

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 880
Tuesday, January 27, 2004, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Vice Chair
Stephens
Turnbo
White, Chair
Perkins

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Beach
Butler
Alberty

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Friday, January 23, 2004, at 10:19 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.

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 19739

Action Requested:

Variance to permit an existing accessory storage building in order to split the lot for a new residence. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6, located: 11450 S. Winston Ave.

Presentation:

Mr. Beach informed the Board this case has been withdrawn.

Board Action:

No Board Action was required.

Case No.19749

Action Requested:

Special Exception to allow a duplex in a CS zoned district; a Variance of required 25.00' setback for parking (west side) to 10.00'; and an amended site plan previously approved by BOA 19510, located: 513 – 515 West Newton, and 1003 – 1011 West Newton.

Presentation:

Mr. Beach informed the Board this case needed to be continued to February 10, 2004. The applicant applied for more relief, which was added to a new notice.

Board Action:

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19749 to the meeting on February 10, 2004.

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MINUTES

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of January 13, 2003 (No. 879).

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UNFINISHED BUSINESS

Case No. 19727

Action Requested:

Special Exception to allow Use Unit 15 (portable buildings/storage sheds) in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15, located: 11212 E. Admiral Pl.

Presentation:

Wade Leggett, 11212 E. Admiral Pl., submitted a site plan (Exhibit A-1). They proposed to place new storage buildings for sale on the subject property. They are steel, insulated buildings. He submitted photographs (Exhibit A-4). He has talked with the neighborhood association, and cleaned the site. They want to build a privacy fence in the place of a chain link fence on the east of the office to store the steps they sell with the buildings.

Comments and Questions:

Mr. Dunham questioned if they needed more advertising for the outside storage of the steps. Mr. Beach was not sure of the distance between the storage area and the RS-3 district. Ms. Turnbo pointed out that the storage buildings would be

stored outside. Mr. Leggett also proposed to build a short steel pipe fence around the property to prevent trucks from parking on their property. Mr. Dunham suggested to the applicant that he needs to measure the distance from the area he wants to fence for storage of the steps to RS-3 district, as he would need to apply for further relief. Mr. Boulden stated that the Use Unit 15 would not restrict the distance of the outside storage. Mr. Beach added that the RS-3 district was on the other side of an arterial street so there are no screening requirements. A letter of support from the City Council Art Justis was provided. (Exhibit A-2).

Interested Parties:

Wayne Bohanon, 10617 E. 1st St., stated he is the President of the Wagon Wheel Neighborhood Association. He met with the owners of the business and found the plans to be good for the neighborhood. The association supports the application.

Nancy Creighton, 245 S. 120th E. Ave., stated she is the President of the Western Village Neighborhood Association. At the beginning they were against this case. Since then they have met with the applicant and seen what he proposes to do and do not feel the intent of the Code will suffer. She provided a list of conditions (Exhibit A-3) that they would like to be added to the approval.

James Mautino, 14628 E. 12th St., stated he agreed with what the homeowner's associations have worked out. He asked how the other business patrons would access the other businesses from Garnett if the applicant fences the parking lot. Ms. Perkins asked if the owner has to give right of access to other businesses. Mr. Boulden replied he does not have to provide access to other properties.

Brett Leggett, 11212 E. Admiral Pl., pointed out there are two entrances to the car wash and shopping center. There is no mutual access agreement.

Wade Leggett stated he was agreeable to the conditions suggested by the neighborhood association.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a ***Special Exception*** to allow Use Unit 15 (portable buildings/storage sheds) in a CS zoned district, with the conditions suggested by the neighborhood association: no outside storage of materials or merchandise can be visible from the street except the portable buildings (no more than 15). These are to be placed far enough back from the street so that visibility is not obstructed for traffic flow; other items, such as steps and dog houses located outside must be placed inside a solid privacy fence to be located on their parking lot where a chain link fence is now to replace the chain link fence; and no banners, balloons or flags are to be used, 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:

N 427.00' E 368.40' Government Lot 8 less N 75.00' & E 50.00', S 352.00' N 427.00' for street, Section 6, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19736

Action Requested:

Variance of the required parking spaces for restaurant from 30 to 15 spaces. SECTION 1212. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS – Use Unit 12, located: 3312 S. Peoria.

