

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 307
Thursday, April 3, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis Purser, Chairman Smith Wait	Thompson	Gardner Johnson, D. Jones	Jackere, Legal Department Miller, Protec- tive Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, April 1, 1980, at 12:35 p.m., as well as in the Reception Area of the TMAPC Offices.

In the absence of the Chairman, Board member Lewis called the meeting to order at 1:37 p.m. after declaring a quorum present.

MINUTES:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Thompson "absent") to approve the Minutes of February 21, 1980 (No. 304) and March 6, 1980 (No. 305).

MINOR VARIANCES AND EXCEPTIONS:

10928

Action Requested:

Variances (Section 1221.5 (d) - Business Signs and Outdoor Advertising - Use Conditions - Under the Provisions of Section 1630 - Minor Variances) Request for a variance of the aggregate display surface area from 396 sq. ft. to 672 sq. ft. at 10519 East 11th Street.

Presentation:

William Grim, attorney, 1600 Philtower, representing the applicant, presented a plot plan (Exhibit "A-1") of the Kerr-McGee gas station. Mr. Grim advised that the applicant is seeking either a variance or an interpretation from the Board. The entire tract of ground has 300 feet of frontage along the Mingo Valley Expressway and 300 feet of frontage on 11th Street. If the entire subject tract is used for the sign they would be allowed to place the sign on the subject property as a matter of right under the Code. The hardship stated by Mr. Grim is that the subject tract has dual zoning (RS-3 and CS) and the applicant would like to use the RS zoned land in the computation for the sign footage since the property has one owner.

Alan Jackere, Legal Department, advised that the applicant could not transfer a sign from the land zoned residential, since the residentially zoned land has no commercial sign, nor is permitted.

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 3-0-1 (Lewis, Smith, Wait "aye"; no "nays"; Purser "abstaining"; Thompson "absent") to deny a Variance

10928 (continued)

(Section 1221.5 (d) - Business Signs and Outdoor Advertising - Use Conditions - Under the Provisions of Section 1630 - Minor Variances) of the aggregate display surface area from 396 square feet to 672 square feet, on the following described property:

The South 156.95' of Lot 14, Block 2, East 11th Park, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

10941

Action Requested:

Variance (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) Request for a variance of the setback requirements from 50' to 33' from the centerline of Denver Avenue, at 1422 South Denver Avenue.

Presentation:

Bill Chenhall, applicant presented a plot plan (Exhibit "B-1") and pictures (Exhibit "B-2") of the subject property. Mr. Chenhall advised that the building located on the subject property is 42 feet from the centerline of the street. The sign restriction without the variance would require the sign to be 50 feet. The request is to place a sign between the building and street.

Protests: None

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 33' from the centerline of Denver, subject to a removal contract and per plot plan submitted, on the following described property:

Lot 6, Block 2, Campbell Drew Addition to the City of Tulsa, Okla.

10949

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) Request for a variance of the rear yard requirements from 25' to 20' in an RS-1 District on the NE corner of South College Avenue and 75th Street.

Presentation:

Mr. Jones advised that the applicant has supplied all pertinent information for the file, including a plot plan (Exhibit "C-1").

Protests: None

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 25' to 20' in an RS-1 District, per plot plan submitted, on the following described property:

4.3.80:307(2)

Lot 10, Block 2, Guier Wood IV Addition to the City of Tulsa, Okla.

10950

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office Districts- Under the Provisions of Section 1630 - Minor Exception) Request for a variance of the floor area ratio of the office building from 25% to 29.5% at 4625 South Harvard Avenue.

Presentation:

Larry Collins, 4619 South Harvard, applicant, presented a plot plan (Exhibit "D-1") and advised that the request from the owner of the subject property is for a 4.5% increase over the allowed 25% office coverage in an OL District. Mr. Collins advised that OL zoning exists to the north, and duplex and OL zoning is located to the south of the subject application.

Protestant:

Doris Hilt, 3633 East 46th Street, stated that her protest is that so many exceptions are being made along Harvard that the people are now starting to park on 46th Street, a residential street. Another primary concern is that there is a lot of slope in the area of the subject application and there are no provisions for taking care of the water runoff from another acre that is to be concreted. It presently drains directly onto her property. The Chair questioned the protestant as to notifying the City Departments to get the water drainage problem solved. Ms. Hilt replied that for the past 18 years she has attempted to have someone from the City Water Department and the City Street Department come out to look at the water drainage problem, but she still has had no results. Ms. Hilt explained that they have a foot of water running down 46th Street every time it rains an inch. Ms. Hilt stated that her protest against the application is that the applicant informed her that a study had been made in the area of the application concerning the water problem and he has found that there is no water problem. Ms. Hilt advised that the water problem in the area of the subject application is now at a crisis level.

The applicant commented that their proposal will not cause additional water to go onto Jamestown. Based on their engineering study they do plan to raise the rear portion, which is the east and the southeast corners, approximately 1 to 1.5 feet to keep the water off the residential area to the east. The water will drain onto the parking lot south of the proposed building and then south to 47th Street.

