

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 450
Thursday, October 24, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Clugston Wilson	White	Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections Smith, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, October 23, 1985, at 10:47 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:02 p.m.

MINUTES:

On MOTION of BRADLEY and SECOND by CLUGSTON, the Board voted 3-0-0 (Bradley, Chappelle, Clugston, "aye"; no "nays"; no "abstentions"; White, Wilson, "absent") to **APPROVE** the Minutes of October 10, 1985.

Case No. 13763

Comments and Questions:

Mr. Jones explained that the applicant, Mike Austin, has returned to advertise for additional relief and the application has been properly readvertised at this time, but due to its omission from the agenda should be continued until November 7, 1985.

Board Action:

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, Clugston, "aye"; no "nays"; no "abstentions"; White, Wilson, "absent") to **CONTINUE** Case No. 13763 until November 7, 1985.

UNFINISHED BUSINESS

Case No. 13773

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of 14th Street from 50' to 34', located on the SE/c of 14th and Pittsburg.

Case No. 13773 (continued)

Presentation:

The applicant, Lillian Jones, 1401 South Pittsburg, Tulsa, Oklahoma, informed that the distance from the middle of the street to the proposed garage would be a distance of 31.2'. Ms. Jones had requested 34', therefore she asked that Case No. 13773 be continued until November 7, 1985, to allow sufficient time to readvertise.

Board Action:

On MOTION of BRADLEY and SECOND by CLUGSTON, the Board voted 3-0-0 (Bradley, Chappelle, Clugston, "aye"; no "nays"; no "abstentions"; White, Wilson, "absent") to CONTINUE Case No. 13773 until November 7, 1985, to allow the applicant to advertise for additional relief.

Case No. 13782

Action Requested:

Variance - Section 1221 - Business Signs and Outdoor Advertising - Use Unit 1221 - Request a variance to allow for an off site directional sign, located on the NE/c of 41st and 79th East Avenue.

Comments and Questions:

Ms. Hubbard informed that the Zoning Officer in 1977 called the use a Use Unit 15 (Trades and Services), which is permitted by right in an IL district.

Mr. Gardner advised that staff viewed this site and found numerous businesses in the interior of the area that do not have frontage on a major street and no doubt have a problem being found.

Presentation:

The applicant, Finger Furniture, was represented by Teresa Thomas, 1345 East 139th Street, Tulsa, Oklahoma, who submitted photographs (Exhibit A-1) and a copy of their Building Permit (Exhibit A-2). Ms. Thomas informed that the furniture rental company deals with newcomers to the City and that their building is very difficult to find. She asked that the Board allow a simple sign with the business name and an arrow. Ms. Thomas explained that a sign was in place and has now been removed at the request of the Sign Inspector.

Additional Comments:

Ms. Bradley asked Ms. Thomas who owns the property where the directional sign will be located. She replied that the owner of the Caravan Ballroom has the entire corner and has given his permission to install the 4' by 4' sign to City specifications.

Ken Bode, Protective Inspections, reported that, if the furniture rental business has a 4' by 4' sign, the ballroom could be limited on their signage since they are allowed 1/2 sq. ft. per lineal foot of street frontage for the total lot.

Case No. 13782 (continued)

Mr. Gardner pointed out that the Board should make a distinction between this request for an off-premise sign for this business and other businesses in the area.

Ms. Bradley asked if the property owner is aware of the fact that the placement of the Finger Furniture sign diminishes his signage. Ms. Thomas answered that she is sure he is, since he called her and agreed to allow the sign on his property.

Mr. Jackere remarked that, under the new Outdoor Advertising Conditions, the number of ground signs on a property is determined by the size of the lot. He noted that 1 sign is allowed for every minimum amount of street frontage per specific zoning district.

Ms. Wilson remarked that she feels the approval of the request would be precedent setting and is opposed to the sign at the proposed site.

Mr. Gardner pointed out that this request is different in that the sign has been in place for many years and was removed because it did not meet requirements under the new ordinance. He explained that it is much like a nonconforming use, in that the sign was in place and the Board might allow the business to have the sign and continue that use until such time the business moved and at that time the sign be removed also.

Ms. Wilson pointed out that the sign in question affects the signage of the property owner and that it was placed at its previous location without a permit.

Ken Bode stated that none of the signs had permits and by the time the furniture rental business applied for the permit, the new ordinance on off premise signs had passed and they were not allowed.

