

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 838
Tuesday, March 26, 2002, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS

PRESENT

Dunham, Vice Chair
Turnbo
White, Chair

MEMBERS

ABSENT

Cooper
Perkins

STAFF

PRESENT

Beach
Butler

OTHERS

PRESENT

Boulden, Legal

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Friday, March 22, 2002, at 11:00 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 **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye", no "nays", no "abstentions", Perkins, Cooper "absent") to **APPROVE** the Minutes of March 12, 2002 (No.837).

UNFINISHED BUSINESS

Case No. 19313

Action Requested:

Special Exception under Section 701 of the Tulsa Zoning Code to permit the building located on Tract One in a CH Zoning district to be used for light manufacturing as permitted under Use Unit 25. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 25; and a Special Exception under Section 1301.D. to permit part of the off-street parking required for the Use Unit 25 uses to be located on Tract Two. SECTION 1301.D. GENERAL REQUIREMENTS, located SW/c E. 9th St. & RR ROW & NE/c E. 11th St. & RR ROW.

Presentation:

Mr. White stated that he would abstain from Case No. 19313. He added that since there was not a quorum to vote the case would need to be continued to the next Board meeting.

Charles Norman, 2900 Mid-Continent Tower, stated that he would like to meet with interested parties. He would like to present the project and Environmental Assessment Report that they have had prepared.

Interested Parties:

The White City Neighborhood Association submitted information to the Board for review before the next Board meeting.

Board Action:

On **MOTION of Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **CONTINUE** Case No. 19313 to the meeting on April 9, 2002, regarding the property described as follows:

Tract 1: Lot 1, less the N 25' and the W 5' thereof and the N 200' of Lot 12, Block 1, Sanford Addition, a resubdivision of Block 26 and vacated E. 10th St. of Blocks 1 and 2, White City Addition; And Tract 2: Lot 1, Block 70, Glenhaven Addition, all in the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19316

Action Requested:

Variance of required rear yard in an RM-1 district from 20' to 12'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance of required side yard of 10' to 5', for an existing detached garage. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 1013 N. Delaware.

Presentation:

Mike Duck, 1013 N. Delaware Ave., stated the City of Tulsa asked him to tear down a condemned garage on the property. He built another garage on the same site only wider than the previous garage. He stated he did not know about the need for a variance. He received a notice from Neighborhood Inspections after the garage was built. He had previously applied for a building permit but had it built before he got the permit. A site plan was submitted (Exhibit A-1).

Comments and Questions:

Mr. White asked about the storage building that is also on the property. Mr. Duck wants to keep the portable storage building. Ms. Turnbo noted that the contractor applied for a building permit and the notice was sent to them, but they built the building before they received a permit.

Interested Parties:

Sandy Delaria, 1012 N. Delaware, stated he was in support of this application. He stated that the garage is an asset to the neighborhood.

Comments and Questions:

Mr. Dunham asked for the hardship to the variance. Mr. Duck responded that there was a previous garage, which was removed.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** of required rear yard in an RM-1 district from 20' to 12'; and a **Variance** of required side yard of 10' to 5', for an existing detached garage, per plan, finding this is replacing an older dilapidated structure in essentially the same location, on the following described property:

Lot 7, Portland Place Addition, City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 19317

Action Requested:

Variance of setback requirements in a RM-1 district to permit carport and parking 25' from centerline of East King Street. SECTION 1302. SETBACKS; a Variance of setback and all weather parking surface for parking and use of awning to cover parking space beside house. SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS; and a Variance of side yard setback to permit accessory building. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 848 N. College.

Presentation:

John W. Moody, 7146 S. Canton, stated he represented Austin and Susan Hughes, the applicants and owners of the property. He informed the Board they want to withdraw the variance for the all-weather surface and awning. He submitted photographs (Exhibit B-2). They built a carport for a limousine. The contractor informed them that they did not need a building permit. The building inspector informed them they would have to get a permit and would need an all-weather surface driveway. The neighborhood is zoned multi-family, and there is a four-plex on the west side of the property. The applicant has already paved the driveway, and cut off five feet of the carport that extended over the easement and right-of-way. He submitted a petition with 33 signatures (Exhibit B-3) in support of the application. He pointed out that the street is only one block long and would not be widened. A site plan was submitted (Exhibit B-1).

