

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 828
Tuesday, October 9, 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	Perkins	Beach	Boulden, Legal
Cooper		Butler	Cox, Neighborhood
Turnbo			Inspection
White, Chair			

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Monday 8, 2001, at 8:43 a.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.

MINUTES:

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (White, Dunham, Turnbo, "aye", no "nays", no "abstentions", Perkins, Cooper "absent") to **APPROVE** the Minutes of September 11, 2001 (No. 826).

On **MOTION** of **Turnbo**, the Board voted 3-0-0 (White, Dunham, Turnbo, "aye", no "nays", no "abstentions", Perkins, Cooper "absent") to **APPROVE** the Minutes of September 25, 2001 (No. 827).

Case No. 19200

Action Requested:

Mr. Beach asked if anyone was present for the case, as there were some questions regarding the relief requested. No one was present at the time. Mr. Beach stated that he would wait until later where the case is listed on the agenda.

UNFINISHED BUSINESS

Case No. 19189

Action Requested:

Special Exception to permit an Art Gallery, not for profit, in an IM district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS -- Use Unit 5; and a Variance of the required number of parking spaces from 9 to 0. SECTION 1205.C. COMMUNITY SERVICES AND SIMILAR USES; Off-Street Parking and Loading Requirements, located 308 S. Kenosha.

Presentation:

Steve Liggett, 308 S. Kenosha, stated he is the Director of the Living Arts of Tulsa. He stated that they have been at this location since February 2000. He stated his request to the Board.

Comments and Questions:

Ms. Turnbo asked where the patrons and employees have parked. Mr. Liggett replied that all of their events are after 5:30 p.m. He added that all of the neighbors leave by 5:00 or 5:15 p.m, and they have never had a parking problem. The patrons and employees park on the street. Mr. Beach asked what days of the week they use the facility. Mr. Liggett replied the gallery is open from 5:00 to 8:00 p.m. on Thursdays, 1:00 to 4:00 p.m. on Saturdays and special events on Thursday, Friday and Saturday afternoons and nights. Mr. Dunham asked what precipitated this application. Someone told him that they should go through this process.

Interested Parties:

Willis Thompson, 10006 S. Braden, stated he is the owner of the property adjacent to the north, 222 S. Kenosha, to the subject property. He stated that parking in the area is a serious problem and he provides adequate parking for his tenants. He put a gate on his enclosed parking to keep unauthorized people from parking there. He stated his objection to the application.

Comments and Questions:

Mr. Dunham asked Mr. Thompson if the Board approved after 5:00 p.m. on Thursday night and 1:00 p.m. to 4:00 p.m. on Saturday, would he still consider there to be a lack of parking on the street. Mr. Thompson replied that he would object because there were problems with other businesses using his parking for evening meetings. Mr. Dunham asked how often they have the special events.

Mr. Cooper arrived at 1:16 p.m.

Mr. Thompson replied the special events are about once per month. Ms. Turnbo asked about late events on Fridays and Saturdays. Mr. Thompson replied that a late event on Friday or Saturday would be about 7:00 p.m. to 11:00 p.m.

Board discussion ensued.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye", no "nays", no "abstentions", Perkins "absent") to **APPROVE** a **Special Exception** to permit an Art Gallery, not for profit, in an IM district; and a **Variance** of the required number of parking spaces from 9 to 0 with the conditions that days and hours of operation on a regular basis are Thursday from 5:00 p.m. to 8:00 p.m. and Saturday from 1:00 p.m. to 4:00 p.m. and allowing one event per month on either Friday from 7:00 p.m. to 11:00 p.m. or Saturday from 7:00 p.m. to 11:00 p.m., finding the hardship to be that it is an existing condition of parking deficiencies in the area; there is no use that would not require some parking; and this is the least intrusive, on the property described as follows:

Original Town, E 50' S 120' Lot 8, and E 35' W 50' S 32' Lot 8, and S 120' Lot 9, Block 113, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19200

Action Requested:

Special Exception to allow indoor soccer facility in an IL zoned district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS -- Use Unit 19; and a Variance of the all-weather surface for parking on a portion of the tract. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located S of SW/c E. 56th St. & S. Garnett Rd.

Presentation:

Mendy Ward, the applicant, was not present. Mr. Beach informed the Board that it was apparent from an e-mail that the applicant intends to withdraw the variance from an all-weather surface, and they have already been re-advertised for a variance from the number of parking spaces required. The case will come up on October 23, 2001.

Board Action:

No Board action is needed.

Case No. 19205

Action Requested:

Special Exception of the home occupation requirements to allow a tool truck to be parked on residential property; and a Variance of the home occupation requirements to allow a tool truck to be parked on residential property. SECTION 402.B.6.a.2. & 6. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions -- Use Unit 6, located 1644 S. 119th E. Ave.

