

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 948
Tuesday, January 9, 2007, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Stead, Vice Chair
Stephens
Tidwell, Secretary
White

**MEMBERS
ABSENT**

Henke, Chair

**STAFF
PRESENT**

Alberty
Huntsinger
Cuthbertson

**OTHERS
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, January 4, 2007, at 1:35 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Vice-Chair Stead 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

Minutes continued to the next meeting, January 23, 2007.

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20367

Action Requested:

Appeal the determination of the Tulsa Preservation Commission to deny a Certificate of Appropriateness application, located: 312 East 20th Street.

Presentation:

Mr. Cuthbertson stated the applicant asked for a continuance to February 13, 2007 to discuss issues with the Tulsa Preservation Commission.

Board Action:

On **Motion** of **Tidwell**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **CONTINUE** Case No. 20367 to the meeting on February 13, 2007, on the following described property:

LTS 80 81 & W15 LT 82 & N10 VAC ALLEY ADJ ON S LESS S6 LT 82 & LESS BEG SECR LT 81 TH N6 W2 CRV LF TO PT SL LT 81 E8 POB BLK 9, SOUTH SIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20405

Action Requested:

Special Exception to permit an emergency and protective shelter (Use Unit 2) in a CS district, for children 17 years and younger (Section 701); and a Special Exception to permit the shelter within 1/2 mile from another detention/correctional, emergency and protective shelter, homeless center, residential treatment center or transitional living center (Section 1202.C.7), located: South side of East Reading Street, East of Peoria Avenue, adjacent to Highway 75.

Presentation:

Mr. Cuthbertson stated the applicant asked for a continuance to February 13, 2007.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **CONTINUE** Case No. 20405 to the meeting on February 13, 2007, on the following described property:

LT 5, GATEWAY PLAZA ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20400

Presentation:

Mr. Cuthbertson stated the applicant William B. Jones withdrew this application before the case was processed.

Board Action:

On **Motion** of **Tidwell**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **Refund** \$447.00 for fees paid.

UNFINISHED BUSINESS

Case No. 20385 - A

Action Requested:

Special Exception to modify the screening requirement of an accessory parking lot from adjoining residential properties (Section 212.C), located: 2530 West Newton Street.

Presentation:

Mark Kinney, with Cyntergy, 320 South Boston, stated the property is vacant. The applicant asked for a modification of the screening requirement to allow the existing five-foot high fence and the existing shrubbery on the fence line to act as the screening to the property on the south and east. In response to the Board he replied that the neighborhood was in support of this request and have seen the plan. They propose to put in an electric gate subject to budget availability. There will be a gate for security. They will use a temporary sign and/or a traffic control guard will be there for overflow parking events. There are no plans to paint a crosswalk.

Board Action:

On **Motion of White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Special Exception to modify the screening requirement of an accessory parking lot from adjoining residential properties (Section 212.C), per plan, finding the special exception 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:

NW/4 NW/4 NE/4 NE/4 of Section 33, T-20-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20395

Action Requested:

Verification of spacing requirements for a liquor store of 300 ft. from another liquor store, blood banks, plasma centers, day labor hiring centers, and pawn shops (Section 1214.C.3), located: Northeast corner of West Edison Street and North Gilcrease Museum Road.

Presentation:

Phil Ryan, 9626 South Vandalia, stated he is a member-manager of the Gilcrease Hills Center, LLC. The liquor store has been in the center for 25 years and they propose to move the store 200 ft. to the east. The verification of spacing was placed in the agenda packet.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Tidwell**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Verification of spacing requirements for a liquor store of 300 ft. from another liquor store, blood banks, plasma centers, day labor hiring centers, and pawn shops (Section 1214.C.3), on the following described property:

LT 1 BLK 1, GILCREASE HILLS CENTER, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 20399

Action Requested:

Special Exception to permit church use in an RD district (Section 401); and a Variance of the required setback from the rear property line (Section 404.F.4 & 403), located: 1826 East 29th Street North.

Presentation:

Earl Tottress, 1558 West Latimer Court, proposed to build south of the present building. He explained to the Board they would need a variance to build anywhere on the property. A site plan was provided (Exhibit B-1).

