, per plan submitted today.

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There being no further business, the meeting was adjourned at 2:26 p.m.

Date approved: MAY 22, 2001



Chair