Interested Parties:

The interested parties signed the petition as submitted.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Variance** of setback requirements in a RM-1 district to permit carport and parking 25' from centerline of East King Street, per plan, finding it is consistent with the neighborhood, and in line with the parking on adjacent properties, on the following described property:

N 91.88' of the E 136.625' of the W 274.125' of Lot 1, Block 2, Alex Lewis Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19319

Action Requested:

Special Exception for a duplex in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 7; and a Variance of required side yard of 35' to 34'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located SW/c I-44 & S. Madison.

Presentation:

Steve Benge, 9945 S. 79th E. Ave., stated the property has been vacant for years, and abuts I-44. There are a number of duplexes in the neighborhood and he proposes to build a duplex. The setback was changed in the past to 35', which makes the lot almost unusable for construction. The house to the west is built 25' from the curb.

Comments and Questions:

Mr. Beach pointed out that in a case like this, the code allows an average of the required setback and the setback of the adjacent building (that is closer to the street). Mr. Dunham informed the applicant that the variance is not needed. The applicant withdrew the request for a variance.

Interested Parties:

Vince Hightower, 320 S. Boston, stated he has no objection to the application.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Special Exception** for a duplex in an RS-3 district, per plan, finding 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:

Lot 1, Block 1, Riverview Village 3rd Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19320

Action Requested:

Special Exception for church use in an RS-2 district to allow expansion of existing church. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; a Variance for existing parking within a required front yard. SECTION 1205.B. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses; a Variance for required parking from 129 to 124 spaces. SECTION 1205.B. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses; and a Variance of required setback from a residential district for construction of a new accessory, detached metal storage building. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS, located 2900 S. Harvard Ave.

Presentation:

William Stoskopf, 3809 S. Troost, stated he represents the Fellowship Congregational Church. A site plan was provided to the Board (Exhibit C-1). They propose to add a 5,000 square foot addition, for classrooms, meeting room, choir room, restrooms, an exterior memorial garden, and remodeling of existing facility. The zoning is CH on Harvard and R on 29th Street.

Comments and Questions:

Mr. Dunham asked why they don't move the existing storage building to the south instead of asking for a variance. Mr. Stoskopf responded that the variance is not for the existing storage building and they could remove the building. He added they probably could move the new building to the south.

Interested Parties:

George Brewer, 2879 S. Gary Ave., submitted a photograph (Exhibit D-2) to the Board. He stated his property abuts the subject property on the south and west. He expressed concern that more storm water drainage would flow onto his property. He asked for clarification of the general location for the new structures. Mr. White explained that the Stormwater Management Department would have to approve plans when it goes through the platting process. Mr. Brewer responded that the department has informed him that they could not prevent the drainage onto his property. He would not object to this application if they can direct the drainage into the City drainage system.

Larry Christian, 2863 S. Gary, stated he has no objection to the application. He did request that exterior lighting be turned down toward the church property and not toward the residences.

Applicant's Rebuttal:

Mr. Stoskopf responded that they would direct the lighting toward the church property. He pointed out the storm water drainage plans are shown on the site plan. Mr. Dunham asked if they build a new metal storage building would they remove the existing one.

James Derby, 4047 E. 43rd St., stated he is Chairman of the Board of Trustees, of the church. He stated that the existing storage building is about 6' x 10', used for lawn equipment, and has been there since the 1950's. They would be willing to remove it if they are required.

