

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 864
Tuesday, May 13, 2003, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS

PRESENT

White, Chair
Turnbo
Dunham, Vice Chair
Perkins

MEMBERS

ABSENT

Cooper

STAFF

PRESENT

Beach
Butler

OTHERS

PRESENT

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Wednesday, May 7, 2003, at 10:35 a.m., as well as at 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 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** the Minutes of April 22, 2003 (No. 863).

Case 19581

Action Requested:

Mr. Beach informed the Board that the applicant withdrew the application and staff recommends a refund.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to accept the staff recommendation to **APPROVE** a **Refund** of \$277.00.

UNFINISHED BUSINESS

Case No. 19543

Action Requested:

Variance to permit a business sign from the permitted 25' height to 100' in height in a CG district. SECTION 1221.E.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CG, CH, CBD, IL, IM, and IH Use Conditions for Business Signs; and a Variance of the required setback of one foot for every one foot of height over 25 feet. SECTION 1221.E.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CG, CH, CBD, IL, IM, and IH Use Conditions for Business Signs, located 129th E. Ave. & I-44.

Presentation:

Ben Agguire, 1017 SW 130th, Oklahoma City, Oklahoma, stated he represented the McDonald's Corporation. This case was continued to today to consider placing the sign off-site as a co-location use. They were trying to achieve better visibility on I-44. He submitted a packet with photographs (Exhibit A-2). A site plan was provided (Exhibit A-1). He listed the topography, foliage obstruction and expressway overpasses as the hardships. He stated it would be the same sign face on a taller pole.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** to permit a business sign from the permitted 25' height to 100' in height in a CG district; and a **Variance** of the required setback of one foot for every one foot of height over 25 feet, per plan, finding the hardship to be the elevation of the expressway and existing trees making it difficult to see the sign, on the following described property:

Lot 2, Block 1, Cooley Creek Center I, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19561

Action Requested:

Variance of required setback for a sign 75 feet high from 50 feet to 10 feet. SECTION 1221.D.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs, located 8130 E. Skelly Dr.

Presentation:

John Moody, 1924 S. Utica, stated this case was continued for a height variance of a previously approved sign for Jim Glover Chevrolet.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of required setback for a sign 75 feet high from 50 feet to 10 feet, finding the elevation of the expressway requires more distance to allow safe exit from the expressway, regarding the following described property:

Lot 5, Block 1, Groveland Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19566

Action Requested:

Special Exception to allow an office use in an RM-2 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 11; a Variance of building setback of an existing structure from centerline of public street from 50’ to 47’. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS; a Variance of building setback of an existing structure from an abutting R district from 10’ to 7’. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS; a Variance of requirement that a landscaped area 5’ in width be provided along abutting street right-of-way. SECTION 1002.A.2. LANDSCAPE REQUIREMENTS; a Variance of requirement that abutting residential district shall be separated from off-street parking area by a landscape area not less than 5’ in width. SECTION 1002.A.3. LANDSCAPE REQUIREMENTS; and a Variance of design standards of required off-street parking spaces to permit tandem parking of 2 spaces (existing drive and existing garage) and existing shared access with an abutting lot and 2 parking spaces within a proposed circular drive having a minimum width of 8’. SECTION 1301.F. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS, located 248 W. 16th St.

Presentation:

Roy D. Johnsen, 201 W. 5th St., Ste. 501, stated the application is for office space for one attorney, one employee in an RM-2 district. He pointed out the surrounding zoning of OL, and OM. It is a small tract 60’ x 54’, created in 1915. Originally the area was planned for offices. He submitted photographs (Exhibit B-2). He listed conditions (Exhibit B-1) to which the applicant would comply: 1) The office use shall be limited to the law office of one attorney and one support staff person; 2) Client office hours shall be limited to 8:00 a.m. to 5:30 p.m. Monday through

Friday; 3) A front circular drive shall be constructed as depicted on the submitted site plan; 4) The existing buildings shall not be enlarged and exterior alterations which would detract from the residential character of the buildings shall be prohibited.

Interested Parties:

Tracy Horner-Shears, 1522 S. Carson Ave., stated she represented the Riverview Neighborhood Association. Ms. Shears submitted a 1994 map and the District 7 Comprehensive Plan, and photographs (Exhibits B-3 and B-1). She stated the association is adamantly opposed to the special exception for office space. The association believes the zoning codes were written to protect the neighborhood and so they are opposed to variances of the code. Ms. Shears submitted a packet of information and letters of opposition (Exhibit B-4 and B-5).

Timothy Faber, 244 W. 16th St., stated they purchased an old apartment building. They made improvements so that it is a nice home in an area of historic homes. They are investing not in just a good neighborhood but in Tulsa as a whole.

