

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 856
Tuesday, January 14, 2003, 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

**MEMBERS
ABSENT**

Perkins

**STAFF
PRESENT**

Beach
Butler

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted at the City Clerk's office, City Hall, on Thursday, January 9, 2003, at 10:52 a.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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.

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 December 10, 2002 (No. 855) as amended.

CONTINUANCES and CASES WITHDRAWN

Case No. 19500

Action Requested:

Variance to allow a 1500 square foot detached accessory building in an RS-3 district. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS; and a Special Exception for church use in an AG and RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located Southeast corner of East 101st Street and Florence.

Presentation:

Mr. Beach informed the Board that residents in the neighborhood asked for a continuance, stating they did not receive notice in time to prepare for the hearing.

The applicant, John Keith Townsley, was present and he agreed to a continuance.

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. 19500 to the meeting on January 28, 2003.

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

UNFINISHED BUSINESS

Case No. 19490

Action Requested:

Variance to allow outdoor storage or display of merchandise offered for sale within 300 feet of an abutting R district. SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES; Use Conditions, location 9710 East 11th Street.

Presentation:

Mr. Beach reminded the Board that on December 10, 2002 they approved a special exception for auto sales on this property.

Kenton Kirchner, the applicant, 6330 E. 4th Pl., was present.

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** to allow outdoor storage or display of merchandise offered for sale within 300 feet of an abutting R district, finding there is sufficient setback and finding it will 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:

W 355.98' N 330.00' of Government Lot 1, Section 7, T-19-N, R-14-E, less and except street right-of-way, City of Tulsa, Tulsa County, State of Oklahoma.

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NEW APPLICATIONS

Case No. 19493

Action Requested:

Special Exception to modify conditions imposed in BOA 19361, approval of Children's Nursery for elementary ages only, to include infants through elementary age, located 1819 and 1825 East 15th Street.

Presentation:

Jon Jiles, 1825 E. 15th, proposes to include infants through elementary age at this nursery.

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** to modify conditions imposed in BOA 19361, approval of Children's Nursery for elementary ages only, to include infants through elementary age, 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:

Tract A: A portion of Lots 17 and 18, Block 5 Terrace Drive Addition, City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to-wit: Beg. At the SW/c of the E 50' of said Lot 17; thence N 00°26'51" W along the W line of said Lot 17, a distance of 193.72'; thence N 89°59'51" E a distance of 100.02'; thence S 00°26'16" E a distance of 193.74' to a point on the S line of said Lot 18; thence due W a distance of 99.96' to the POB; and Tract B: The N 120' of that property located at 1825 E. 15th, and more particularly described as follows: a portion of Lot 18, Block 5, Terrace Drive Addition, being more particularly described as follows, to-wit: Beg. At the NE/c of said Lot 18, thence S 00°24'17" E, along the E line of said Lot 18, a distance of 293.83' to the SE/c of said Lot 18, thence N 90°00'00" W along the S line of said Lot 18, a distance of 99.96; thence N 00°25'41" W a distance of 293.80' to a point on the N line of said Lot 18; thence N 89°59'45" E a distance of 100.07' to the POB.

Case No. 19495

Action Requested:

Variance of permitted display area of 62 square feet to 104 square feet. SECTION 602.B.4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS; BUSINESS SIGNS; and a Variance of the number of allowable signs per street frontage to two

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 required side yard from 15' to 6' to allow a detached accessory building (carport in the side yard on a corner lot), per plan, finding numerous other carports in the immediate area, that it lines up with the property adjacent across the street to the east, and finding it will 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 60.00' E/2 Tract 14, Crowell Heights, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19497

Action Requested:

Special Exception to build one single-family residence in a CH district. SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS, located Northeast Corner of East Pine and Boston Place.

Presentation:

Monte McElroy, 111 S. Greenwood, stated he is with the Tulsa Development Authority. He informed the Board they have sold the property, and they are in favor of the owner building a house on the subject property. A site plan was provided (Exhibit C-1).

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** to build one single-family residence in a CH 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 13 less S 20.00' and all Lot 14, Block 1, Melrose Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19498

Action Requested:

Special Exception for church use in RM-1 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS; a Variance of required one acre minimum lot size to 33,000 square feet. SECTION 1205.B.1.a. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; and a Variance of 25' setback from residential area. SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 4635 South Madison Place.

Presentation:

Hamilton Okotie, 4635 S. Madison Pl., stated the request to the Board. He added that it was previously used for a Masonic lodge.

Dawn Brooks, 210 W. Timberlane St., Broken Arrow, Oklahoma, stated she is the church administrator. She informed the Board that the church membership is small and consists of 32 families. They have been meeting in a store front property at 7018 S. Utica. They would use the facility for office hours during the weekdays, Wednesday evenings and Sunday mornings. They need more space than their current location. They want to place some playground equipment outside for use during services. They also plan to build the screening fence required by the zoning code.

Interested Parties:

Houston Mount, P.O. Box 14010, Tulsa, stated he and his wife own this property as investment property. He expressed concern about parking problems as they experienced with the previous tenant. He mentioned that the school and businesses are already encroaching on the neighborhood. He mentioned there is another church that meets at the school. Mr. Mount added the streets were not made for this much traffic. He informed the Board that he and Mr. Puckett have been approached by a realtor about additional parking space for the subject property.