Bob Gardner advised that the TMAPC approved waiving the subdivision replat requirement, subject to several conditions, one of which was the drainage plans being approved by the City Hydrologist and the number of curb cuts on Harvard being limited to one, etc.

Discussion between the protestant and the Board followed concerning the water drainage problem in the area of the application.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant an Exception - (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1630 - Minor Exceptions) of the floor area ratio of the office building to be from .25% to 29.5%, subject to approval of the

10950 (continued)

drainage plans by the City Engineering Department, per plot plan submitted, on the following described tract:

Lot 5, Block 3, Villa Grove Heights Addition to the City of Tulsa, Oklahoma.

10957

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) Request for a variance of the setback, frontage and area requirements to permit a lot-split in an RM-1 District at 2410 South Phoenix.

Presentation:

Mr. Jones advised that all pertinent information was contained in the file, along with a plot plan (Exhibit "E-1").

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the setback, frontage and area requirements to permit a lot-split (L-14883) in an RM-1 District, per plot plan submitted, on the following described property:

Lots 5, 6, & 7, Block 46, West Tulsa Addition to the City of Tulsa, Oklahoma.

10959

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) Request for a variance of the side yard requirements from 5' to 4'6" to permit an addition to the present structure at 1376 East 27th Street.

Presentation:

Gary McDonald, applicant and owner, advised that his legal description includes a portion of Lot 8 and all of Lot 7. The applicant also advised that his desire is to extend the house eastward an additional 1½ feet. They have a 6-foot building setback from the eastern lot line at present, and the net effect with respect to the construction, would be to come within 4½ feet of the eastern lot line. There will be a privacy fence between his property and that of his neighbor. Therefore, he is asking for a 6-inch variance. The applicant also advised that a variance may be required with respect to the deck to be constructed on the rear portion of the present structure, since it has an elevation of 24 inches. Mr. McDonald informed the Board that he has conferred with his neighbors to the east and to the west of his property who informed him that they do not object to his application. A plot plan was presented (Exhibit "F-1").

After some discussion, the Board found that the applicant would need to advertise for a variance from the Board to build the subject deck if required by the Building Inspector.

10959 (continued)

Protests: None

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts- Under the Provisions of Section 1630 - Minor Variances) of the side yard requirements from 5' to 4.6' to permit an addition to the present structure, per plot plan submitted; and to continue Case No. 10959 to Thursday, April 17, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in regard to the requested variance for the deck, on the following described property:

The East 12½' of Lot 8, and all of Lot 7, Block 2 Sunset View Addition to the City of Tulsa, Oklahoma, according to the recorded plat thereof.

10962

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts- Under the Provisions of Section 1630 - Minor Variances) Request for a variance to permit building a residence across lot lines.

Mr. Jones advised that the applicant is building across the lot lines and presented the submitted plot plan (Exhibit "G-1"). Mr. Jones also advised that the subject application includes two lots immediately to the west. The house is on three lots and the applicant requests a variance to build across the lot lines to the west on Lots 1 and 2 for another house.

Protests: None

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building a residence across lot lines, per plot plan, on the following described tract:

Lots 7, 8 and 9, Block 1, Crawford Addition to the City of Tulsa, Oklahoma;

and to continue for a plot plan the portion of the application covering Lots 1 and 2 until Thursday, April 17, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10964

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts- Under the Provisions of Section 1630 - Minor Variances) Request for a variance of the side yard requirements from 10' to 8' in an RS-2 District at 2500 South Utica Avenue.

10964 (continued)

Presentation:

Mr. Jones advised that the applicant has submitted all pertinent information for the file, along with a plot plan (Exhibit "H-1").

Protests: None

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the side yard requirements from 10' to 8' in an RS-2 District, per plot plan submitted, on the following described tract:

Lot 28, Block 15, Terwilleger Heights Addition to the City of Tulsa, Oklahoma.

10967

Action Requested:

Variance (Section 280 - Structure Setbacks From Abutting Street - Under the Provisions of Section 1630 - Minor Variances) Request for a variance of the setback requirements from 60' to 50' from the centerline of 41st Street to permit the erection of a pole sign at 7022 East 41st Street.

Presentation:

Floyd Radcliff, applicant, presented a sketch of the proposed sign (Exhibit "I-1") and advised that the sign is a pole sign. The sign measures 4 feet tall and 8 feet wide. From the centerline, if permitted by the Board, the applicant stated that he would like to place the sign 54 feet from the street. Mr. Radcliff also advised that the other commercial uses in the area have signs that are set back 50 feet.

Protests: None

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance - (Section 280 - Structure Setbacks From Abutting Street - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 60' to 50' from the centerline of 41st Street to permit the erection of a pole sign, with a removal contract required, per plot plan submitted, on the following described tract:

Lot 3, Block 1, East 41st Street Industrial Park Addition, to the City of Tulsa, Oklahoma.

10971

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) Request for a variance of the frontage and area requirements to permit a lot-split at 2803 East 4th Street.

10971 (continued)

Presentation:

Mr. Jones advised that the Planning Commission approved a lot-split, subject to the approval of the Board. The applicant has submitted all pertinent information for the file, along with a plot plan (Exhibit "J-1").