Comments and Questions:

Ms. Stead questioned placing this size building so close to a residential area. She asked for the proposed height of the building, which Mr. Tottress replied would be 12 to 14 feet to the top of the roof. It will be a multi-purpose facility, not sanctuary space. Ms. Stead asked about a tie agreement. He replied they made application for that. Mr. Cuthbertson suggested they probably have an application for a lot combination, which would not make them subject to a contract with the City of Tulsa and this Board.

Interested Parties:

Mike Malone, 504 East 49th Street North, stated he owns the property adjacent to the west, Lot 8, Block 1. He wanted assurance that the applicant would not encroach on his property.

Mr. Stephens out at 1:24 p.m.

Agnes Clark, 6838 East 57th Street, owns the property to the south of the church, and was not in opposition to the church plans.

Mr. Stephens returned at 1:27 p.m.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Special Exception to permit church use in an RD district (Section 401); and a Variance of the required setback from the rear property line (Section 404.F.4 & 403), 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 variance 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 **Motion** of **White restated**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Special Exception to permit church use in an RD district (Section 401); and a Variance of the required setback from the rear property line (Section 404.F.4 & 403), per plan, with condition: for maximum height of the building to be 14 ft.; 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 variance 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 5 BLK 1, LT 6 & 7 BLK 1, HENSHAW ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20401

Action Requested:

Variance of the maximum permitted height for a detached accessory building in the required rear yard to permit an addition to an existing two-story structure (Section 210.B.5.a), located: 1537 East 27th Street.

Presentation:

Stephen Schuller, 1100 ONEOK Plaza, 100 West 5th Street, stated the property is triangular in shape with a fairly deep building setback on the front. There is an existing detached two-story, two-car garage, which conforms to the zoning code except for the height. It is too narrow for anything more than two vehicles. The applicant proposed to use the upper floor as a guest bedroom or fourth bedroom to the house. The plan would expand the structure by ten feet, but there will be no

increase in the height. Mr. Schuller stated they want to preserve the existing architecture of the garage and house. No kitchen facilities will be included and this will not be renter's quarters. He referred them to the site plan (Exhibit C-1). The literal enforcement of the height restrictions is unnecessary. He added that these conditions do not apply generally to the other properties in the same use district. The nearby lots have a rectangular shape. He pointed out several similar cases to the Board. They have presented their plans to the neighbors, including the neighbor to the north and found they were in support.

Ms. Stead was in favor of them leaving vegetation in the back because the properties are so close together. Mr. Schuller replied they plan to leave as much vegetation as possible and to add better vegetation.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Variance of the maximum permitted height for a detached accessory building in the required rear yard to permit an addition to an existing two-story structure (Section 210.B.5.a), per plan, with the condition for no rental unit, 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 variance 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 31, ROCKBRIDGE PARK, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20402

Action Requested:

Special Exception to permit a car wash (Use Unit 17) in a CS district, adjoining a convenience store (Section 701), located: 11120 East 41st Street.

Presentation:

Stephen Schuller, represented the Quik Trip Corporation. The subject property is on the southwest corner of 41st Street and Garnett. They proposed to add a carwash next to their store on a separate property. This is a new type of facility for this corporation. There is a mutual access easement between the convenience store and this property on the northeast corner. This location is a heavily developed commercial corridor in a planned medium intensive district.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stephens**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Special Exception to permit a car wash (Use Unit 17) in a CS district, adjoining a convenience store (Section 701), finding the special exception 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, per plan, on the following described property:

East 232.35 feet of West 448.35 feet of North 268.00 feet of Lot 2, Block 1, 4100 GARNETT CENTER, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20403

Action Requested:

Minor Special Exception to modify a previously approved site plan to permit minor additions to the primary structure, located: 2445 South Peoria.

Presentation:

Whit Todd, 2021 South Lewis, Suite 150, submitted plans (Exhibit E-1). They proposed to add 1,650 square feet to the old house for use by the Tulsa Historical Society. It will be exhibit and event space on the west side. They are not adding to the roof. The addition will be the same architectural style. Mr. Todd stated they meet the parking requirements.

