

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 874
Tuesday, October 14, 2003, 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

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, October 8, 2003, at 9:37 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. 19668

Action Requested:

Special Exception to permit an office/warehouse in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15, located: 12565 E. 21st St.

Presentation:

Mr. Beach informed the Board that the applicant has requested a continuance to October 28, 2003 to obtain a correct legal description.

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. 19668 to the meeting on October 28, 2003 regarding the following described property:

Part of Lot 1, Block 1, Stacey Lynn Third Annex, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at the NE/c of said Lot 1; thence S 114.81'; thence N 89°47'00" W 160'; thence N 114.20' to a point on the N line of said Lot 1; thence E along said N line 160' to the POB.

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Case No. 19681

Action Requested:

Variance to allow two dwelling units on one lot of record. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6; a Variance of land area per dwelling unit from 10,875 sq. ft. to 6,600 sq. ft. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of livability space per dwelling unit from 5,000 sq. ft. to 4,050 sq. ft. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: 575 S. Allegheny Ave.

Presentation:

Mr. Beach informed the Board this application was withdrawn.

Board Action:

No Board action was needed.

S 60' Lot 7, Block 20, White City Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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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 September 23, 2003 (No. 873).

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UNFINISHED BUSINESS

Case No. 19666

Action Requested:

Amend a previously approved site plan (BOA 11843) to permit temporary classrooms. Use Unit 5, located: 5150 E. 101st St.

Presentation:

John Moody, 1924 S. Utica, stated he represented the applicant, Town and Country School. The school is for children with special needs as presented at the

previous hearing. They have met with some of the interested parties to work out a plan to expand the school with considerations for the neighborhood home owners. The school has a long-range master plan, which includes the need for additional - space in a pre-manufactured building on a temporary basis. The building would have a pitched roof, and be 24' x 64'. The school originally proposed to place the building on the east side of their existing school to be near the students other classrooms. A number of the neighbors that live along the south boundary of the school were in opposition to that location. The applicant agreed to place the manufactured building to the north side of the existing building. Mr. Moody explained that they contacted a resident to the west to inform him of the change in the proposal. He stated they now propose to locate the temporary building on the north side to run east and west. There is an existing six-foot high screening fence to the residences on that side. Mr. Moody stated that the existing building is 90' to the west property line. The manufactured building would be 58' from the west property line. He pointed out that 58' is considerably more than required setbacks to R districts. A site plan and photograph were provided (Exhibits A-1, A-2)

Comments and Questions:

Mr. Dunham mentioned noting the trees that would be a natural screening for the original site. He asked if there are any trees on the west side to screen this building. Mr. Moody replied that there is a couple but not as many as on the south property line. Mr. White asked about the height of the proposed building in comparison to the existing building. Mr. Moody responded they would be the same height, 20'. Mr. Boulden asked if it could be located on the parking lot. Mr. Moody was unclear if it was part of the required parking for this facility.

Gayle Pottle, 5150 E. 101st St., responded that the parking lot in question is the faculty parking lot.

Interested Parties:

Rolo Maxwell, 5109 E. 102nd Pl., stated that he and six other residents on the south side of the property met with Ms. Pottle and they do not object to placement of the proposed building on the north side of the existing building.

Lee Ann Maxwell, 5109 E. 102nd Pl., stated that the original proposed site would only be 45' from their fence line. There are no trees to screen between their property and the school.

William Mayberry, 4940, E. 102nd St., stated he represented the neighborhood association. He pointed out that the six-foot screening fence would not be high enough to screen the residential property from the temporary building. He asked if the applicant could ask to extend the time limit at the end of five years. Mr. Dunham replied that they would have to apply for it just as in this application.

Jake Wells, 4933 E. 102nd St., stated that he is President of the neighborhood association and was representing them. He expressed concern for the lack of

the front and rear views of the garage (Exhibit B-1). Mr. White asked for the hardship. She informed the Board the property is in the 100-year flood plain; the utility lines run across her back yard and a big tree were her hardships. She submitted a petition (Exhibit B-2) to the Board with signatures of neighbors in support of the application. She received notice from Neighborhood Inspections.

Comments and Questions:

Mr. Beach read the examiner's response to the application for a building permit. The reviewer stated that the site is in a regulatory flood plain, with a base elevation of 692.93. The requirements for a garage in a flood plain are: provide a site plan from a registered land surveyor showing the new structure is built outside the flood elevation; the slab may be at grade and flood vents must be installed; the top of the stem wall must be one foot above the base flood elevation or set at an elevation of 693.93; and any electrical or water connections, sanitary sewer drains or equipment servicing the building must be one foot above base flood elevation. Ms. Turnbo asked why there was a door on the back of the garage. Ms. Loflin replied in order to pull a truck in or to deliver yard and garden supplies.

Interested Parties:

Mary Mason, 821 N. Kingston, stated she did not oppose the application. She lives across the street. The applicant and neighbors discussed safety issues after a woman was kidnapped nearby. They thought the garage was a good idea for the applicant's safety.

Martha Mills, 827 N. Kingston Ave., stated she does not oppose the application. She was harassed by neighbors for building a garage on her property. She obtained permits and had it built to code.

Dale Mills, 827 N. Kingston Ave., stated that as his wife said, they have been harassed for building a garage. They opposed this application because it was done outside of the code and requirements for permits.

Applicant's Rebuttal:

Ms. Loflin stated she was not trying to get around the law. The only reason she built the garage was for her safety.

Comments and Questions:

Ms. Perkins asked for what purpose she used the back door to the garage. Ms. Loflin replied to have access to her back yard. Ms. Perkins noted it must have been used a lot because there was no grass behind the door but the rest of the yard is covered with grass. Ms. Perkins asked if she was parking a vehicle there. Ms. Loflin replied that she was not. She stated she had moved some dirt into her back yard. Mr. Dunham cautioned her about moving much dirt; and that she could not displace water. Ms. Perkins commented that utilities could be moved and one tree could be cut down in order to build the garage in a different direction.

Board Action:

On **Motion** of **Turnbo**, the Board voted 4-1-0 (White, Turnbo, Perkins, Stephens "aye"; Dunham "nay"; no "abstentions"; no "absences") to **DENY** a **Variance** of required 5' side yard to 1.4' to permit the addition of a garage in an RS-3 district, finding lack of a hardship, on the following described property:

Lot 6, Block 5, Mary Ellen Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19682

Action Requested:

Special Exception to allow a single-family dwelling in a CH zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6, located: 934 S. Yale.

Presentation:

Martin Veale, 936 S. Yale, and his wife, **Aurora Veale** of the same address, stated they purchased the property in 1993. They planned to live there. They have applied for building permits. They are seeking a special exception for the house that exists there. 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 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a single-family dwelling in a CH zoned district, 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:

Lot 7, Block 1, Yale Heights, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

OTHER BUSINESS

Case No. 19681

Action Requested:

Applicant requested a refund.