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements to permit a lot-split (L-14878, per plot plan submitted, on the following described tract:

The W/2 of Lot 6, Block 10, Pleasant View Addition, to the City of Tulsa, Tulsa County, State of Oklahoma.

UNFINISHED BUSINESS:

10885

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) Request for permission to use church property and building for a day care center at 3819 South Lewis Avenue.

Interested Party:

I. J. Corn, representing Ungerman, attorney for South Side Christian Church, requested that Case No. 10885 be continued to a later date pending the completion of the contract between the church and the protestants.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10885 to Thursday, April 17, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10895

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) Request for permission to erect two duplexes in an RS-3 District; and a Variance (Section 440.3 (a-b-c) Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) Request for a variance of the area requirements for duplexes from 9,000 sq. ft. to 7,000 sq. ft.; and from 9,000 sq. ft. to 6,300 sq. ft. - Request for a variance of the frontage requirements from 75' to 50' and 75' to 45'. - Request for a variance of the land area per dwelling unit of 5,000 sq. ft. - Request for a variance of the setback requirements from 95' to 45' from the

centerline of 21st Street on the northeast corner of 21st Street and Florence Avenue.

Presentation:

Gloria Huckaby, applicant, informed the Board that she proposed to build a single-family residence on Lot 23 and a duplex on Lot 24, but the original application has not formally been amended. Ms. Huckaby stated that as a compromise measure with the protestants she has changed her plans to propose one duplex instead of the two stated in the original application. The applicant presented a site plan and elevation plan for the proposed duplex on Lot 24 and advised that the architecture and building materials to be used in the construction of the duplex would be compatible with that of the neighborhood. Also the lower half of the duplex would be brick or masonry, and the top half would have siding. The applicant advised that she is requesting a variance for a 10-foot setback from the property line from 21st Street, which is 45' from the centerline of 21st Street.

Bob Gardner advised that the Ordinance requires that in order for the Board to grant an exception for duplex dwelling, the duplex would need a 75-foot frontage. The duplex in question has 45 feet of frontage. The Ordinance also requires that the duplex lot have 9,000 sq. ft. and the lot in question has 6,300 sq. ft. The required setback from the centerline of 21st Street is 95'. The subject application requests the southern portion of the duplex align with the single-family structure to west which is set back approximately 10' from the south property line.

Applicant's Comments:

Gloria Huckaby stated that the setbacks of the residences along 21st Street to the west vary anywhere between 6 to 18 feet. Upon questioning by the Board, Ms. Huckaby advised that the front yard of the proposed duplex would face Florence because she felt it would be safer for cars to enter and exit on Florence instead of 21st Street. The applicant also advised that the living space planned per duplex is 1,300 sq. ft. per side.

Ms. Huckaby advised that she felt the duplex would have a good effect on the neighborhood, and that she has some feelings for the character of the neighborhood because she was once a resident.

Bob Gardner advised that the Staff report suggested that the applicant has no hardship for the requested variance, therefore, he asked the Board to have the applicant state her hardship.

Ms. Huckaby advised that the character of 21st Street has changed. The applicant feels that the corner property is unsuitable for a single-family residence because of the heavy traffic flow and the noise factor involved.

The Chair commented that the lot is too small for a duplex, but would not object to the proposed dwelling being on a double lot with more frontage. Also that the applicant's request was too great a variance and the Chair could not justify the hardship stated by the applicant for the property.

Protestants:

Harry Solow, 1931 South College Avenue, representing 140 property owners in the neighborhood of the subject application, advised that the original application came before the Board on February 21, 1980, requesting permission to build two duplex dwellings on Lots 23 and 24, at which time the applicant requested a continuance. Mr. Solow met with Ms. Huckaby during the continuance. At that time Ms. Huckaby suggested to build a single-family residence on Lot 23 and a duplex on Lot 24. Mr. Solow presented a Petition of Protest (Exhibit "K-1") containing 140 signatures of property owners in the area of the subject application. The protestant also advised that the homes in the area of the subject application contain 1,500 to 2,000 square feet of living space, and Ms. Huckaby would be overcrowding the neighborhood if permission was granted to construct a duplex on the subject property.

Dr. Ross Waltzer, advised that he has lived across the street from the subject property for 26 years, and that many widows live in his immediate neighborhood. Dr. Waltzer also advised that the original plat states the subject area is zoned for single-family residences and feels that it should remain as such.

Interested Party:

Nancy Polk, property owner directly across the street to the west of the subject property advised her lot is a 60-foot lot with a retaining wall and driveway and then the house structure. Ms. Polk advised that she did not object to Ms. Huckaby measuring the setback of her property, and stated that there was a problem with the driveways in the neighborhood.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to deny the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect a duplex on Lot 24 in an RS-3 District, and to deny a Variance (Section 440.3 (a-b-c-) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the area requirements for duplexes from 9,000 sq. ft. to 6,300 sq. ft.; and a variance of the frontage requirements from 75' to 50' and 75' to 45'; and a variance of the land per dwelling unit of 5,000 sq. ft., and to continue the variance portion for building setback from 95' to 45' from the centerline of 21st Street to permit a single-family residence until Thursday, April 17, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) Request for an exception to permit the erection of four duplexes in an RS-3 District; and a Variance (Section 440.3 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) Request for permission to vary the frontage requirements from 75' to 60' in an RS-3 District to permit duplex use on the NW corner of Richmond Avenue and Newton Avenue.