Protestants: None.

Board Action:

A motion for denial by Ms. Wilson died for lack of a second.

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 3-1-0 (Bradley, Chappelle, Clugston, "aye"; Wilson "nay"; no "abstentions"; White, "absent") to APPROVE a Variance (Section 1221 - Business Signs and Outdoor Advertising - Use Unit 1221) to allow for a 4' by 4' off site directional sign; subject to the sign being limited to a directional sign for Finger Furniture only; subject to the off site directional sign meeting all City requirements; finding that the subject sign has been in place since 1977; on the following described property:

Beginning at a point on the south line of the SE/4 of SE/4 of Section 23, Township 19 north, Range 13 east, Tulsa County,

Case No. 13782 (continued)

State of Oklahoma, said point being 350' west of the SE/c of said SE/4 of the SE/4; thence north and parallel to the east line of the said SE/4 of the SE/4 a distance of 400' to a point; thence west and parallel to the south line of the SE/4 of the SE/4 a distance of 313.12' to a point; thence southerly 400.00' to a point on the south line of Section 23; thence east a distance of 313.09' to the point of beginning LESS the west 30' thereof and the south 50' thereof dedicated for street purposes.

Case No. 13788

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a day care center in an existing elementary school, located at 6646 South 73rd East Avenue.

Presentation:

Case No. 13788 is advertised for hearing on November 7, 1985, and was erroneously included on the October 24, 1985 agenda.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to CONTINUE Case No. 13788 to November 7, 1985.

NEW APPLICATIONS

Case No. 13798

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an RS-3 zoned district.

Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request a variance of the one year time limitation, located at 3651 South Maybelle.

Presentation:

The applicant, Timothy Nail, 3751 1/2 South Tacoma, Tulsa, Oklahoma, who submitted a site plan (Exhibit B-1) and photographs (Exhibit B-2) stated that the house burned which was previously at the above stated location. Mr. Nail explained that the debris has been cleared away and asked the Board to allow him to put a mobile home on the lot. He remarked that there are several mobiles in the surrounding area.

Case No. 13798 (continued)

Comments and Questions:

Ms. Wilson asked the applicant if he is purchasing the lot and he replied that the purchase is contingent on the Board of Adjustment decision to allow a mobile home on the lot.

Ms. Bradley asked Mr. Nail if he intends to make this location a permanent home. He replied that he intends to rent the land to another party who has purchased a new mobile home, but would like to have his own mobile on the lot when he is financially able.

Protestants:

Ron Wolf, 3646 South Lawton, Tulsa, Oklahoma, informed that he lives east of the lot in question and, in his opinion, there are too many trailers in the area. Mr. Wolf asked the Board to deny the application.

Ms. Bradley asked Mr. Wolf how many mobile homes are located in the immediate block and he replied that there are three.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 3-1-0 (Chappelle, Clugston, Wilson, "aye"; Bradley, "nay"; no "abstentions"; White, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209) to allow a mobile home in an RS-3 zoned district; and to DENY a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209) of the one year time limitation; subject to posting of Removal Bond; subject to Health Department approval and Building Permit; finding that the granting of the special exception request would not be detrimental to the neighborhood and would be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 22, Block 7, Garden City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13800

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request a special exception to allow a Use Unit 17 (tire sales).

Use Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1217 - Request a use variance to allow a Use Unit 17 (tire sales) with outdoor storage in an RS-3 zoned district.

Case No. 13800 (continued)

Variance - Section 1217.3 - Use Conditions - Request a variance of the required screening from an abutting R district and a variance to allow open air storage and display of merchandise offered for sale within 300' of an abutting R district, located at 4443 1/2 North Peoria.

Presentation:

The applicant, Susie Hux, 4443 1/2 North Peoria, Tulsa, Oklahoma, stated that her repair shop sells new and used tires at the above stated address. She asked the Board to allow the business to continue at the present location. Photographs were submitted (Exhibit C-1).

Comments and Questions:

Mr. Jackere inquired as to the height the tires were stacked and the applicant replied that the tires are ricked about 3' high.

Ms. Hux stated that she is protesting the requirement to construct a fence between the business and the residential zoned area.

Ms. Wilson asked Ms. Hux if there are homes to the rear of the business and she replied that the property behind the tire shop is covered with grass and trees and does not have homes.

The applicant informed that across the street from her business is a mechanic shop and to the north and south are car lots.

