

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 940
Tuesday, August 22, 2006, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham
Henke, Chair
Stead, Vice Chair
Stephens
Tidwell, Secretary

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Butler
Cuthbertson

**OTHERS
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, August 17, 2006, at 2:20 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

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

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

MINUTES

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (Dunham, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of August 8, 2006 (No. 939).

Mr. Cuthbertson stated there were no timely requests for continuance or withdrawals.

UNFINISHED BUSINESS

Case No. 20297

Action Requested:

Special Exception to permit (Use Unit 17) Automotive Sales in a CS district (Section 701); and a Variance to permit open air storage and display of merchandise offered for sale within 300 ft. of an adjoining R district (Section 1217.C.2), located: 10875 East Admiral Place.

Presentation:

John Moody was not present.

Interested Parties:

The Chair noted several interested parties. He stated they would move on down the agenda.

Case No. 20324

Action Requested:

Minor Special Exception to reduce the front setback by 4' – 6", located: 2823 East 25th Street South.

Presentation:

Joshua Livingston, the applicant, was not present. Mr. Cuthbertson informed the Board that he could not reach the applicant, but left him a voice mail message that he needed to be present at this hearing. He did not receive a response from the applicant.

Interested Parties:

There were no interested parties present.

The Chair stated they would move on to the next case.

PRT LT 6 & PRT VAC 25 ST BEG 81E NWC LT 6 TH S107.77 NE84.09 N103.9
W84 POB BLK 7, BRYN-MAWR, City of Tulsa, Tulsa County, State of Oklahoma

John Moody arrived and the Chair recognized him. Mr. Moody submitted a letter (Exhibit A-1) to **withdraw Case No. 20297**.

Case No. 20311

Action Requested:

Verification of spacing requirement for a family day car home, located: 1626 East 31st Place North.

Presentation:

Sharon Durant, the applicant, was not present.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** Case No. 20311, without prejudice, finding the applicant has not fulfilled her administrative duties, and the case has already been continued, on the following described property:

LT 10 BLK 2 , CUL-DE-SAC LANE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 20322

Action Requested:

Modification of a previously approved site plan for the Tulsa Historical Society, located: 2445 South Peoria Avenue.

Presentation:

Chris Heroux, 502 West 6th Street, with Riggs, Abney Law Firm, represented the Tulsa Historical Society. They sought amendment to the site plan for the subject property. This relates to the settlement of a law suit in District Court by George Sharp, an adjacent land owner to the south. He submitted photographs and other exhibits to the Board (Exhibits B-1 and B-2). He pointed out the existing building and the portion to be modified along 25th Street. They proposed to increase the wall height and add a sign at the entrance to prevent vehicle headlights from shining into his home across the street. He pointed out the fences that ran 33 ft. from centerline that were not part of the driveway along the southern boundary of the property. He stated they will not be necessary and asked to omit them from the plan. They have also provided measures to direct traffic in the parking lot away from the direction of the Sharp's home.

Interested Parties:

Steve Schuller, represented Mr. and Mrs. George Sharp. He noted that the original plan for this property, as the Tulsa Historical Society Museum, did not solve the problem of vehicle headlights shining into the Sharp's home. They are in support of the modified plan and hope that it will be a solution.

Mr. Stephens was concerned with the timeliness of the construction. He asked if they have determined the schedule for completion. Mr. Heroux replied they have plans in place with bids for construction and the signage and they are ready to proceed.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Modification of a previously approved site plan for the Tulsa Historical Society, subject to information in exhibit B, C pp. 1 and 2, D found on agenda packet pp. 5.5, 5.6, 5.7 and 5.8, the modified site plan being dated July 11, 2006, 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:

BEG 246S NWC LT 2 TH E330 N23 ELY121 SELY CRV RT 43.98 E145.8
S109.5 E63.6 S109.5 W685 N224 POB SEC18 19 13 3.422ACS, City of Tulsa,
Tulsa County, State of Oklahoma

Case No. 20325

Action Requested:

Verification of spacing to permit a family day care home, located: Southwest corner of East 29th Street North and North Yorktown.

Presentation:

Lashawna Smith, 1946 East 29th Street North, verified the spacing from other day care homes, finding there were no other day care homes on North 29th Street, per page 6.4 in the agenda packet.