Presentation:

Earl Cherry, 2838 South 118th East Avenue, applicant, advised that he was withdrawing his request for the frontage variance and all lots requested will be 75' or greater. Therefore his presentation will be limited to the duplex use of the property. Mr. Cherry advised that his original request for apartment zoning was denied by the Planning Commission. The TMAPC Staff recommended RD duplex zoning which was affirmed by the Planning Commission and for the subject property would allow 8 duplex structures. The subject request is for four duplexes (8 living units). The Minutes of the TMAPC Public Hearing, November 28, 1979 with the recommendation for RD zoning were presented (Exhibit "L-1"). The applicant referred to three similar duplexes in the area of the subject application which were one block away and were approved by the Board of Adjustment (Exhibit "L-2"). The plot plan for these duplexes (Exhibit "L-3") was presented. Pictures of the duplexes at Oklahoma and Newton were also presented (Exhibit "L-4") and the applicant advised that his proposed duplexes will be similar in construction and size. Mr. Cherry went on to explain that the neighborhood is constructed primarily of small frame houses, and identified the pictures of the surrounding houses in the area. Two of the proposed duplexes will have 780 sq. ft. per dwelling unit, and two will have 728 sq. ft. per dwelling unit. The applicant presented a multiple listing sales for one square-mile area (Admiral to Pine, Harvard to Yale) which included all sales within the past 6 months showing that the price range of all houses sold was \$18,000.00 to \$42,000.00 (Exhibit "L-5"). Renderings of the proposed duplexes were also presented (Exhibit "L-6").

Protestants:

Harold Jolief, homeowner in the neighborhood of the subject application, asked the Board how the zoning for the subject property was to be changed for duplexes. The Chair explained that the Board does not change zoning, that duplex zoning was denied by the City Commission, but referred to the Board to consider duplexes by special exception, not duplex zoning. Bob Gardner advised that the request is for an exception which is in the same manner a school or a church is permitted in a residentially zoned area. These uses require Board of Adjustment approval but not a zoning change.

Alan Jackere advised that he would be willing to meet with the protestant later to talk about the differences between rezoning and the Board of Adjustment matters.

Mr. Jolief, protestant, stated that the applicant has no hardship because the property was purchased three months ago. The protestant advised that he was objecting to the fact that the duplexes will be rental units.

Everett Shroff, 1132 North Sandusky, advised that Newton Avenue is the only street that the duplexes will have access to and Newton is an unpaved street without any guttering. The protestant advised that he felt Mr. Cherry had no hardship for the use, and that the protestant only showed pictures of the undesirable homes not the better homes. Mr. Shroff is objecting to the fact that the duplex would be rental property. Bob Gardner advised that the lot area of 8 single-family houses across the street totals 28,000 sq. ft. and the applicant has 54,000 sq. ft. of lot area.

10906 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to permit the erection of four duplexes in an RS-3 District, per plot plan submitted, subject to the approval of drainage plans by the City Engineer's Department, on the following described tract:

A tract of land beginning 330' East of the SW corner of the NW/4 of the NE/4; thence North 180'; thence East 328.5'; thence South 180'; thence West 328.5' to the point of beginning, all in Section 33, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

10943

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts- Section 1225 - Light Manufacturing and Industry) Request for an exception to operate a tube bending business in a CG District SW of Union Avenue and Skelly Drive.

Presentation:

Walter Yost, advised that the objections stated by the Board at the last meeting were (1) truck traffic on Union; (2) moving the building site to enable the business to have access to Skelly Bypass; (3) zoning on the rear portion of the subject tract which is CS. The applicant explained that he felt the CS zoning south of this particular site would not be a suitable place for a shopping center; we cannot move our building because there is an access road along I-44 and the additional setback is needed to park the trucks. Mr. Yost advised that more trucks come off Union delivering to Warehouse Market than the tube bending business would ever have since we do not anticipate more than 5 per day. The applicant asked to resubmit the original application for approval. A plot plan was re-submitted (Exhibit "M-1"). Board member Smith advised that in order for the Board to grant an exception, three votes are needed to pass the application. The owner of the tube bending business encouraged Board member Smith to come out and look at the property in question. Mr. Smith suggested that the applicant may want to request a continuance because he had the same objections to the application that he did the first time.

Protests: None.

Board Action:

On MOTION of WAIT, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to continue Case No. 10943 to Thursday, April 17, 1980, 1:30 p.m., Langenheimer Auditorium, City Hall, Tulsa Civic Center.

NEW APPLICATIONS:

10944

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) Request for permission to allow automobile repair in an RM-1 District; and a Variance (Section 420.2 (a) - Accessory Uses in Residential Districts) Request for a variance of the size of an accessory building from 750 sq. ft. to 1,800 sq. ft.