Mr. Gardner asked the Mr. Hux, 4434 1/2 North Peoria, Tulsa, Oklahoma, if he buys discarded tires from large automotive stores and he answered in the affirmative. Mr. Gardner pointed out that only about 10% of these tires are salvageable and asked him to explain his plans for disposing of the remaining 90%. Mr. Hux explained that he is acquiring additional adjoining property and is proposing a tire shredding machine to dispose of the discarded tires, but at the present they are being hauled away.

Ms. Wilson asked if the property is leased at this time and the applicant replied that the lot is leased, but she is trying to buy it.

Mr. Gardner noted that in similar operations the tires that are not good enough to sell have been left piled on the ground and presented a problem for the area.

Ms. Wilson asked the applicant how many tires are stored on the lot at this time. Ms. Hux informed that there are approximately 2000 car tires and 500 truck tires on the lot.

Mr. Chappelle submitted a letter from Code Enforcement (Exhibit C-2) stating that they had received numerous complaints regarding the tire sales business.

Case No. 13800 (continued)

Protestants:

Ron Smiles, 7935 East 59th Street, Tulsa, Oklahoma, informed that he owns the lot directly north of the applicant and that there are tires stored east and south of his property. He stated that there are rats breeding in the discarded tires and stated a concern that the value of his property will diminish if the outside storage is allowed to remain.

Additional Comments:

Ms. Wilson asked the applicant to address the hardship for the variance and he informed that he needs more room to store tires.

Board Action:

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217) to allow a Use Unit 17 (tire sales); to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1217) to allow a Use Unit 17 (tire sales) in an RS-3 zoned district; and to **DENY** a **Variance** (Section 1217.3 - Use Conditions) of the required screening from an abutting R district and a variance to allow open air storage and display of merchandise offered for sale within 300' of an abutting R district; finding that the granting of the special exception for tire sales, with no outside storage, would be in harmony with the spirit and intent of the Code and the Comprehensive Plan, but finding that the applicant failed to demonstrate a hardship that would warrant the granting of the variances requested; on the following described property:

The north 455', south 772', east 190', west 240' of Lot 1, Section 18, T-20-N, R-13-E and the south 100' of the north 550' of the east 190' of the west 240' of the west 14.86 acres of Lot 1, Section 18, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13801

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the maximum permitted 750 sq. ft. for a detached accessory building to 1488 sq. ft.

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Request a variance of the 60' setback from the centerline of Boston Avenue to 50' and a variance of the required 3' setback from an interior lot line for a detached structure to 2.3' to allow an existing structure, located at 2672 South Boston.

Case No. 13801 (continued)

Presentation:

The applicant, Stan Doyle, 2700 South Boston, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) and photographs (Exhibit D-2). He explained that his home was built in 1921 and that he is proposing an expansion of the garage to accommodate 6 cars.

Comments and Questions:

Ms. Hubbard asked the applicant if there is a second story in the proposed addition and he informed that it will be an extension of the house which is a two story structure, but the second floor will not be used.

Ms. Hubbard pointed out that Mr. Doyle is not properly advertised, since the first floor alone is as large as the relief requested.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to CONTINUE Case No. 13801 until November 7, 1985, to allow the applicant to advertise for additional relief.

Case No. 13802

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector, Code Enforcement Supervisor and Neighborhood Inspectors - Use Unit 1223 and 1226 - Appeal from Code Enforcement to allow an existing use in an IL zoned district.

Variance - Section 1340.e - Design Standards for Off-Street Parking - Use Unit 1210 - Request a variance of the screening requirements for off-street parking when abutting a residential district, located at 2621 North Iroquois.

Presentation:

The applicant, Kenneth Cox, requested by letter (Exhibit E-1) that Case No. 13802 be withdrawn.

Board Action:

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, Clugston, "aye"; no "nays"; no "abstentions"; White, Wilson, "absent") to WITHDRAW Case No. 13802.

Case No. 13803

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from

Case No. 13803 (continued)

street from 50' to 46' to allow for the construction of an addition to an existing structure, located at 5862 East 22nd Place.

Presentation:

The applicant, Ralph Hanson, 3719 South Wheeling, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) for an addition to an existing structure. Mr. Hanson stated that he is extending the living room of a residence owned by Mr. and Mrs. Wyman Hart.