Presentation:

Mr. Beach reminded the Board this case was continued for the applicant to provide a survey to show the actual parking spaces available.

Larry Harrell, 3127 S. Rockford, asked for a two-week continuance. The applicants just recently requested his help with this case. He needed more time to prepare the items requested by the Board.

Comments and Questions:

Mr. Dunham asked that they provide Mr. Beach with the parking plan in advance of the next meeting so he can review it ahead of time. Mr. White noted there are eight striped spaces. He asked if there is a legal access to that lot from the shopping center to the north. Mr. Dunham informed Mr. Harrell of the request for a letter of agreement to share parking from the coffee company.

Interested Parties:

Richard Holmes, 5918 E. 31st, stated he is the attorney for P.S. Partners, owned by Jim Pinkerton. The laundromat owner signed a letter of opposition, stating they share the parking with the coffee company; and they are open during the hours the restaurant would be open.

Ms. Turnbo repeated her request from the last hearing for a list of the other businesses sharing the parking lot; their hours of operation; the number of parking spaces they have; and their agreement to give up their parking spaces during the hours the restaurant is open.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19736 to the meeting on February 10, 2004, on the following described property:

Applicant's Rebuttal:

Mr. Mudd stated there has never been a garage in the back. He stated that the other houses have garages and he has the only house without a garage. He would be willing to put in gutters to prevent water from draining onto the neighbor's property.

Board Action:

On **Motion of Dunham**, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins "aye"; Stephens "nay"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required side yard from 5' to 4' for garage addition, finding the small size of the lot and an existing house, on the following described property:

N 55.00' of Lot 4, Block 3, Terwilleger Heights, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19744

Action Requested:

Variance of average lot width from 50' to 44' to permit Lot-Split # 19647, located: 228 East Seminole Place North.

Presentation:

Hurst Swiggart, 111 S. Greenwood, stated he represented the Tulsa Development Authority. They are selling an 80' lot to an individual to build a new home. There is a driveway used in common with the neighbor. They propose to quit claim four feet of the driveway to the neighbor on the east so TDA can sell their lot. A site plan, a second plan and a survey were provided (Exhibits D-1, D-2 and D-3).

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of average lot width from 50' to 44' to permit Lot-Split # 19647, per plan, finding the existing lot was 40' and the addition will improve the property; 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:

Lots 8 and 9, Block 11, Meadowbrook, City of Tulsa, Tulsa County, State of Oklahoma.

Board Action:

On **Motion of Dunham**, the Board voted 4-0-1 (White, Dunham, Perkins, Stephens "aye"; no "nays"; Turnbo "abstained"; no "absences") to **APPROVE** an Amendment of a previously approved site plan (BOA 17574) to permit an addition to an existing building, per plan submitted today, on the following described property:

All that part of Block 1 of the Amended plat of Van Estates No. 2 – Lying west of the centerline of the drainage easement, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19748

Action Requested:

Special Exception to allow an indoor baseball/softball training facility in an IL district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19, located: 5460 South Garnett Road.

Presentation:

Tom McCarver, 5460 S. Garnett Rd., stated he is the owner of Batter Up, an indoor baseball-softball training facility. He added it is a 25,000 sq. ft. facility with an indoor dirt in-field. It will be mostly used by the youth teams but is also available for adult teams.

Comments and Questions:

In response to questions Mr. McCarver stated the days and hours of operation would be Sunday – Friday 1:00 p.m. to 9:00 p.m. and Saturdays from 10:00 a.m. to 10:00 p.m. The parking is located within the facility grounds apart from any other business or buildings. During the summer they would like to extend their hours to Sunday – Friday, 10:00 a.m. to 9:00 p.m. May, June, July and August.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow an indoor baseball/softball training facility in an IL district, May through August, from Sunday through Friday, 10:00 a.m. to 9:00 p.m. and Saturdays 10:00 a.m. to 10:00 p.m.; and the remainder of the year from Sunday through Friday, 1:00 p.m. to 9:00 p.m. and Saturdays from 10:00 a.m. to 10:00 p.m., 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:

