

**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





**Comments and Questions:**

Mr. Dunham asked if this would meet the code. Mr. Beach explained the intent of the code for garages to be set back 20' is to allow parking on the driveway without being on another property, which is the public right-of-way in this case. He suggested alternatives to the location of the driveway. Mr. Mirando responded that they were trying to avoid uprooting trees and a garden area. He pointed out that Xanthus was in a circular area with low traffic volume. He compared the area to the Swan Lake neighborhood.

**Karen Mirando**, of the same address, described the structure having a lot of glass and they were going to add to it for the beautiful view and blend the look. She felt sure the neighbors would not be in support of the driveway being moved to access Xanthus. The plans include a cut-away area for parking for guests. There is an existing privacy fence to the north.

**Interested Parties:**

One letter of opposition was received (Exhibit F-1). 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 the required setback from a non-arterial street for a garage from 20 ft. to 10 ft., finding the mature trees, a short street and the low volume of traffic, with conditions: for a parking off-set to the north for the length of a car; that the screening fence on the common property lines remain, on the following described property:

LT 6 BLK 4, ADAMS ESTATES

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**Case No. 19934**

**Action Requested:**

Variance of required side yard from 5 ft to 1 ft to permit a new attached carport. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: 1241 Pittsburg Avenue East.

**Presentation:**

**James Ellisor**, 1241 South Pittsburg, proposed to build his carport as wide as possible for better parking. He stated it would be wider than the garage under construction. The driveway would be widened also. A site plan was provided (Exhibit G-1).

**Comments and Questions:**

Mr. White asked about the neighbor to the north. Mr. Ellisor replied there is an existing privacy fence between them. He had not spoken to them about the

project. Mr. Boulden was trying to determine where the drainage would be directed. Mr. Ellisor stated the drainage from the hip roof will be directed by the guttering on the north side.

**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 5 ft. to 1 ft. to permit a new attached carport, per plan, with conditions for guttering on the north side of the carport, finding an existing house and driveway on the following described property:

ALL LT 10 & N25 LT 11 BLK 8, BEVERLY HILL ADDN

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**Case No. 19935**

**Action Requested:**

Variance of required side setback from 15 ft to 6 ft for an addition to the dwelling. SECTION 403 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, 4319 South Victor Avenue East.

**Presentation:**

**Bill Powers**, 6910 South Lewis Avenue, stated he represented the new owners' of the residence. They propose to update this old home. He added that the home and the property have been carved up extensively. The original address was 4319 South Victor Avenue East, but the current address is 1810 East 43<sup>rd</sup> Street. The property to the east, west and south were sold over time from the original estate. The house has been remodeled numerous times to accommodate land sales and possible other reasons. The last changes made it non-conforming with the requirements for 15' side yard setbacks in RE zoning. He pointed out the bedroom area they want to improve by extending back to the rear side by 12'. He indicated it would have no impact on the surrounding neighbors. A site plan was provided (Exhibit H-1).

**Interested Parties:**

**Fred Donnelly**, 4335 South Victor, stated he came for information rather than opposition. He noted that a previous owner ran an electric line across the property without an easement. He added that he gets a considerable washout from the property when it rains.