Presentation:

Sylba Oxford, applicant, advised that he would be working on one car at a time, with no outside storage of cars or equipment. Pictures of the surrounding area (Exhibit "N-1") and a plot plan (Exhibit "N-2") were presented. The applicant advised that he would be only working on cars for friends who contacted him. Mr. Oxford stated that he would not advertise because it's a home occupation. There are no other structures as large as his proposed accessory building existing in the neighborhood. The building would be metal, and his reason for the request is to work on semi-trailer trucks inside the proposed structure.

The Chair advised that the applicant has not shown a hardship, and that a semi-trailer repair business does not belong in a residential area. Board member Smith advised that he felt the use was too intense for a residential neighborhood.

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to allow automobile repair in an RM-1 District; and voted to deny a Variance (Section 420.2 (a) - Accessory Uses in Residential Districts) of the size of an accessory building from 750 sq. ft. to 1,800 sq. ft., on the following described tract:

Lot 3, and the S/2 of Lot 4, Block 2, Industrial Addition, Tulsa County, Oklahoma.

10947

Action Requested:

Exception (Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Special Exceptions) Request for permission to operate a mail and office service in a CS District at 6961 South Lewis Avenue.

Presentation:

Tim Richardson, 7212 South Utica, applicant, advised that his request is to operate a private mail service in a CS District. The business is a service firm, operating as a post office box business. The applicant advised that the only truck making deliveries would be the mail truck. A site plan (Exhibit "O-1") and pictures (Exhibit "O-2") were presented.

Protests: None

10947 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant an Exception (Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Special Exceptions) to operate a private mail service in a CS District, on the following described property:

The South 120' of Lot 2, and all of Lots 3 & 4, in Block 1, Amended Plat of Abdo Commercial Heights to the City of Tulsa, Oklahoma.

10948

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) Request for a variance of the rear yard requirements from 25' to 15' in an RS-1 District, at 4041 East 77th Street South.

Presentation:

Jack Arnold, with Arnold and Buoen Architects, representing Design Properties, advised that the request is to move the garage into the rear setback from 25' to 15' at that one particular point. A plot plan (Exhibit "P-1") and plat of the property (Exhibit "P-2") were presented. The applicant advised that the home is existing and the proposal is to turn the existing garage into a game room and the proposed garage is to be connected by a breezeway.

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant a Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard setback from 25' to 15' in an RS-1 District, per plot plan submitted, on the following described property:

Lot 3, Block 6, Timbercrest Addition to the City of Tulsa, Oklahoma.

10951

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) Request for a variance of the front yard setback from 30' to 25', and a variance of the rear yard setback from 25' to 11.5' in an RS-2 District at 3031 East 84th Street South.

Presentation:

A. L. Stevens, owner and applicant of subject property, presented a plot plan (Exhibit "Q-1") and advised that the house is existing and the encroachment into the required yards was detected after the building was constructed.

10951 (continued)

Bob Gardner advised the plat of survey if approved by the Board, would alert a buyer that the subject building did encroach over the building setback easements, but was approved by the Board.

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard setback from 30' to 25', and a variance of the rear yard setback from 25' to 11.5' in an RS-2 District, per plot plan submitted, on the following described property:

Lot 3, Block 6, Walnut Creek Fifth Addition to the City of Tulsa, Oklahoma.

10952

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) Request for an exception to permit motorcycle sales and services; and camper sales and storage in a CS District at 6508 South Peoria Avenue.

Presentation:

Rex Greutzmacher, applicant, advised that he and his wife are starting a Suzuki ownership and advised that the property has operated in the past as sale of recreational vehicles. There are no residential structures abutting the subject property. The property in question has operated as Tulsa Camper and Trailer Sales since 1964 and at one time the business did include a motorcycle dealership. Upon questioning the applicant advised that no outside work would be done.

Protestant:

Basil Beech, 6515 South Peoria Avenue, owner of property across the street to the east of the subject tract advised that he objects to the application if the mufflers are the loud type.

Applicant's Comments:

Mr. Greutzmacher advised that he is also concerned with loud mufflers since he operates a safety inspection office.

Board member Smith felt the applicant did not need to come to the Board at all and that a motorcycle sales existed at the subject location in the past, therefore he felt the applicant's filing fee should be refunded.

Alan Jackere, Legal Department, advised that the relationship of land to structures in the area of the subject application are less than 10%, and technically under the Code this use must cease in 5-years, more or less, depending on the value of the improvements. Mr. Jackere advised that it's beneficial to the applicant to come to the Board and request the use because the use would no longer be nonconforming.

10952 (continued)

Discussion between the Board members and Mr. Jackere ensued as to whether or not the application required Board approval.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant an Exception (Section 710 - Principal Uses Permitted in Commercial Districts- Section 1217 - Automotive and Allied Activities) to permit motorcycle sales and services; and camper sales and storage in a CS District, on the following described tract:

Lot 1, Block 1, Young Center Addition to the City of Tulsa, Okla.

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to refund the filing fee to the applicant for Case No. 10952.

10953

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1670 - Variances) Request for a variance of the front setback requirements from 100' to 75'-10" from the centerline of North Harvard Avenue in order to be allowed to enclose existing canopy on the building 21' x 26' at 2545 North Harvard Avenue.

Presentation:

James Dossey, contractor to construct the building for Tulsa Baptist Association, advised that the subject property was an existing filling station with a canopy (24' x 24'). The applicant advised that he found that the canopy encroached upon the 100' requirement, therefore he asked the Board to grant approval in order to use the existing canopy for a library and lounge for the student council.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 100' to 75'-10" from the centerline of North Harvard Avenue in order to enclose an existing canopy (building 21' x 26') contingent upon the plot plan being submitted for the file, on the following described tract:

Beginning at a point 50' East and 65' South of the NW/4 of the NW/4 of Section 28, Township 20 North, Range 13 East, Tulsa County, State of Oklahoma; thence East 150' along and parallel to the South right-of-way line of Apache Street; thence South and parallel to the centerline of Harvard Avenue 150'; thence West and parallel with the centerline of Apache Street 150' to a point of intersection with the East right-of-way line of Harvard Avenue; thence North along said East right-of-way line of Harvard Avenue a distance of 150' to the point of beginning.

4.3.80:307(15)

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) Request for permission to operate an automobile trim shop in an RS-3 District at 5846 East 21st Place.

Presentation:

David Kennon, applicant, 5846 East 21st Place, advised that he would abide by the rules as stated in the rule book for home occupations. The applicant advised that the only machinery being used is an industrial console sewing machine, and two pairs of pliers in his two-car garage.

Mr. Kennon advised that he would be covering automobile seats. The applicant advised that the requested home occupation started out as a hobby, and that the auto repair was for friends only. Mr. Kennon will not advertise, the business will only have business cards for advertisement. Upon questioning, the applicant advised that it takes approximately 1-week to make the seat covers.

Protestants:

James Mitchell, 5847 East 21st Place, property owner directly across the street from the subject application, advised that the applicant informed him of this proposal to start the upholstery business. In order to become knowledgeable of a trim shop, the protestant visited several trim shops in Tulsa and came up with several reasons why the applicant should not conduct a trim shop in a residential neighborhood. The protestant stated that a trim shop was a dirty operation, using many hand tools that would generate noise. Mr. Mitchell also objected to the application because there is no off-street parking, and the traffic flow would be increased. Some of the materials used in the trim shop business are toxic, and the protestant also advised that the proposed business would affect the fire insurance of the neighbors. Mr. Mitchell asked the Board to deny the subject application.

Chester Dill, presented pictures of the subject application in reference to Ms. King's home (Exhibit "S-1"), along with a petition signed by 168 property owners objecting to the subject application (Exhibit "S-2").

Kathryn King, 5840 East 21st Place, advised that her property is immediately west of the subject property. Ms. King stated she is protesting the application because she feels it will devalue her property, and that the applicant has engaged in auto repair for several years working until 2:00 to 3:00 a.m. Ms. King feels that Mr. Kennon is in business for the money, not for his friends. Ms. King presented letters of protest (Exhibit "S-3").

Theodore Wall, property owner across the street from the subject application, advised that Mr. Kennon will probably start using electrical tools when he starts to work on the roofs of cars (vinyl tops).

Rudy Mancino, 5856 East 21st Place, advised that the main issue is whether or not a commercial use is compatible with the residential district.

Board member Wait suggested that the Board give the applicant a reasonable time to find a new place to operate his business.

10954 (continued)

Board Action:

On MOTION of WAIT, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate an automobile trim shop in an RS-3 District; and to give the applicant 90-days to find a new place to operate his business, provided that during this time the applicant's wife sews the seat covers during the day; no outside employees; no cars on the street; that only hand tools, as presented, be used in the operation of the business, on the following described tract:

Lot 9, Block 4, Mary Frances Addition to the City of Tulsa, Okla.

10955

Action Requested:

Gary Kelly, 923 South Pittsburg, advised that his wife is a beauty operator and they plan to convert their garage into a beauty shop. The applicant advised that there will not be any signs advertising the business. Mrs. Kelly will handle one customer at a time, by appointment only. Upon questioning, the applicant advised that the subject property contains a one-car driveway.

Bob Gardner advised that the Ordinance states that no exterior alterations are permitted that would detract from the residential character of the area; therefore he suggested that the applicant leave the garage door in place and have a false wall behind, making an entry on the side of the garage.

Applicant's Comments:

Upon questioning by the Board, Mrs. Kelly advised that her hours of operation would be from 8:30 a.m. to 3:00 p.m., Monday through Friday, and 12:00 noon to 3:00 p.m., on Saturdays. Mrs. Kelly advised that she would not be advertising because she already has a regular clientele. Mrs. Kelly advised the Board that she is 5 months pregnant and this is why she requests a home occupation.

Protestants:

Sid England, 931 South Pittsburg, homeowner immediately north of the subject property, advised that she was not notified of the application and stated her concerns of the home occupation depreciating the value of the other homes in the area.

Juanita Honn, 911 South Pittsburg, advised that she protests zoning the residential neighborhood for commercial business because of the traffic problem involved and the one-car driveway at the subject property.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant an Exception (Section 440 - Special Exception Uses in Residential Districts, Requirements - Section 1680 - Special Exceptions) to operate a home beauty shop in an RS-3 District, during the hours of 8:30 a.m. to 3:00 p.m., Monday through Friday, and 12:00 noon to 3:00 p.m., on Saturday; servicing one customer at a time; limited to blow dries, hair cuts, and permanents, on the following described tract:

10955 (continued)

Lot 14, Block 3, Marshall Heights Addition to the City of Tulsa, Oklahoma.

10956

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts- Section 1205 - Community Services, Cultural and Recreational Facilities) Request for permission to use property for church parking and related activities; and a Variance (Section 440.7 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670- Variances) Request for a variance of the setback from an abutting R District from 25' to 16' at 821 East 46th Street North.

Presentation:

Issiah Davis, Tulsa Urban League Business Development Center, advised that the church in question was destroyed by an arson fire several months ago. Mr. Davis presented a plot plan (Exhibit "T-1") and advised that the second floor of the existing building will be removed and the classrooms previously there will be moved downstairs.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church parking and related activities; and to grant a Variance (Section 440.7 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the setback from an abutting R District from 25' to 16', per plot plan submitted, on the following described property:

The West 80' of the South 268' of the SE/4 of the SW/4 of the SE/4 of Section 12, Township 20 North, Range 12 East, Tulsa County, Oklahoma; and Lots 46, 47 and 48, Block 1, Fairhill Addition to the City of Tulsa, Oklahoma.

10960

Action Requested:

Variance (Section 1211.4 - Offices and Studios - Off-Street Parking - Under the Provisions of Section 1670) Request for a variance of the parking requirements in an OM District; and Variances (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) Request for a variance to permit 58% floor area ratio (original structure contained 52.7 floor area ratio and the 58% floor area ratio will be created when screened porches are enclosed) and an Exception (Section 250.3 (d) - Modification of the Screening Requirements) Request for permission to remove the screening requirement where the purpose of the screening cannot be achieved at 1331 South Denver Ave.

Presentation:

Don Phillips, user and applicant, advised that over a year ago his zoning application came before the Planning Commission and one of the contingencies to his buying the house was to obtain a CS zoning, but OM was recommended. The applicant advised that the house took up 52% of the lot when he bought it. If he encloses the east porch it will encompass 54% and if he encloses the west porch it will encompass 58%. The applicant advised that he is cleaning off the vacant lot across the street from the subject property (Exhibit "U-1") in order to get the zoning changed for parking. A plot plan was presented (Exhibit "U-2"). Upon questioning, the applicant advised that if he encloses the porch, he will need one more parking space. Concerning screening, the applicant advised that to the east of the subject property is an alley and on the north there is a chain link fence with a hedge. The applicant also advised that he has 4 to 6 parking spaces on the property in question. Presently he plans to lease the lot across the street for parking.

Bob Gardner advised that the modification of the screening fence is merited; however our main concern is the off-street parking. Mr. Gardner advised that if the applicant removed the garage he would have ample space for parking and that could become a condition of approval.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant a Variance (Section 1211.4 - Offices and Studios - Off-Street Parking - Under the Provisions of Section 1670) of the parking requirements in an OM District and to grant a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) to permit 58% floor area ratio by enclosing the screened-in porches; with the stipulation that if the parking, becomes a problem in the future, he will remove the garage and provide the required off-street parking, per plot plan submitted, on the following described property:

Lot 2, Block 4, T.T.T. Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Exceptions) Request for a special exception to build two apartment units in a CS District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) Request for a variance of the side setback requirements from 10' to 2' at 134 East 18th Street.

Presentation:

John Walton, applicant, 2101 South Madison Avenue, presented plot plans (Exhibit "V-1") and advised that there are presently 6 units on the subject property and his request is to add two additional units. The applicant advised that the side setback is on the west side which borders the old Midland Valley Railroad right-of-way. The request is for a variance of the overall height permitted. The existing building is 3 stories as is the proposed building, therefore, the proposed building will exceed the maximum height of 26' by 6'.

10961 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Exceptions) to build two additional apartment units in a CS District; and to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the building height to 3 stories and the side setback requirements from 10' to 2', per plot plan submitted, on the following described property:

Lot 120, Block 15, Second Southside Addition to the City of Tulsa, Oklahoma.

10963

Action Requested:

Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) Request for permission to locate a mobile home in an RS-1 District at 622 South 193rd East Avenue.

Presentation:

Joe Funkhouser, applicant, 622 South 193rd East Avenue, advised that he requests permission to locate a mobile home in an area where other mobile homes already exist. Pictures of the mobile homes in the area of the subject application were presented (Exhibit "W-1"). The applicant advised that the subject lot is 155' x 610' and the mobile home would temporarily be his place of residence.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-1 District, for one-year with a removal bond required, on the following described property:

Lot 7, Block 1, Indian Hills Addition, Tulsa County, Oklahoma.

10965

Action Requested:

Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1209 - Mobile Homes) Request for permission to place a mobile home in an AG District south of 136th Street North, West of Admiral.

Presentation:

Andy Studie, applicant, 1725 East Latimer, advised that the subject lot is 5 acres in size and that there are other mobile homes in the area ¼-mile away.

Protests: None.