Mr. Beach informed the Board there is a subdivision plat being submitted this week and all drainage issues would be taken up at that time.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Special Exception** for church use in an RS-2 district to allow expansion of existing church; a **Variance** for existing parking within a required front yard; a **Variance** for required parking from 129 to 124 spaces; and a **Variance** of required setback from a residential district for construction of a new accessory, detached metal storage building, per plan, noting that the variance for the required setback on the new metal storage building is from 25' to 15'; and with condition that all outside lighting be hooded and pointed downward away from the existing neighborhood to the west, on the following described property:

A tract of land that is part of the S/2 NE/4 SE/4 SE/4 of Section 17, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being described as follows: Beg. at a point that is the SE/c of said S/2 NE/4 SE/4 SE/4; thence N 89°57'14" W along the S line of said S/2 NE/4 SE/4 SE/4 and along the N line of Harvard Complex, for 659.58' to the SW/c S/2 NE/4 SE/4 SE/4 and a point on the E line of Amended Lakewood Addition; thence N 0°00'19" E along the W line of said S/2 NE/4 SE/4 SE/4 and along the E line of said Amended Lakewood Addition for 304.22' to a point that is 25.00' S of the N line of said S/2 NE/4 SE/4 SE/4; thence S 89°57'12" E and parallel with said N line for 609.55' to a point 50.00' W of the E line of said S/2 NE/4 SE/4 SE/4; thence due S and parallel with said E line for 280.00'; thence S 89°57'12" E and parallel with said N line for 50.00' to a point on said E line; thence due S along said E line for 24.21' to the POB of said tract of land.

Case No. 19323

Action Requested:

Special Exception to permit a mobile home in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; a Special Exception of one year time period. SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; a Variance to permit two dwelling units on one lot of record. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD; and a Variance of land area per dwelling unit from required 8,400 to 4,637.5 sq. ft. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 7827 E. 21st Pl. S.

Presentation:

Janette Featherston, 7827 E. 21st Pl., stated she is the daughter of the applicant. They propose to move a 14' x 40' mobile home onto her backyard. She indicated it would probably not be visible to the neighborhood. She suggested it would be a temporary setup until her mother no longer lived there.

Comments and Questions:

Mr. Dunham expressed sympathy for the situation of the family. He explained that the lot is too small for two dwelling units, and there are no other mobile homes in the neighborhood. He also noted there is no hardship for this variance.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **DENY** a **Special Exception** to permit a mobile home in an RS-3 district; a **Special Exception** of one year time period, finding it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare; a **Variance** to permit two dwelling units on one lot of record; and a **Variance** of land area per dwelling unit from required 8,400 to 4,637.5 sq. ft., finding there is no hardship, on the following described property:

Lot 3, Block 17, Michael Heights Ext. Addition Resub Part Lot 1, Block 11 (Plat #2317), City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19322

Action Requested:

Special Exception to permit hotel use within an OH district. SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS – Use Units 19 and 8; a Special Exception to permit required off-street parking to be located offsite.

SECTION 1301.D. GENERAL REQUIREMENTS, located SW/c W. 21st St. & Main.

Presentation:

Roy D. Johnsen, 201 W. 5th, Ste. 501, offered to allow an interested party to speak in support of the application as part of the presentation.

Patrick Campbell, 3020 S. Madison Ave., stated he is the President of the Maple Ridge Association. He stated that he was not speaking for or against the application, but to express there are residents in support and in objection to this application. The Maple Ridge Board chose to make no comment on this project. Many members of the association appreciate the applicant's efforts to implement changes in the project and the interest shown in the neighbors' input on the project.

Mr. Johnsen stated he represented Tulsa Portofino, LLC, of which Paul Coury is the principal. The applicant purchased this property, which was previously owned by the Jaycees. It is zoned OL, OM and OH, permitting multi-family dwellings, restaurants, by right, and hotels by special exception. They propose to build a high-rise hotel, and an offsite parking garage. Boulder Park Drive is to the west. Veterans' Park is to the north. Harwelden is to the south. Portofino property is to the east. He suggested that the land use relationships are most appropriate. The applicant has met with the Woodward Terrace residents. Mr. Johnsen submitted a letter of support (included in Exhibit 1, the applicant's packet) from the Woodward Terrace Board. A letter from the Tulsa Arts and Humanities Council is also included in Exhibit 1. Mr. Johnsen identified three key conditions the applicant offered in this application, as follows:

The hotel use shall not exceed 48 rooms and shall be located within a mixed-use building containing not less than 32 dwelling units. The mixed-use building shall not exceed 21 stories in height. The mixed-use building shall not contain more than 160,000 square feet.

