

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 849
Tuesday, September 10, 2002, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Vice Chair
Cooper
Turnbo
White, Chair
Perkins

**MEMBERS
ABSENT**

**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 Wednesday, September 4, 2002, at 3:20 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.

Mr. Jim Beach read the rules and procedures for the Board of Adjustment Public Hearing.

Mr. Dunham arrived at 1:01 p.m.

MINUTES:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Turnbo "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** the Minutes of August 13, 2002, 2002 (No. 847).

Mr. Cooper arrived at 1:04 p.m.

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of August 27, 2002 (No. 848).

UNFINISHED BUSINESS

Case No. 19411

Action Requested:

Variance of permitted signage in an OM district. SECTION 602.B.4. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions, located 2424 E. 21st St.

Presentation:

Charles E. Norman, 2900 Mid-Continent Tower, stated he represented the owner of the building on the subject property and the Oklahoma National Bank. He submitted a packet including the site plan (Exhibit A-1). The proposed signage includes a wall sign, a ground sign and a small logo over the canopy of the new entry on the north entrance of the building. The permitted signage is 90.8 square feet and they requested a total signage of 96 square feet. Mr. Norman pointed out that if the property had been platted into three lots instead of two, they would have been permitted 96 square feet by right.

Comments and Questions:

Mr. Dunham asked for the hardship. Mr. Norman stated that the property was platted as two lots instead of three.

Interested Parties:

There were no interested parties 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 permitted signage in an OM district, per plan, finding that the property was platted into two lots instead of three, which would have met the standards and the requested signage would have been permitted, on the following described property:

Lot 2, Block 1, Amended Plat of Texaco Center Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19429

Action Requested:

Variance to reduce the number of required parking spaces from 22 to 14 for a 1,600 square foot building. SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements and SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 12a, located 2630 E. 15th St. S.

Presentation:

R.L. Reynolds, 2727 E. 21st St., stated they revised the site plan to make the parking spaces as close as possible to compliance with the zoning code. Site plan was provided (Exhibit B-1).

Comments and Questions:

Ms. Turnbo asked for the dimensions of the parking spaces. Mr. Reynolds described the spaces as having a length of 18', a width of the diagonal spaces 10', and the other five are 9'. Mr. Dunham asked for the hardship. Mr. Reynolds replied that the hardship is, this has been a bar since 1949 and the zoning code changed. He indicated they have not had any parking problems. Ms. Turnbo suggested a sign be posted for a turn-around at the far end of the parking lot.

Interested Parties:

Gerald Pace, 2618 E. 15th Pl., stated his main interest was the reason for requesting fewer parking spaces, thinking the business was changing. He had no opposition to the application.

Board Action:

On **MOTION** of **Perkins**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to reduce the number of required parking spaces from 22 to 14 for a 1,600 square foot building, per plan, and to post a sign for turn around, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lot 5, Block 1, Jean Heights Subdivision of Lots 21 and 24 of Glen Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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NEW APPLICATIONS

Case No. 19441

Action Requested:

Approval of amendments to previously approved plans to permit expansion of track support building at north end of soccer-track field and add fencing around track and soccer facility, located NW/c E. 6th St. & S. Delaware Ave.

Presentation:

Charles E. Norman, 2900 Mid-Continent Tower, stated he represented the University of Tulsa. He mentioned the previous BOA approval of the plans for the new competitive soccer field, track and stadium. He explained the amendments requested for more building space and improved fencing. He informed the Board that it would not create need for additional parking or displace any planned parking. Mr. Norman informed the Board that they were going to upgrade the new

fencing, so instead of painted metal it will be extruded aluminum. A site plan was provided (Exhibit C-1).

Interested Parties:

Montel Clark, 2730 E. 4th St., expressed concern regarding any on-street parking, since they have been inconvenienced by the construction for a long time.

Herb Forrest, 2734 E. 4th St., stated his concerns were the same as Mr. Clark. Ms. Turnbo suggested he call his City Councilor with these complaints, since they are not pertinent to this application.

Maria Barnes, 2252 E. 7th St., stated she is the President of the Kendall-Whittier Neighborhood Association. She understood this to be an addition of lockers, and improvement of the new fencing. The association is in support of this application.

Applicant's Rebuttal:

Mr. Norman informed the Board that he has referred Mr. Forrest to a specific officer in charge of the student housing. He added that he would personally make a call regarding the complaints. He reminded the Board that they have constructed a two-sided very attractive screening fence on the north side of the apartment complex with decorative lighting and a path that is part of the trails system in the neighborhood.

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** amendments to previously approved plans to permit expansion of track support building at north end of soccer-track field and add fencing around track and soccer facility, per plan presented, on the following described property:

A tract of land that is all of Lots 12 through 21 in Block 5, and all of Blocks 6, 7 and 8 of Highlands 2nd Addition, and also that part of vacated 4th Pl. between Blocks 5 and 6, and vacated 5th St. between Blocks 6 and 7, and vacated 5th Pl. between Blocks 7 and 8, all of Highlands 2nd Addition, and also part of vacated S. Columbia Ave., said Tract of land being more particularly described as follows, to-wit: Beg. at a point that is the SW/c of said Block 8 of Highlands 2nd Addition; thence N 00°03'00" E along the Wly line of said Block 8 and the Nly extension thereof for 350.00' to the SW/c of said Block 7; thence S 89°40'27" W along the Wly extension of the Sly line of Block 7 for 25.00' to a point on the centerline of vacated Columbia Ave.; thence N 00°03'00" E along the centerline of said vacated Columbia Ave. for 820.49' to a point on the Nly line of Lot 11, Block 5 of Highlands 2nd Addition; thence N 89°46'00" E along the Nly line of Block 5 for 635.96' to the NE/c of said Block 5; thence S 00°02'58" E along the Ely line of Blocks 5 through 8 and the Wly right-of-way line of S. Delaware Ave. for 1169.45' to the SE/c of said Block 8; thence S 89°40'27" W along the Sly line of Block 8 for

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Case No. 19443

Action Requested:

Variance to allow a structure in the planned right-of-way. SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 14, located 3504 E. 11th St.