Presentation:

Howard D. Perkins, Jr., P.O. Box 690355, Tulsa, Oklahoma, stated he was representing **John Henry Binkler**, the applicant. He believed that Mr. Binkler could park his truck at his residence by right. Mr. Perkins stated it is not a home occupation and everything involving his business is within his truck. He also believes that this tool truck is a customary vehicle in this neighborhood. Mr. Binkler has been parking this truck at his home for approximately twenty years.

Interested Parties:

Kevin Cox, Neighborhood Inspections, 111 S. Greenwood, stated he received a complaint of illegal storage of trash, junk and debris, and storage of an oversized vehicle in a residentially zoned district. Upon inspection of the property, he stated that he found the complaint to be valid, with multiple nuisance violations and a lawfully stored recreational vehicle stored on the driveway. The oversized tool truck with advertising was also found parked next to the motor home. Neighborhood Inspections believes that the Board should uphold the decision of the Administrative Official on the grounds that the vehicle violates the zoning code and the traffic code. A packet and photographs (Exhibit A-1) were submitted to the Board.

Jim Hartsell, 1661 S. 118th E. Ave., stated that the neighborhood began to deteriorate about fifteen years ago. The residents formed Cherokee Village Homeowners' Association. They have worked on cleaning up the neighborhood. He added that they have seen semi-trucks, and other oversized trucks moved out of the neighborhood to other parking locations, and this would be a step backward.

W. D. Priddy, 10301 E. 92nd St. N., Owasso, Oklahoma, stated that the tool truck blocks the view of traffic. He submitted photographs (Exhibit A-2) to the Board.

Comments and Questions:

Mr. Cooper asked how long it has been parked there. Mr. Priddy replied twenty years.

Interested Parties:

Monica Barzak stated she is the Administrative Aide for Councilor Art Justis, 200 Civic Center, Ste. 200. Mr. Justis objects to the special exception in this neighborhood with small homes and small properties.

Georgia Priddy, 10301 E. 92nd St. N., Owasso, Oklahoma, submitted a copy of appeal to tax assessor (Exhibit A-5) to the Board. She explained that they lowered her taxes when she showed them photographs of the applicant's property and the tool truck.

James Mautino, 14628 E. 12th St., submitted photographs (Exhibit A-4) to the Board. He pointed out that the motor home was hooked up to water and electricity and the satellite in the driveway against the zoning code. He asked the Board deny the application.

Troy Williams, 402 S. 105th E. Pl., noted that if he has the tool truck and motor home in the driveway it would force him to park his personal vehicles in the street. He expressed concern that the vehicles on the street would impede emergency vehicles.

Applicant's Rebuttal:

Mr. Perkins informed the Board that the applicant did clean up the property. The reason the tool truck was parked over the sidewalk was because the applicant was cleaning up the driveway to comply with the Zoning Code after he received the notice. He stated there was plenty of space to park the truck on the driveway after the cleanup. A letter of response to notice (Exhibit A-3) was submitted to the Board.

Board Action:

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye", no "nays", no "abstentions", Perkins "absent") to **DENY** a **Special Exception** of the home occupation requirements to allow a tool truck to be parked on residential property; and a **Variance** of the home occupation requirements to allow a tool truck to be parked on residential property; and to Uphold the decision of the Administrative Official, on the following described property:

Lot 32, Block 10, Cherokee Village Second, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19206

Action Requested:

Approval of amended site plan (16399) to add new education building on church. SECTION 703. BULK AND AREA REQUIREMENTS IN THE

COMMERCIAL DISTRICTS; a Variance of required setback from 25' to 0'. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS; a Special Exception for church use (Use Unit 5) on Lots 16 - 20, Block 3, Eisenhower Addition. SECTION 501. PRINCIPAL USES PERMITTED IN THE PARKING DISTRICTS – Use Unit 5; and a Variance of floor area ratio from 70% to 48% per plan. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, located 3515 S. Harvard.

Presentation:

Mr. Beach called the Board's attention to his staff comments that church uses in the PK district are not allowed by right or by exception. He also pointed out that the variance requested for floor area is less than the floor area approved by the Board in 1993. Mr. Beach stated that these two requests should be stricken.

Larry Johnston, 610 S. Main, Ste. 200, explained the reasons for the variance request for the floor area ratio. He stated their plans to purchase the last house on the south end of the church then to apply for a permit to close Indianapolis and then re-plat and apply for a PUD on the total property. This is an intermediate step before re-zoning so they could be in full compliance. A site plan (Exhibit B-1) was submitted to the Board.