Rod Puckett, 5533 E. 61st Pl., was concerned that it would change the character of the neighborhood. He stated he was opposed to the application.

Steve Tulk, 4622 S. Madison Pl., stated opposition for the above reasons.

Applicant's Rebuttal:

Ms. Brooks responded that they do not intend to add on or expand the parking lot.

Anna Milleret, Remax Executives Commercial Division, stated she has not spoken with anyone regarding more parking. She added that the property is more than sufficient for the church and their growth.

Ms. Brooks informed the Board of their plans to build their own facility in 2005. This is simply a temporary location for them.

Max Tankersley, 4240 S. Peoria, Empire Realty, stated he made a contact inquiring if the neighboring owner would be interested in selling any property if a church ever moved in and needed additional parking. This was long before this church was interested in the property. He also pointed out to the Board that the previous tenant had as many as 600 members and operated almost every night. He felt the church would be much less of a burden on the property.

Board Action:

On **MOTION** of **Dunham**, the Board voted 2-2-0 (White, Dunham, "aye"; Turnbo, Cooper "nay"; no "abstentions"; Perkins "absent") to **APPROVE** a **Special Exception** for church use in RM-1 district; a **Variance** of required one acre minimum lot size to 33,000 square feet; and a **Variance** of 25' setback from residential area, finding the second variance is to correct an existing condition for the building on the lot, with conditions to meet all parking requirements, and activities be limited to Wednesday night services, Sunday morning services, and one Friday night prayer service per month. The **MOTION failed** for lack of three affirmative votes, therefore it is **DENIED**, for the following described property:

Lot 2, Block 1, Evergreen Subdivision, Tracts 8-10, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19499

Action Requested:

Variance of maximum 18' height for a detached accessory building to 22'. SECTION 210 B. 5. a. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS, located 2540 South Owasso.

Presentation:

Michael McCrary, 2540 S. Owasso, stated he needs to correct some structural problems and to make the structure more usable. He proposes to increase the height of the attic. He submitted letters of support and photographs (Exhibits D-1 and D-2). Mr. McCrary pointed out the four to five foot difference in elevation between his home and his neighbor's home.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Cooper**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** of maximum 18' height for a detached accessory building to 22', finding the hardship

to be the four to five foot elevation difference in the subject property and the adjoining lot, on the following described property:

Lot 12, Block 8, Sunset Terrace, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19501

Action Requested:

Special Exception to permit a church and accessory uses in an RS-3 district. SECTION 401. PRINCIPAL USES IN RESIDENTIAL DISTRICTS – Use Unit 5, located 2161 South 91st East Avenue.

Presentation:

Lupe Diaz, 1106 E. 37th Pl., did not provide a site plan.

Comments and Questions:

Mr. Dunham pointed out the property does not meet the minimum requirement of one acre of land.

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 **CONTINUE** Case No. 19501 to the meeting on February 11, 2003, allowing time to properly advertise for the additional relief needed, and to provide a site plan.

Lot 7, Block 2, Memorial Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19502

Action Requested:

Variance of rear yard requirement of 25' down to 5' for a lot-split. SECTION 403 BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 2531 East 22nd Place.

Presentation:

Jim Turner, 1307 S. Boulder, Ste. 200, stated he was representing Steve and Sharna Bovasso, for a lot split. They are trying to increase the size of their back yard. They have discussed this with the City of Tulsa to have the electric lines moved. Photographs and a survey (Exhibits F-1 and F-2) were submitted to the Board.

Mr. White abstained from Case No. 19502.

Sharna Bovasso, 2530 E. 22nd St., stated she bought the house in 1998 and it was built in 1991. The garage was built before she purchased it. She pointed out there is only one extension of the garage that would leave a five foot space, which is near a storage shed that is used as a potting barn and not near a bedroom or other living space. There would be a nice brick pillar fence for privacy.

Interested Parties:

Bill Benton, 2531 E., 22nd Pl., stated he owns the property on the south. He indicated there have been previous lot splits and other changes to the property. He explained there is a big concrete slab in the area in question. Mr. Benton informed the Board that his family has no use for this space and they are in support of the application.

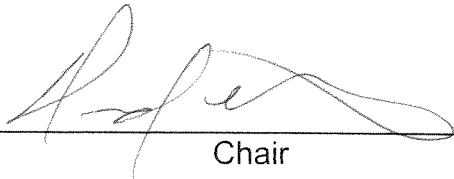
Board Action:

On **MOTION** of **Cooper**, the Board voted 3-0-1 (Dunham, Turnbo, Cooper "aye"; no "nays"; White "abstained"; Perkins "absent") to **APPROVE** a **Variance** of rear yard requirement of 25' down to 5' for a lot-split, with condition for no additional above ground construction on the south of the house at 2530 E. 22nd St., but would allow an in-ground pool, finding the hardship to be the two corner lots and the size of houses and lots in the neighborhood, on the following described property:

The S 110.00' of Lot 64 and the S 110.00' of the W 35.00' of Lot 63, Block 1, of Harters 4th Resubdivision, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 2:24 p.m.

Date approved: JANUARY 28, 2003


Chair