Presentation:

Troy Taylor, 123 S. Front St., Memphis, Tennessee, stated he is a Regional Design Manager for Auto Zone, Inc. He stated they are asking for nine additional parking spaces as shown on the site plan (Exhibit E-1). He stated the hardship would be that with an additional 50' from the centerline of 11th Street, it would encroach on the usable construction area and the depth of the lot is only 140'. The benefit would be less congestion.

Comments and Questions:

Mr. Dunham asked if they would agree to a removal contract, should the City decide to widen the street. Mr. Taylor responded they had already decided to agree to a removal contract.

Comments and Questions:

Mr. Cooper asked staff for the required parking for this property. Mr. Beach responded that the plan shows 34 parking spaces on site and the requirement is 25 spaces. If the nine parking spaces were removed they would still be in compliance.

Interested Parties:

Mike Bagby, 3427 E. 12th St., stated the neighbors were in support of the 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 **Variance** to allow a structure in the planned right-of-way, per plan, subject to a removal contract, finding the overall situation will be better with the additional spaces than without it and it is unlikely 11th Street will be widened, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lots 9, 10, 11, 12, Block 1, Harvard Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19444

Action Requested:

Special Exception to permit a welding shop in a CH district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 25, located 1120 South Hudson.

Presentation:

William Cleary, 13115 N. 150th E. Ave., Collinsville, Oklahoma, stated he has a welding shop on 11th Street, at 5941 E. 11th. He proposes to have a welding shop on the subject property.

Interested Parties:

There were no interested parties 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 **Special Exception** to permit a welding shop in a CH district, 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:

The S 150.00' of a tract of land, more particularly described as follows, to-wit: Beg. 35.00' S and 25.00' W of the NE/c NW/4; thence W 80.00'; thence S 150.00' thence W 77.50'; thence N 150.00'; thence W 45.00'; thence S 150.00'; thence W 60'; thence N 150.00' thence W to the railroad right-of-way; thence SEly along said railroad right-of-way 350.00' to a point; thence E 344.00'; thence N 300.00' to the POB, in Section 10, T-19-N, R-13-E, of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19445

Action Requested:

Special Exception to allow an existing non-conforming use, auto repair, in a CS zoned district to add an addition to the building. USE UNIT 17 – AUTOMOTIVE AND ALLIED ACTIVITIES, located SE/c E. 25th Pl. & S. Sheridan.

Presentation:

Jimmy Strong, 11951 E. 17th St., stated he bought the property and has been cleaning it up and making improvements. He submitted a packet with a site plan (Exhibit F-1). He proposes to build an additional building mainly to eliminate outside storage. He has communicated with the neighborhood association and feels he has their support.

Comments and Questions:

Mr. Dunham noted the staff recommends an 8' screening fence. Mr. Strong was in agreement with the recommendation. Mr. Cooper asked if there would be any

outside storage, to which Mr. Strong replied there would not be any. Mr. Strong planned to leave at least ten feet between the back of his building and the residential property line.

Interested Parties:

Rosie Moon, 6601 E. 60th, stated she is a former resident of the neighborhood. She stated her support, and added that it is on 25th Place, not 25th Street. She expressed concern for traffic moving out on Sheridan from 25th Place. She pointed out the incline from the south. She wondered if his business would cause more traffic congestion.

Applicant's Rebuttal:

Mr. Strong responded that he would have an overhead door on the north end of the addition. He spoke with his architect already about the error on the site plan labeling 25th Street rather than 25th Place.

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** to allow an existing non-conforming use, auto repair, in a CS zoned district to add an addition to the building, per plan, on condition there be no outside storage, and for an 8' high screening fence on the east property line, on the following described property:

The W 206.00' N 105.00' S 300' S/2 NW/4 of Section 14, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19446

Action Requested:

Special Exception to permit an electrical contract construction service in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15, located 11408 E. 19th St. S.

Presentation:

David Rogers, 1939 N. 289th E. Ave., Catoosa, Oklahoma, stated his request for relief.

Interested Parties:

There were no interested parties who wished to speak.

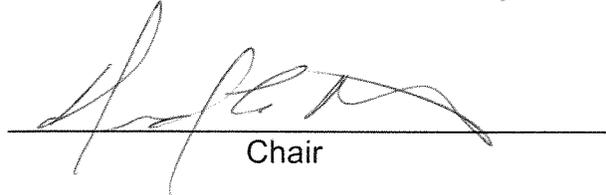
Board Action:

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 **Special Exception** to permit an electrical contract construction service in a CS district, subject to the applicant meeting all of the zoning requirements, on the following described property:

W 109.50', Lot 2, Block 2, Tri Angle Commercial Park, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 1:55 p.m.

Date approved: SEPTEMBER 24, 2002


Chair