Comments and Questions:

Ms. Bradley asked if the extension of the living room will be 4' and the applicant replied that the addition will be 4' toward the street.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by CLUGSTON, the Board voted 3-1-0 (Bradley, Chappelle, Wilson, "aye"; Clugston, "nay"; no "abstentions"; White, "absent") to APPROVE a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from street from 50' to 46' to allow for the construction of an addition to an existing structure; finding a hardship demonstrated for the minor variance by the design of the house; on the following described property:

Lot 6, Block 6, Mary Francis Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13804

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow automobile sales in a CS zoned district, located at 10724 East 11th Street.

Presentation:

The applicant, Jim C. Vanderpool, 10724 East 11th Street, Tulsa, Oklahoma, asked the Board to allow him to sell used cars on his property at the above stated address.

Comments and Questions:

Ms. Bradley asked if there is an office and warehouse on the property and the applicant answered in the affirmative.

Ms. Wilson made inquiry as to what is located to the east of the subject tract. Mr. Vanderpool informed that there is a camper sales and service business east of his lot.

10.24.85:450(9)

Case No. 13804 (continued)

Mr. Gardner pointed out that the old railroad restaurant is in the northwest corner of the block and Mr. Vanderpool's land is in an L shape around the restaurant.

The applicant informed that he will have a maximum of 12 cars on the lot at any given time, and that the cars will be parked only on the front portion of the lot. He stated that he also operates Green Country Siding on the subject tract.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by CLUGSTON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow automobile sales in a CS zoned district; subject to a maximum of 12 cars being parked on the northeast portion of the subject lot and said cars being parked no further south than the southern boundary of the restaurant; on the following described property:

The North 175' of the W/2 of Lot 1, Mingo Valley Acreage Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13805

Action Requested:

Special Exception - Section 440 - Special Exception Uses in Residential Districts - Use Unit 1215 - Request a special exception to allow a beauty shop as a home occupation, located at 3215 West 40th Street.

Presentation:

The applicant, Louise Ratliff, 3215 West 40th Street, Tulsa, Oklahoma, requested that she be allowed to use approximately 1/2 of her garage for a beauty salon. She stated that there will be no exterior changes to the house and she will have one station, with no employees. The applicant informed that she has adequate parking for her clients in the driveway of her home.

Comments and Questions:

Mr. Clugston inquired as to the hours of operation for the beauty shop. Ms. Ratliff replied that she would like to have it open from 9:00 a.m. until 7:00 p.m., thus providing evening service for the working women of the neighborhood.

Case No. 13805 (continued)

Mr. Chappelle asked the applicant to state the approximate number of clients expected to come to the shop each day, and she replied that she will probably have about 8 customers.

The applicant was presented a copy of the Home Occupation guidelines.

Protestants:

Victor Hernandez, 3223 West 40th Street, Tulsa, Oklahoma, stated that, in his opinion, the the beauty shop would be detrimental to the neighborhood. He pointed out that his bedroom window would be only 10' from the proposed salon and its location there would deprive him of the peace and tranquility he would like in his home. He noted that the applicant takes care of children in her home which generates additional traffic in the area.

Additional Comments:

Ms. Wilson asked Ms. Ratliff if there are other home occupations located in the neighborhood and she answered that there are none.

Ms. Bradley asked the applicant if she will continue to care for children if the special exception is approved and she informed that she will not.

Board Action:

A motion by Mr. Clugston to approve the special exception, subject to hours of operation being 9 a.m. to 7 p.m., died for lack of a second.

On MOTION of BRADLEY and SECOND by CLUGSTON, the Board voted 3-1-0 (Bradley, Chappelle, Clugston, "aye"; Wilson, "nay"; no "abstentions"; White, "absent") to APPROVE a Special Exception (Section 440 - Special Exception Uses in Residential Districts - Use Unit 1215) to allow a beauty shop as a home occupation; per Home Occupation Guidelines; subject to hours of operation being from 10:00 a.m. to 6 p.m.; subject to days of operation being Monday through Saturday; on the following described property:

Lot 6, Block 36, Original Townsite of Redfork Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13806

Action Requested:

Special Exception - Section 910 - Principal Use Permitted in Industrial Districts - Request a special exception to allow for a convenience store in an IL zoned district, located on the NW/c of Yale and Apache.