Tom Robinson, 1606 S. Carson, stated he is restoring their home in the area. He opposed the precedent of office space in the neighborhood.

Jerry Mitchell, 240 W. 16th, stated he restored his home in the neighborhood. He was opposed to even low intensity office use, stating it has to stop somewhere.

Applicant's Rebuttal:

Mr. Johnsen did not consider an attorney's office to be threatening to the neighborhood. He felt it would be the best use for the area. He pointed out the conditions offered to not alter or enlarge the structure.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-1-0 (White, Dunham, Perkins, "aye"; Turnbo "nay"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to allow an office use in an RM-2 zoned district; a Variance of building setback of an existing structure from centerline of public street from 50' to 47'; a **Variance** of building setback of an existing structure from an abutting R district from 10' to 7'; a **Variance** of requirement that a landscaped area 5' in width be provided along abutting street right-of-way; a **Variance** of requirement that abutting residential district shall be separated from off-street parking area by a landscape area not less than 5' in width; and a **Variance** of design standards of required off-street parking spaces to permit tandem parking of 2 spaces (existing drive and existing garage) and existing shared access with an abutting lot and 2 parking spaces within a proposed circular drive having a minimum width of 8', subject to the four use conditions offered by the applicant, finding that with these conditions the special exception would 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

the W boundary line and 25.00' S of the N boundary line of the S/2 of said Lot 3, thence S along a line parallel to and 50.00' E of the W boundary of the S/2 of said lot, a distance of 216.55' to a point 420.00' N of the S boundary line of said Lot 3; thence E along the N boundary line of Southern Center Addition a distance of 435.00' to the NE/c of said Southern Center Addition; thence S along the E boundary line of said Southern Center Addition a distance of 294.00' to the true POB; thence continuing S along the E boundary line of said Southern Center Addition to Tulsa a distance of 126.00' to a point in the S boundary line of said Lot 3 a distance of 285.00'; thence N a distance of 126.00'; thence S 89°59'13" W a distance of 285.00' to the POB; AND part of Gvmt Lot 3, Beg. 398.74' W of the SE/c of Gvmt Lot 3, thence N 126.00', thence W 100.00' thence S 126.00' thence E 100.00' to the POB in Section 30, T-19-N, R-13-E; AND part of Gvmt Lot 3, beg. 498.74' W of the SE/c of Gvmt Lot 3, thence N 126.00', thence W 14.88', thence S 126.00' thence E 14.88' to the POB in Section 30, T-19-N, R-13-E of the IBM; AND part of the S/2 of Lot 3, Beg. 298.74' W of the SE/c of S/2 of Lot 3, thence N 126.00', thence W 100', thence S 126.00', thence E 100.00' to the POB of Section 30, T-19-N, R-13-E, and Lots 5 and 6, Block 17, Bellaire Acres Subdivision, all in the City of Tulsa, Tulsa County, State of Oklahoma.

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NEW APPLICATIONS

Case No. 19570

Action Requested:

Special Exception to allow Use Unit 5 for an existing church. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; a Approval to amend a previously approved site plan for expansion of the existing church as approved per BOA 17955 (adding to sanctuary, rest rooms, and child care area); a Variance of existing setback encroachment along Gary Street to extend sanctuary. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS; a Variance to allow existing parking in the required front yard. SECTION 1205.B.1. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; and a Special Exception to waive screening on north where new parking area abuts a residential district. SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 3188 E. 22nd St.

Presentation:

Stephen J. Olsen, 324 E. 3rd St., Olsen-Coffey Architects, stated that the property has never been approved for church use. This is basically a clean-up of old problems.

Comments and Questions:

Mr. Beach noted the applicant would need more relief for this project, listing a five-foot landscape area along abutting street right-of-ways; setback from centerline of 22nd Street; variance from the parking structure setback requirement and a license agreement with the City of Tulsa. Mr. Beach recommended that since it requires

Presentation:

Charles Peden, 5000 Rogers Ave., Ft. Smith, Arkansas, stated they propose to expand the current signage from 40 square feet to 80 square feet to install a message board to display community and bank services and products.

Comments and Questions:

Mr. Dunham noted the application reflects a request for 100 square feet. Mr. White asked if this was for one sign or two. Mr. Peden responded that would raise the existing sign and install the message board. Mr. Beach calculated that it does come to 100 square feet, which would be 250% of what is allowed. Ms. Perkins asked for the hardship. Mr. Peden replied they consider the inability to display community services and the limitation of the size of their site to be the hardship.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **DENY** a **Variance** of signage requirement of 40 square feet to permit 100 square feet of ground sign, finding lack of a hardship, on the following described property:

Lot 1, Block 1, Superior Federal Bank - East 61st Street Branch, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19573

Action Requested:

Variance of required 5' side yard to 2.6' to permit an addition of a carport in an RS-3 district. SECTION 403.A. 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 2934 S. Cincinnati Ave.