Mr. Johnsen stated that the residential entry would be from 22nd Street and the commercial entry would be from 21st Street. The plan is conceptual, but the standards listed above would remain applicable.

Interested Parties:

David Cordell, 2300 Riverside Dr., stated he was representing Mrs. Lavonn Manny, Meva O'Conner, Eunice Nolley, Mary Vance, and Ed Mayes. He felt that many of the residents would have been present at this hearing if it had not conflicted with a funeral of one of their neighbors. He stated that a number of residents were opposed to the application because it would obstruct the view. He expressed concerns regarding increased traffic, transients and hotel use in their residential neighborhood.

Carolyn Boatman, 114 E. 24th St., stated there was no formal vote of the neighborhood associations regarding support or objection to the application. She was not pleased with the earlier public statements intended to represent the associations. She hoped the neighbors could continue to stay in communication with the applicant, as the project develops.

Don Romine, 112 E. 26th Pl., stated he owns a condominium at Woodward Terrace. He stated that the residents at Woodward Terrace were not contacted regarding their support or objection to the project. He did not believe that the statements made for Maple Ridge Association were appropriate representation either.

Sherrie Cook, 2224 S. Boston Ave., stated she is in agreement with the concerns expressed by Ms. Boatman and Mr. Romine.

Applicant's Rebuttal:

Mr. Johnsen stated there is considerable support for the project as shown by the letters. He reviewed the options of the OH zoning such as, unlimited height, unlimited floor area, residential use, restaurants and provision for a special exception for hotel use. He expressed an understanding of the issues of dealing with change. He did not consider the argument of obstruction of view to be valid. He suggested that traffic would be less than a high-rise office building would generate.

Board Action:

On **MOTION** of Turnbo, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to **APPROVE** a **Special Exception** to permit hotel use within an OH district; a Special Exception to permit required off-street parking to be located offsite, per conceptual plan allowing for minor changes, with conditions for entrance on 21st Street to the hotel, and entrance on 22nd Street for residents; hotel not to exceed 48 rooms and shall be located within a mixed use building containing not less than 32 dwelling units; building not to exceed 21 stories in height; and shall not contain more than 160,000 square feet; and to **CONTINUE** Case No. 19322 to the meeting on April 9, 2002, to consider additional relief needed, on the following described property:

All of Lots 1, 2, 3, and the E 30.00' of Lot 11, and all of Lots 12, 13, 14, Block 3, Third Amended Plat of Riverside Drive Addition, City of Tulsa, Tulsa County, State of Oklahoma, AND a part of Lot 4, Block 3, Third Amended Plat of Riverside Drive Addition, and being more particularly described as follows: Beg. at the SE/c of said Lot 4; thence W along the S line of Lot 4, a distance of 60.00' to a point; thence N parallel to the E line of said Lot 4 a distance of 89.50' to a point; thence around a curve to the right having a radius of 38.00' a distance of 59.69'; thence continuing N parallel to the E line of said Lot 4 a distance of 20.00' to the N line of said Lot 4; thence E 22.00' to the NE/c of said Lot 4; thence S along the E line of said Lot 4, 147.5' to the POB; AND a part of Lot 11, Block 3,

Third Amended Plat of Riverside Drive Addition, and being more particularly described as follows: Beg. at the SW/c of said Lot 11, Block 3; thence N along the W line 32.38'; thence NEly along a curve to the left having a radius of 246.58' a distance of 122.74' to a point on the N line of said Lot 11, 38.79' E of the NW/c thereof; thence E along said N line 31.21'; thence S parallel to the W line of said Lot 11, 147.50' to the S line thereof; thence W along said S line 70.00' to the POB.

There being no further business, the meeting was adjourned at 2:42 p.m.

Date approved: April 9, 2002



Chair