

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 898  
Tuesday, October 26, 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

**MEMBERS  
ABSENT**

Paddock

**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 Friday, 22, 2004, at 11:00 a.m., as well as at the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

After declaring a quorum present, Chair, White called the meeting to order at 1:00 p.m.

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

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**MINUTES**

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** the Minutes of October 12, 2004 (No. 897).

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**NEW APPLICATIONS**

**Case No. 19331**

**Action Requested:**

Special Exception to permit Offices, Studios and Support Services in an RM-2 District subject to bulk and area requirements of the OM district and Special Exception Uses in Residential Districts Requirements --Section 402 and Section 404 -- Use Unit 11; Variance of requirements for frontage for each lot to be on a public street --Section 603 -- Use Unit 11; Variance to reduce the landscaped area from the perimeter driveways and parking areas from 5 feet in width to 2 feet in

width, subject to development standards --Section 1002.A.3, located: 4106 South Rockford Avenue East.

**Presentation:**

**Charles Norman**, 2900 Mid-Continent Tower, stated the previous development began with plans for 37 townhouses on twenty foot wide lots with common party walls. The driveways and alleyways with curbs on the east and west sides were constructed before the project was stopped. He submitted photographs of the property (Exhibit A-1). He stated the application requests were for office use. He indicated the structures would be one story. They would also like to keep the existing curbs.

**Interested Parties:**

**Beverly Southard**, 4146 South Rockford Place, stated that her property abuts the subject property. She commented that she is not opposed to the application but wanted some assurance that the overgrown vegetation at her fence line would be cleaned up and maintained. She also asked if there would be trash bins and such in the rear yard.

**Applicant's Rebuttal:**

Mr. Norman responded that the code would require the applicant to put up a screening fence or wall between the subject property and residential property. The development standards would also require 15% of each lot to be landscaped. He stated there would be a significant setback and be maintained by the owners' association.

**Comments and Questions:**

Ms. Turnbo asked if there would be adequate parking. Mr. Norman indicated this is a conceptual site plan and for this size facility there is adequate parking. The parking and building size would be adjusted to conform to the zoning code.

**Board Action:**

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Special Exception** to permit Offices, Studios and Support Services in an RM-2 District subject to bulk and area requirements of the OM district; a **Special Exception** Uses in Residential Districts Requirements; a **Variance** of requirements for frontage for each lot to be on a public street; and a **Variance** to reduce the landscaped area from the perimeter driveways and parking areas from 5 feet in width to 2 feet in width, subject to development standards, finding this would be less intrusive and less density in the neighborhood than the previously planned townhouse development, on the following described property:

LT 1 BLK 1, DON-LEE ADDN, AND BLK 1 & E25 VAC ROCKFORD AVE BTW SL E 41 ST & NL E 42 ST, BLK 2 & W25 VAC ROCKFORD AVE BTW SL E 41 ST & NL E 42 ST, FORTY FIRST ADDN







**Presentation:**

**Kerry Miller**, 3511 South Birmingham, stated he represented Helen Stobb, and Sharon Boskell. The rear yard is in the floodway of Crow Creek. The original 25-year old, wood gazebo was removed to be replaced with a new masonry gazebo. A site plan was provided (Exhibit C-1).

**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, Stephens "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Variance** of required side yard from 15 ft to 5.75 ft to permit a detached accessory building, per plan, finding most of the rear yard is floodway with very limited room to construct the gazebo and the original existed for 25 years, on the following described property:

PRT LT 8 BEG NWC THEREOF TH E10 SLY TO PT 10E SWC LT 8 W10 NLY  
190.95 POB & ALL LT 9 BLK 2, FOREST HILLS

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**Case No. 19929**

**Action Requested:**

Special Exception to permit off-street parking in an RM-2 District -- Section 401-- Use Unit 10; Variance of required 10' foot rear building setback to 5 feet to permit a parking garage in an RM-2 district -- Section 403.A. -- Use Unit 10, located: 252 West 15<sup>th</sup> Street South.

**Presentation:**

**C.R. Hjelm**, stated that after discussion with the interested party they were in agreement to request a continuance to November 9, 2004. A letter requesting continuance was provided (Exhibit D-1).