10965 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant an Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1209 - Mobile Homes) to place a mobile home in an AG District, for a period of 5-years, on the following described tract:

The W/2, N/2, N/2, NE/4, NE/4, of Section 35, Township 22 North, Range 13 East, Tulsa County, Oklahoma.

10966

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts- Section 440.6 (b) Request for an exception to allow a mobile home to be placed on a lot with a residence at 18515 East Admiral Place.

Presentation:

Mrs. Lee, applicant, advised that the request is to place a mobile home on her property behind an existing residence. A house was there before being blown away by a tornado.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 (b) to allow a mobile home to be placed on a lot with a residence, for one-year, with a removal bond required, on the following described property:

The West 6.93 acres Gov. Lot 2, or West 432.1 Gov. Lot 2, Less .93 acres for Highway #66 on North and Less .50 acres for Highway #33 on South, Section 1, Township 19 North, Range 14 East, containing 5.50 acres.

OTHER BUSINESS:

10451

Mr. Jones advised that the applicant, Robert Childers is requesting to substitute his plot plan (Exhibit "X-1").

Bob Gardner advised that the applicant's plot plan showed 2½ feet from the lot line and the motion was stated, per plot plan. However, the Board approved the building to be placed on the east property or 2½ feet away, per plot plan. Therefore a substitute plot plan showing the building on the lot line is appropriate.

Policy on Minor Variances and Exceptions:

Bob Gardner advised that the original Statement of Policy of Minor Variances or Exceptions was never readopted when the State law was changed to require the notification of abutting property owners. The Staff merely required the applicant furnish names for notification. The Legal Department has reviewed & approved the revised document. Items 12 & 13 are new and slight changes have been made to 2 or 3 of the original items. 4.3.80:307(21)

Statement of Policy on Minor Variances or Exceptions (continued)

STATEMENT OF POLICY

OF

MINOR VARIANCES OR EXCEPTIONS

WHEREAS, the Tulsa Zoning Code, Title 42, Tulsa Revised Ordinances, provides for the approval by the Tulsa City Commission of a statement of policy setting forth the list of recognized minor variances or exceptions;

WHEREAS, such minor variance or exception heard by the Board of Adjustment shall require the mailing of written public notice to all adjacent property owners.

THEREFORE, the Board of Adjustment hereby adopts as its statement of policy and the Mayor and Board of Commissioners hereby approves the following list of minor variances or exceptions, the consideration, granting or denial of which shall require written public notice to all adjacent property owners:

Minor Variances:

1. A variance of twenty percent (20%) or less of a required minimum front, side or rear yard within an RS, RD or RM DISTRICT;
2. A variance of ten percent (10%) or less of a required minimum side or rear yard within an OL DISTRICT;
3. A variance of the maximum number of dwelling units permitted on a single lot (Section 206 of the Tulsa Zoning Code);
4. A variance of the required minimum setback for business signs from an abutting street (Section 280 of the Tulsa Zoning Code);
5. A variance of the required minimum lot width of a lot resulting from a lot-split having received the approval of the Tulsa Metropolitan Area Planning Commission;
6. A variance of the bulk and area requirements from interior lot lines to permit the construction of a single-family dwelling which extends over two or more lots;
7. A variance to permit private swimming pools and tennis courts as the principal use on a lot, providing the lot is adjacent to and is accessory to a single-family residence;
8. A variance of the minimum lot width requirement in an AG, Agriculture DISTRICT, provided no lot shall have less than 100 feet of lot width, and further provided that the applicant can prove that such lot was in existence prior to January 1, 1976;
9. A variance of the minimum two acre lot area requirement in an AG, Agriculture DISTRICT, provided no lot shall have less than 22,500 square feet of lot area, and further provided that the applicant can prove that such lot was in existence prior to January 1, 1976;

Statement of Policy on Minor Variances or Exceptions (continued)

Minor Exceptions:

10. A special exception to permit up to .30 floor area ratio in an OL DISTRICT;
11. A special exception to permit within a CS DISTRICT an increase in the permitted display surface area of business signs and outdoor advertising located behind the required building setback line (Section 1021.5 d (5) of the Tulsa Zoning Code);
12. A special exception to permit public or private schools, as set forth in Section 1205 of the Tulsa Zoning Code, to expand a principal building or construct an accessory building(s), structure(s) or use which is incidental to an existing principal building, provided the improvement shall not include new athletic stadiums or outdoor courts, requiring spectator seating and high intensity lighting, and
13. A special exception to permit the following public park improvement facilities:
 - a. Unlighted outdoor courts
 - b. Unlighted athletic fields
 - c. Playgrounds
 - d. Picnic shelters
 - e. Parking lots
 - f. Renovation and expansion of existing buildings

PROVIDED, nothing herein shall preclude the Board of Adjustment from requiring the giving of public notice of hearing to all owners of property within a 300-foot radius of the exterior boundary of the subject property for consideration of a minor variance or special exception listed above.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to approve the Statement of Policy of Minor Variances or Exceptions.

There being no further business, the Chair adjourned the meeting at 6:30 p.m.

Date Approved

May 1, 1980

Victor Purser
Chairman