Comments and Questions:

Ms. Stead noted the staff did not find any day care homes there either.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Verification of spacing to permit a family day care home, finding the verification requirement has been met, on the following described property:

LT 1 BLK 1, LT 2 BLK 1, VICTORY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20326

Action Requested:

Special Exception to allow a manufactured home in an RS-3 District (401); and a Special Exception to extend the 1-year time limit, located: 2232 North Erie Avenue.

Presentation:

Ronnie Davis, 2232 North Erie Avenue, stated he has already moved the mobile home onto the property.

Comments and Questions:

Mr. Davis responded to questions from the Board. He planned to make a garage out of the block structure on the property and he agreed not to make it a residence. He acknowledged that the driveway would need to be paved. He indicated it would take a month to complete the driveway and skirting. Ms. Stead noted there are numerous mobile homes in the area.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to allow a manufactured home in an RS-3 District (401); and a Special Exception to extend the 1 year time limit to twenty-five years, subject to the construction of a hard-surface drive from the street to the mobile home; the existing block structure in the front never to be used for residential purposes; the skirting and the drive to be completed by December 1, 2006, finding the special exceptions 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:

LT 4 BLK 7, INDUSTRIAL ADDN-DAWSON, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20327

Action Requested:

Special Exception to permit a (UU13) Beauty Shop in an OL district; Special Exception to permit a (UU6) single family residential in an OL district (Section 601), located: 1020 South St. Louis Avenue East.

Presentation:

Deborah Perrin, 1020 South St. Louis Avenue, stated she has resided in this two-story of 2,500 to 2,600 sq. ft. house for five years. Her business has been located

in Tulsa since 1995, which began on Brookside and then was moved to 15th and Lewis. She is now downsizing her business. She stated the downstairs rooms are of adequate size. She also added a porch with a ramp for the handicapped. She provided a site plan (Exhibit F-1). Ms. Perrin indicated the rear of the property will park five or six vehicles behind her privacy fence. She put a gate in the fence for entry. She has been in contact with the neighbors and they have indicated support.

Comments and Questions:

Ms. Stead discouraged any plans to put a parking lot in the front, finding it would not blend with the neighborhood. She noted that with on-street parking and the paved lot in the back it should be adequate. She asked how many shampoo bowls and chairs she would have. Ms. Perrin replied there would be one of each. She added there would be two full-time nail technicians and one stylist. The hours of operation would be Tuesday through Friday, from 9:00 a.m. to 6 or 7:00 p.m. and on Saturdays from 9:00 a.m. to 5:00 p.m. All customers are by appointment. Each employee takes only one client per hour. There would only be six people, maximum in the shop at a time. Two members stated they noted a sign leaning on a tree in the yard. Ms. Perrin replied she did not know the sign ordinances so she waited to place one. She was informed that the sign is limited in size.

Kurt Ackermann, suggested to the Board that any approval not be per plan. He stated it appeared it has not gone through permit review. He asked if she has applied for a certificate of occupancy, to which she replied she has not. He suggested she may need to go before this Board again for more relief.

Ms. Stead informed her she would need to maintain the sidewalks in front.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dunham**, to **APPROVE** a Special Exception to permit a (UU13) Beauty Shop in an OL district; Special Exception to permit a (UU6) single family residential in an OL district (Section 601), per plan with the exception that the East parking lot be eliminated; the special exception be approved for a period of five years; 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:

S. 17/2 LT 9 ALL LT 10 N 17/2 W. 50 & N 15 E. 90 LT 11 BLK 12, PARK DALE AMD, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Stead asked for an amendment to add a condition for maintenance of the sidewalks.

On **Amended Motion of Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a (UU13) Beauty Shop in an OL district; Special Exception to permit a (UU6) single family residential in an OL district (Section 601), per plan with the exception that the East parking lot be eliminated; the special exception be approved for a period of five years; and to maintain the sidewalks in front of the home, 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:

S. 17/2 LT 9 ALL LT 10 N 17/2 W. 50 & N 15 E. 90 LT 11 BLK 12, PARK DALE AMD, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20328

Action Requested:

Variance of the 18' height and the one story height limit of a detached accessory structure in the required rear yard (210.B.5.a); Variance to allow a second dwelling unit per lot of record to allow a garage apartment (401), located: 1532 South Columbia Place East.