Interested Parties:

Sharon King-Davis, represented the Tulsa Historical Society and the Board of Directors. She stated that they have been on this mission for about eight years and this is the completion of the project. They are in support of this application.

Board Action:

On **Motion** of **Tidwell**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Minor Special Exception to modify a previously approved site plan to permit minor additions to the primary structure, per plan, 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. 20404

Action Requested:

Variance of the maximum height of a detached accessory building in the required rear yard (Section 210.B.5.a); and a Variance of the maximum permitted floor area permitted for a detached accessory building to 1,144 sq. ft. (Section 402.B.1.d), located: 2551 East 22nd Place.

Presentation:

Matt Blair, 2551 East 22nd Place, proposed to build a detached garage. It would include a two-car garage with a hobby room and space to store large, heavy tools above. He added he wants room to build furniture and other carpentry projects. He pointed out other neighbors having two-car detached garages with heights greater than 18 ft.

Comments and Questions:

Ms. Stead asked for the height of his garage, to which he replied it will be 25 ft. 4 in. She asked about the bath that is included. Mr. Blair stated it is just a place for him to clean up and use the facilities without having to go back to the house. He added there would not be any kitchen facilities. Mr. Tidwell asked him about driving through the garage and noted other similar structures.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Variance of the maximum height of a detached accessory building in the required rear yard (Section 210.B.5.a) to a maximum height of 25 ft. 4 ¾ in.; and a Variance of the maximum permitted floor area permitted for a detached accessory building to 1,144 sq. ft. (Section 402.B.1.d), per plan, with a condition there be no rental facilities in the detached structure; 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:

ALL OF LT 59 E /2 OF LT 60 BLK 1 , HARTER'S FOURTH RESUB L1-20 B1
HARTER'S THIRD RESUB, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20406

Action Requested:

Variance of the rear yard requirement in an RM-1 district from 20 ft. to 10 ft. to permit an addition to an existing dwelling (Section 403), located: 1507 East Newton Street.

Presentation:

Marcos Crovador spoke for the applicant, **Rogel Rogelio**, 6911 East 92nd Street. They had already started the addition.

Comments and Questions:

Mr. White noted the exceptionally small lot. The footprint has not been extended any closer to the property line. Mr. Stephens acknowledge it would be an improvement in the area.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stephens**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Variance of the rear yard requirement in an RM-1 district from 20 ft. to 10 ft. to permit an addition to an existing dwelling (Section 403), finding the irregular shape of the land is the hardship; and finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; finding the variances 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:

E100 LT 7 BLK 9, UTICA ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20407

Action Requested:

Variance of the required setback of 75 ft. from an abutting AG district to 50 ft. (Section 903), located: 1006 North 129th East Avenue.

Presentation:

Mark Kinney, Cyntergy, 320 South Boston, stated the subject property is a vacant tract with an existing pond on the southern portion, which is part of the Tulsa Regulatory Flood Plain. The property to the north and west is AG-zoned and to the south is an existing industrial use. He found that the AG property to the north and west is part of special district two, which in the Comprehensive Plan is scheduled for industrial use. The flood plain encumbers construction of structures. He stated

that for site distance purposes the best place for the driveway was in the center of the property.

Comments and Questions:

Ms. Stead asked if the barbed wire fence was for protection of the pond or an old fence. Mr. Kinney replied that it would be a new fence to secure the area for vehicle parking. The building is for a construction company office, and a garage/storage. Ms. Stead asked about sidewalks. He responded that they have a preliminary plat and it includes sidewalks, and a T-shaped driveway instead of the turn around. He was agreeable to a motion subject to the conceptual plan with sidewalks on 129th.

Board Action:

On **MOTION** of **White**, the Board voted 4-0-0 (White, Stead, Stephens, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Variance of the required setback of 75 ft. from an abutting AG district to 50 ft. (Section 903), per conceptual plan to include sidewalks on 129th East Avenue, 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 variance 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:

1/2 INT SE SE NE LESS E30 FOR RD SEC 32 20 14 9.546AC, City of Tulsa,
Tulsa County, State of Oklahoma

There being no further business, the meeting adjourned at 2:14 p.m.

Date approved: 2/13/07



Chair