Presentation:

Michael Zenoni, 2934 S. Cincinnati, stated his request for reduction of side yard to build a carport.

Mr. Dunham out at 2:24.

Comments and Questions:

Mr. White asked if this would be an open-sided carport. Mr. Zenoni replied in the affirmative. The house was built in 1939 and has a very small garage not compatible with newer size vehicles. They also plan to modernize the utility space and make the garage into a game room. The neighbor has no objections as she is moving her house and selling the lot to the north of the subject property. A site plan, elevations and photos were provided (Exhibits D-1a, D-1b, and D-2).

Case No. 19580

Action Requested:

Variance of the required 5' side yard to 4' on one side. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Special Exception to permit a single wide manufactured home in an RS-4 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; a Special Exception to extend the one year time limit for a mobile home. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; and a Variance of maximum coverage of unenclosed parking areas in R districts in the required front yard from 36% to 80% on a lot 25' in width. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 2041 N. Fulton Ave.

Presentation:

Judy Reilly, 2039 N. Fulton, proposed to place a mobile home for family members. The Board previously approved the placement of another mobile home on the next lot over.

Comments and Questions:

Mr. White noted the creek where the elevation drops off abruptly. He questioned if the 76' home would fit the property. Ms. Reilly replied that they had it measured and there is plenty of room.

Interested Parties:

There were three interested parties, and none who wished to speak.

Variance of the required 5' side yard to 4' on one side was stricken from the request.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to permit a single wide manufactured home in an RS-4 district; a **Special Exception** to extend the one year time limit to thirty years for a mobile home; and a **Variance** of maximum coverage of unenclosed parking areas in R districts in the required front yard from 36% to 80% on a lot 25' in width, with condition to meet city codes, tie-downs, skirting, and DEQ permits, finding there are numerous other mobile homes in the area; 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:

Lot 3, Block 18, Original Townsite of Dawson, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19582

Action Requested:

Special Exception to allow Use Unit 5 for a wedding chapel and banquet facilities and gardens in an AG zoned district, located E. 21st St., W of 177th E. Ave.

Presentation:

Laurie Price, P.O. Box 68, Broken Arrow, Oklahoma, stated she read the staff comments and was willing to comply with parking requirements. She was not sure of the required parking. She planned for a maximum of 132 people.

Comments and Questions:

Ms. Turnbo questioned the six to eight parking spaces required for a facility that expects up to 132 people for weddings. Mr. Beach replied that he felt it should be treated similarly to a church. Ms. Price stated she would be willing to put in ninety parking spaces.

Interested Parties:

Mike Rowe, 17331 E. 21st St., stated his property is east of the subject property. He opposed the application because the homes in the area have five to ten acre tracts for their homes. He stated that his working experience in security has shown that such gatherings can produce loud and obnoxious activity such as squalling tires, loud music and trash when there is excitement and drinking involved.

Mr. White mentioned the nearby churches. Mr. Rowe felt they are far enough away and these are more of a party situation and he would expect some of these celebrations to possibly last until one or two a.m.

Applicant's Rebuttal:

Ms. Reilly responded that she planned for a wedding chapel with gardens, not a disco. She planned for a fence and tree line around the whole area to obstruct view and as a sound barrier. Mr. Boulden asked if she planned to restrict the hours of operation. She did not have restrictions set but she did not intend to work until the early hours of the morning. Mr. Beach asked if it was possible that receptions with a band might go until midnight. Ms. Reilly stated the rates are high so she didn't think it probable. Mr. Beach asked if she would accept the Board restricting the hours of operation. She was willing to accept the Board's restrictions of the hours.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **DENY** a **Special Exception** to allow Use Unit 5 for a wedding chapel and banquet facilities and gardens in an AG zoned district, 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, on the following described property:

A tract of land in the SW/4 SE/4 of Section 11, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows: Beg. at the SE/c SW/4 SE/4 of said Section 11, thence S 89°22'27" W along S line of said Section a distance of 441.00', thence N 0°51'58" W a distance of 592.68', thence N 89°22'27" E a distance of 440.96' thence S 0°52'13" E along the E line of the SW/4 SE/4 a distance of 592.68' to the POB.

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There being no further business, the meeting was adjourned at 3:32 p.m.

Date approved: _____

Chair