Presentation:

The applicant, Charles Sublett, 320 South Boston, Tulsa, Oklahoma, represented the owner of the subject tract, and explained that

Case No. 13806 (continued)

they have a pending contract to sell it, subject to the approval of a convenience store by the Board. He pointed out that there is an old service station on the property at this time and, in his opinion, a new store would enhance and upgrade the neighborhood. Photographs were submitted (Exhibit G-1).

Comments and Questions:

Ms. Bradley asked if there is a convenience store on the property to the south of the lot in question. Mr. Sublett informed that the operator of that store is proposing to build a new facility on the subject tract.

Protestants:

Janice DeKamp, 2419 North Vandalla, Tulsa, Oklahoma, submitted a petition (Exhibit G-2) signed by area residents, asking that the granting of any construction be delayed until the proposed widening of Yale Avenue is completed. She stated that the area has a drainage problem and flooding occurs south of the intersection during the rainy seasons.

Cheryl Pitcock, 2470 North Yale, Tulsa, Oklahoma, pointed out that Yale and Apache have both been closed during heavy rains and is concerned that any further construction in the area would add to the drainage problem.

Applicant's Rebuttal:

Mr. Sublett pointed out that the proposed convenience store is a less intense use than could be built on the location by right.

Mr. Clugston asked if the boundary of the property is surrounded by a fence and Mr. Sublett answered in the affirmative. Mr. Clugston pointed out that the subject property is paved at this time and the building of the convenience store would not add to the existing water problems.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Use Permitted in Industrial Districts) to allow for a convenience store in an IL zoned district; subject to a Building Permit and Hydrology Department approval; finding that the convenience store is actually a less intense use than would be allowed on the property by right; and finding that the granting of the special exception request would be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 2, Block 5, Gilcrease Freeway Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13807

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of North Quanah Avenue from 50' to 39' to allow for the construction of an addition to an existing dwelling, located at 1303 West Young Street.

Presentation:

The applicant, Calvin Cozort, 4641 South Braden, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1) and asked permission to add a sun room on the east side of a home at the above stated address.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a Variance (Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of setback from the centerline of North Quanah Avenue from 50' to 39' to allow for the construction of an addition to an existing dwelling; per plot plan submitted; finding a hardship demonstrated by the corner lot location and setbacks on 2 streets being restrictive; on the following described property:

Lot 18, Block 14, Gilcrease Hills Village II, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13808

Action Requested:

Variance - Section 730 - Bulk and Area Requirements In Commercial Districts - Request a variance of frontage from 150' to 100' in order to permit a lot split, located at 2938 West Skelly Drive.

Presentation:

The applicant, R. E. Hyde, 2930 West Skelly Drive, Tulsa, Oklahoma, submitted a plot plan (Exhibit I-1) and asked the Board to approve a lot split which has been approved by TMAPC on October 16, 1985. He explained that a service station is located on one lot and a used car lot and his residence on the remaining two lots.

Comments and Questions:

Mr. Gardner explained that there is one lot that does not have the 150', which the ordinance requires, but the business has been operating on the subject tract for many years and there are no new curb cuts.

10.24.85:450(13)

Case No. 13808 (continued)

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by CLUGSTON, the Board voted 3-1-0 (Bradley, Chappelle, Wilson, "aye"; Clugston, "nay"; no "abstentions"; White, "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of frontage from 150' to 100' in order to permit a lot split; finding that the existing business has been in operation for many years; on the following described property:

Lot 1, Block 1, less the west 208.72' thereof, in the amended Hyde Addition, and an unplatted tract described as the south 29' of the west 260' of the NE/4, NW/4, NW/4 of Section 34, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13809

Action Requested:

Variance - Section 1420 - A - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1206 - Request a variance to expand a dwelling unit in an IL zoned district, located at 746 North Norfolk Avenue.

Presentation:

The applicant, Mary Hope, 746 North Norfolk Avenue, Tulsa, Oklahoma, who submitted a plot plan (Exhibit J-1), explained that her home was existing before the area was zoned IL and asked the Board to allow her to build a two-story addition.

Comments and Questions:

Ms. Wilson asked Ms. Hope if she has a Building Permit, and she replied that she has approval from that office, contingent on approval from this Board.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Variance (Section 1420 - A - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1206) to expand a dwelling unit in an IL zoned district; per plot plan submitted; finding that the dwelling existed prior to the IL zoning; on the following described property:

10.24.85:450(14)

Case No. 13809 (continued)

South 50' of Lots 1 and 2, Block 2, Frisco Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13810

Action Requested:

Variance - Section 730 - Bulk and Area Requirement in the Commercial District - Use Unit 1221 - Request a variance of setback from the centerline of 11th Street from 50' to 35' to allow for a sign on an existing pole, located at 4606 East 11th Street.