**Board Action:**

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Paddock "absent") to **CONTINUE** Case No. 19929 to the meeting on November 9, 2004, regarding the following described property:

LT 9 AND LT 10, BLK 3, STONEBRAKER HGTS ADDN

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**Case No. 19930**

**Action Requested:**

Special Exception to permit required parking for a nightclub to be on a lot other than the lot containing the use -- Section 1303.D -- Use Unit 12a, 5925 East 11<sup>th</sup> Street South.

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Suite 200, stated the lot with the use has a 6,000 square foot building and seventeen parking spaces. The adjacent lot to the east has no uses, no building and fifty-six parking spaces. He informed the Board that 844 square feet of the building are used as a beer bar/night club and the remaining square feet are vacant, previously used for office. The night club needs 65 parking spaces to comply with the zoning code. If the rest of the building was in use as office another four parking spaces would be required and retail would require six more spaces. To the north is an open field. They have talked with the adjacent neighbors, whom they found supportive.

**Interested Parties:**

**Randy Chevrier**, 5950 East 11<sup>th</sup> Street, stated his business is to the south of the subject property. He asked have the parking spaces been in use already. He has observed the vacant parking lot and his own lot being used for the night club.

**Comments and Questions:**

Mr. Dunham asked if the applicant would agree to a tie agreement, to which he did agree. Mr. Stephens asked if both lots were under the same landlord and for the hours of operation.

**Applicant's Rebuttal:**

Mr. Reynolds stated the business was run more as a weekend club, Thursday, Friday, Saturday and Sunday evenings from 8:00 p.m. to 2:00 a.m. The bar was recently expanded and this application was triggered by a building permit application. He indicated it was a non-conforming use. Mr. Boulden asked how it was non-conforming. Mr. Reynolds replied that it was because there were not enough parking spaces on the lot to support the bar. He added that it was expanded by about 1,000 square feet. Mr. Boulden questioned if they have a non-conforming status since they expanded the bar. He and Mr. Reynolds agreed they needed more time to look into this issue.

**Board Action:**

On **Motion** of **Stephens**, the Board voted 4-0-0 (White, Dunham, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Paddock "absent") to **CONTINUE** Case No. 19930 to the meeting on November 9, 2004, regarding the following described property:

PRT E/2 LT 2 & PRT LT 1 BEG 15N & 125W SECR LT 1 TH W100.6 N191.58 SE99.40 S183.2 POB BLK 64, GLENHAVEN AMD AND S200 OF THE W1/2 OF

LT 2 BLK 64, N330 NE NW NE LESS E150 & LESS TR BEG 636.57W & 330S  
NEC NW NE TH N150 E317.65 S150 W317.65 POB & LESS N24.75 THEREOF  
FOR ST SEC 10 19 13 2.48ACS

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**Case No. 19932**

**Action Requested:**

Special exception to allow Use Unit 19 - Hotel/Motel in an IL zoned district, 3415 South Sheridan Road East.

**Presentation:**

**Ted Sack**, stated he represented Robert Scharoun. The tract of land is vacant and located at the southeast corner of South Sheridan Road and the Broken Arrow Expressway. The land to the east is floodplain and the new Riverside Toyota lot. To the north is the expressway and to the west is another dealership. On the south is an existing sub-station. A conceptual site plan was provided (Exhibit E-1).

**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, Stephens "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Special Exception** to allow Use Unit 19 - Hotel/Motel in an IL zoned district, per conceptual site plan, on the following described property:

BEG 222 E SWC SW NW TH NW TO PT 50 E WL SW NW TH N TO PT APPR  
959.95 S NL SW NW TH NE 127.48 TO PT 75 E NWC SW N W TH E 342.4 NE  
293.29 NELY & SELY CRV RT 432.22 SE 142.24 SELY & SWLYCRV RT 1313.6  
SW 159.74 TO SL NW TH W POB LESS BEG 936.07 E SWC NW TH E 236 NE  
159.41CRV LF 67.20 CRV RT 38 N 35.67 W 16.25 N 115 W 375 S 336.13 SEC  
23 19 13 37.371ACS

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**Case No. 19933**

**Action Requested:**

Variance of the required setback from a non-arterial street for a garage from 20 ft to 10 ft SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: 1941 East 34<sup>th</sup> Street South.

**Presentation:**

**Glenn Mirando**, 1941 East 34<sup>th</sup> Street South, proposed to add a garage and convert the existing garage to a family-room.