Comments and Questions:

Mr. Dunham noted that all they need is relief to build a new education addition. Mr. Dunham stated that according to the staff comments they could strike the last two requests.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye", no "nays", no "abstentions", Perkins "absent") to **APPROVE** an amended site plan to add new education building on church, subject to a tie-agreement, including the new parking area the church has acquired since the last application; a **Variance** of required setback from 25' to 0', to allow construction of the new education building, finding the hardship to be that the church owns more than adequate land to provide parking and this represents very low building to land ratio for area involved, per plan submitted, on the property described as follows:

Block 40, Albert Pike Subdivision, Lots 1 – 4, Block 4, and Lots 11 - 20, Block 3, Eisenhower Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19207

Action Requested:

Special Exception to permit a church and accessory uses (parking lot) in an RS-3 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; a Variance of requirement that a church in an R district have a minimum lot area of one acre and lot width of 100'. SECTION 1205.B. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses; a Variance of screening requirement from R district on south side only. SECTION 1212.C. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Use Conditions; and a Variance to allow required parking to be located on another lot than the principal use. SECTION 1301.D. OFF-STREET PARKING; GENERAL REQUIREMENTS, located 2331 N. Quaker St.

Presentation:

Julius Pegues, 1814 W. Newton, St., stated he was representing the Lutheran Church of the Prince of Peace. He introduced the pastor, Sydney Flack. Mr. Pegues stated that the building has existed in this location since 1952. The church has owned the property across the street for about forty years. There is a house on the south side of the church that has been unoccupied for about one year. Mr. Pegues stated that they are trying to get the cars off the street to reduce the congestion.

Comments and Questions:

Mr. Dunham noted that the last request for a variance to allow parking on another lot is really a special exception.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye", no "nays", no "abstentions", Perkins "absent") to **Special Exception** to permit a church and accessory uses (parking lot) in an RS-3 zoned district; a **Variance** of requirement that a church in an R district have a minimum lot area of one acre and lot width of 100'; a **Variance** of screening requirement from R district on south side only, on condition that if the adjacent property on the south becomes occupied as a single-family dwelling, that the screening requirement will be required, finding it is not a single-family use now; and a **Special Exception** to allow required parking to be located on another lot than the principal use, with condition of a tie-agreement of the church properties on the east and west sides of Quaker, on the following described property:

Beg. at a point 25.00' S of the NE/c NW/4 SW/4 NW/4, Section 30, T-20-N, R-13-E; thence W 145.90' to a point; thence S 120.00' to a point; thence E 145.90' to a point; thence N 120.00' to the POB, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19208

Action Requested:

Special Exception to allow outdoor recreation activities in an AG district. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 20; and a Variance of paved parking requirement. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located N of NE/c E. 41st St. & 177th E. Ave.

Presentation:

Larry Wagoner, 2 W. 6th, Ste. 420, stated he was representing the applicant, Antonio Mora. He submitted a site plan and photographs (Exhibits C-1, C-2). He described their plans to have horse shows, horse training, and outdoor competitions, with the anticipation of 25 to 30 vehicles at a time. There are horse stables toward the back.

Comments and Questions:

Mr. White asked if this was for a commercial establishment or a club, or other. Mr. Wagoner replied that it was not for commercial, just for family members and friends. Mr. Beach asked for clarification since the application was filed for a Use Unit 20, which is for commercial outdoor recreation activities. It also included public restrooms, horse competitions, live band, sale of beer and food, show horses, horse stables, and parking on grass, with intentions to build an arena. Mr. Wagoner asked for Mrs. Mora to come and answer the questions.

Sandra Mora, 2634 Archer St., explained that they want to do horse competition, horse training, have a live band, sell beer, stable horses, provide public restrooms. Mr. White asked if this was commercial. Mrs. Mora replied that it was not commercial. Mr. Dunham asked to whom they would sell beer. She replied to people that would attend. Mr. White informed her that is commercial. Mr. White asked if they would be charging admission. Mrs. Mora replied in the affirmative.

Mr. Wagoner showed a photograph (see Exhibit C-2) of the stables and stated they have been built with a permit. He informed the Board that they are renting out the stables currently.

Interested Parties:

Craig Belew, 3811 S. 177th E. Ave., asked if anything that was presented would be used to grant the commercial request. He submitted letters and petition of those protesting (Exhibit C-3).

Larry Johnson, 2535 E. 21st St., submitted a beer license application and copy of Code ordinances (Exhibit C-4) was submitted to the Board.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye", no "nays", no "abstentions", Perkins "absent") to **DENY** a **Special Exception** to allow outdoor recreation activities in an AG district; and a **Variance** of paved parking requirement, on the property described as follows:

SW/4 SW/4 Section 24, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma, less and except the N 300.00' of the S 767.00' of the W 767.00' and less and except the S 467.00' thereof.