Presentation:

Clay Slaton, the applicant, was not present.

Comments and Questions:

Chair suggested they move on down the agenda. Mr. Cuthbertson was to contact the applicant.

Case No. 20332

Action Requested:

Modification of a previously approved site plan to permit the addition of a parking lot at OSU-Tulsa, located: East of Northeast corner of John Hope Franklin Boulevard and Elgin Avenue.

Presentation:

Brent Schniers, 1350 South Boulder Avenue, Suite 600, stated he is with PSA Dewberry and he represented OSU-Tulsa. He stated this modification would add 97 additional parking spaces, four of which are ADA accessible.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stephens**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Modification of a previously approved site plan to permit the addition of a parking lot at OSU-Tulsa, 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:

LT 1 LESS BEG 340N & 354.04E SWC LT 1 TH E715.09 CRV RT 853.97
NW62.48 CRV LF 37.24 N46.95 NE120.43NW123.66 N145.33 POB BLK 4,
UNIVERSITY CENTER AT TULSA, City of Tulsa, Tulsa County, State of
Oklahoma

Case No. 20324

Action Requested:

Minor Special Exception to reduce the front setback by 4' – 6", located: 2823 East 25th Street South.

Presentation:

The applicant was not present.

Board Action:

On **Motion** of **Stead**, to **CONTINUE** Case No. 20324 to the meeting on September 12, 2006, the motion failed for lack of a second.

On **Motion** of **Dunham**, the Board voted 4-1-0 (Dunham, Stephens, Henke, Tidwell "aye"; Stead "nay"; no "abstentions"; no "absences") to **APPROVE** a Minor Special Exception to reduce the front setback by 4' - 6", per plan, on the following described property:

PRT LT 6 & PRT VAC 25 ST BEG 81E NWC LT 6 TH S107.77 NE84.09 N103.9
W84 POB BLK 7, BRYN-MAWR, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Henke out at 1:50 p.m.

OTHER BUSINESS

Residential Site Plan Check List

Ms. Stead suggested the residential site plan be a part of the application process rather than putting it in policies and procedures. Mr. Stephens was in agreement that the site plan be presented at application rather than at the hearing.

Mr. Henke returned at 1:51 p.m.

Mr. Dunham also agreed. He asked if staff was giving the applicant a definition of the hardship. Mr. Cuthbertson replied that staff provides the definition on the third page of the application.

Board Action:

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Stead, Stephens, Tidwell "aye"; no "nays"; no "abstentions"; "absent") to **Adopt** the Board of Adjustment site plan review (Residential Site Plan Check List) for residential properties, as part of the application process.

Mr. Alberty informed the Board that the information was already stated in the BOA general policies. The staff needed a guideline to show the applicants.

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NEW APPLICATIONS

Case No. 20328

Action Requested:

Variance of the 18' height and the one story height limit of a detached accessory structure in the required rear yard (210.B.5.a); Variance to allow a second dwelling unit per lot of record to allow a garage apartment (401), located: 1532 South Columbia Place East.

Presentation:

Clay Slaton, the applicant, 1532 South Columbia Place, stated he had already started building the structure for a one-car garage, patio, and upper apartment.

Mr. Tidwell out at 1:58 p.m. and returned approximately 1:59 p.m.

Mr. Slaton added there are numerous structures with upstairs apartments per the photographs he provided for the agenda package. He knew some of those apartments are rented out.

Mr. Slaton informed the Board that he would use his new plans submitted for a 12' x 12' pitch and make it a better construction if he obtained this relief. He stated if he is approved he would make it a two-car garage, patio and deck.

Board Action:

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Stead, Stephens, Tidwell "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** a Variance of the 18' height and the one story height limit of a detached accessory structure in the required rear yard (210.B.5.a); and a Variance to allow a second dwelling unit

per lot of record to allow a garage apartment (401), per plan, and subject to exhibits C-2, C-3, on agenda pages 9.9, 9.10 and the Slaton Executive Summary on page 9.6, finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted 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:

LT 11 BLK 1, OLIVER TERRACE SECOND ADDN SUB L20 GLEN ACRES
SUB, City of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting was adjourned at 2:03 p.m.

Date approved: 9/12/06

Frank X. Nelson
Chair