Case No. 19209

Action Requested:

Variance of the required 20' rear setback to 11' 6" for a new addition to existing structure. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 701 N. Denver.

Presentation:

John Phillips, 701 N. Denver, stated he purchased the house about four months ago. He had planned to build an addition to bring it up to a normal standard of living. It is in the Brady Heights Historical District, and he wants to preserve the historical characteristics. He submitted a letter of support (Exhibit D-2) from Emily Warner to the Board. He also mentioned the letter of support (Exhibit D-1) from the Historical Preservation Commission to Jay Stump.

Comments and Questions:

Mr. White clarified that the legal description for this property was valid in 1971.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye", no "nays", no "abstentions", Perkins "absent") to **APPROVE** a

Variance of the required 20' rear setback to 11' 6" for a new addition to existing structure, finding the hardship to be the size of the lot, and it will be an improvement to the neighborhood, on the following described property:

W 80.00' Lot 7, Block 6, Brady Heights, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19210

Action Requested:

Variance reducing the off-street parking spaces required under Section 1211 of the Tulsa Zoning Code from 84 spaces to 60 spaces, including 57 standard spaces and 3 bus parking spaces, subject to the condition that no educational programs shall be provided at the Junior Achievement facility for any student more than 14 years of age. SECTION 1211. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES – Use Unit 11, located E side of S. 103rd E. Ave., N of E. 41st St.

Presentation:

Charles Norman, stated he was representing Junior Achievement of Tulsa. He informed the Board that this would provide for the first time a significant facility in this area. The organization is dedicated to teaching basic economics to young people in preparation for life under capitalism. The students will be under driving age, therefore will be transported by buses, and will not require as much parking space available. Mr. Norman submitted a site plan (Exhibit E-1). He was willing to accept the condition suggested by staff to limit the educational program to students 14 years of age and younger.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye", no "nays", no "abstentions", Perkins "absent") to **APPROVE** a **Variance** reducing the off-street parking spaces required under Section 1211 of the Tulsa Zoning Code from 84 spaces to 60 spaces, including 57 standard spaces and 3 bus parking spaces, subject to the condition that no educational programs shall be provided at the Junior Achievement facility for any student more than 14 years of age, per plan, finding the parking requirement for office use would work a hardship for this use, on the following described property:

A tract of land that is a part of Lot 1, Block 2, Bishop Acres, an addition within the City of Tulsa, Tulsa County, State of Oklahoma, being more

particularly described as follows: Beg. at the most westerly corner of Lot 1; thence N 62°28'32" E of the Wly line of Lot 1, for a distance of 25.05' to a point of curvature; thence continuing along said Wly line along a 375.00' radius curve to the left, having a central angle of 29°30'00", for an arc distance of 193.08' to a point of compound curvature; thence continuing along the Wly line along a 1000.00' radius curve to the left, having a central angle of 1°54'09", for an arc distance of 33.21' to a point; thence S 55°20'29" E for a distance of 108.81' to a point; thence S 41°16'18" E for a distance of 224.64' to a point on the Ely line of Lot 1; thence S 31°26'24" W along said Ely line, for a distance of 330.55' to a point; thence due W along the Sly line of Lot 1, for a distance of 88.16' to a point; thence along the Wly line of Lot 1 NWly along a 675.00' radius curve to the left, having an initial tangent bearing of N 13°55'36" W, a central angle of 13°35'52", for an arc distance of 160.20' to a point of tangency; thence continuing along said Wly line N 27°31'28" W, for a distance of 219.97' to the POB.

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Case No. 19211

Action Requested:

Special Exception for church related outdoor activities on October 20 and 21, 2001. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 2; and a Special Exception to allow parking on lot other than Use Unit 2 lot. SECTION 1303.F.4. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 6767 S. Mingo.

Presentation:

Steve Area, 5838 S. Sheridan, stated he was representing Asbury United Methodist Church. He stated they request these special exceptions for an outdoor concert, and campout on their property.

Interested Parties:

There were no interested parties who wished to speak.


Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye", no "nays", no "abstentions", Perkins "absent") to **APPROVE** a **Special Exception** for church related outdoor activities on October 20 and 21, 2001; and a **Special Exception** to allow parking on lot other than Use Unit 2 lot, with the conditions provided by the applicant: Saturday activities during the hours of 4:00 p.m. to 10:00 and Sunday activities 6:30 a.m. to 10:00 a.m., including a concert and sunrise service, and 100 campsites; restrictions include no alcohol, no smoking, no firearms, no fireworks, and no campfires, on the following described property:

NW/4 SW/4 Section 6, T-18-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 2:52 p.m.

Date approved: November 13, 2001



Chair