Presentation:

The applicant, Clifford Holt, 4606 East 11th Street, Tulsa, Oklahoma, submitted photographs (Exhibit K-1) and informed that there is a sign attached to the building which he would like to remove and place on an existing pole.

Comments and Questions:

Ms. Bradley asked if the large wood sign in front of the business would remain and Mr. Holt informed that it would be removed. He pointed out that the existing pole lines up with the other signs along the street.

Ken Bode, Protective Inspections, informed that the pole could not be moved further back because of the canopy attached to the building.

Mr. Chappelle submitted a letter of support (Exhibit K-2) from the Bason Company.

Mr. Gardner informed that prior to 1970 the only requirement was that the pole be set on the owners property. In 1970 the requirement was to have signs placed 50' from the centerline and the older existing poles have been left in place when the signs were updated to prove there has been a sign there at one time.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirement in the Commercial District - Use Unit 1221) of setback from the centerline of 11th Street from 50' to 35' to allow for a sign on an existing pole; subject to a Removal Contract being executed to insure removal of the sign, by the owner, in the event that 11th Street should be widened; finding that there are other signs as close to the centerline as the subject sign; on the following described property:

The west 60.12' of the east 90.12' of Lots 22, 23 and 24, Block 1, Rose Marie Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13811

Action Requested:

Special Exception - Section 440 - Special Exception Uses Permitted In Residential Districts - Use Unit 1213 - Request a special exception for a home occupation to allow for a beauty shop, located at 3123 West 41st Street.

Presentation:

The applicant, Kathy Anthamatten, was not present.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to CONTINUE Case No. 13811 to November 7, 1985.

Case No. 13812

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to a church and related uses in a residential zoned district.

Variance - Section 1340.e - Design Standards for Off Street Parking - Use Unit 1210 - Request a variance of the screening requirements for parking, located at 1430 South 131st East Avenue.

Presentation:

The applicant, Gary Victor, 2828 East 51st Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit L-1) and photographs (Exhibit L-2), represented the Tulsa Chinese Christian Church. Mr. Victor stated that an application was made and approved in 1982 for a church on one of the lots that is in today's application, and although the application was approved, there was no construction on the lot. Mr. Victor informed that the church is planning to construct a building with approximately 2,000 sq. ft. He explained that there are various types of uses in the area and about 7 churches within a 1/2 mile radius of the subject tract. The applicant stated that the church will use conventional type materials for the construction and there is a possibility that an addition may be proposed in the future. Mr. Victor asked that the screening requirements be waived on the north by the horse corral and on the south which is bordered by vacant land.

Comments and Questions:

Ms. Bradley asked Mr. Victor how many members attend the Chinese Christian Church, and he informed that there are approximately 75.

Case No. 13812 (continued)

Protestants:

Ms. Cecil Allen, 1437 South 131st East Avenue, Tulsa, Oklahoma, stated that she lives to the east of the lot in question and pointed out that the street is very narrow and has a heavy traffic flow from the apartments in the area. Ms. Allen informed that she has no objection to the church if there is adequate off-street parking and if the screening is in place. She also voiced a concern that the construction might add to the existing drainage problem in the area.

Additional Comments:

Mr. Victor informed that there will be some requirements from the Hydrology Department concerning detention on the property.

Mr. Clugston suggested that the applicant might consider screening Ms. Allen's property.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) for church and related uses in a residential zoned district; and to DENY a Variance (Section 1340.e - Design Standards for Off Street Parking - Use Unit 1210) of the screening requirements next to parking; per concept plan submitted; subject to applicant returning to the Board with final plans; on the following described property:

Lot 3, Block 12, Romoland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13813

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1221 - Request a variance of setback from the centerline of Union Avenue to 26' to allow for a sign, located on the SW/c of 48th Street and Union Avenue.

Presentation:

The applicant, Joel Hersh, 3000 Northeast 63rd Street, Oklahoma City, Oklahoma, submitted a plot plan (Exhibit M-1) and asked the Board to allow a Braum's sign on the east edge of their property. He explained that the east 25' of the lot is in the Major Street Plan and a sign is not permitted on this portion without Board approval.

Comments and Questions:

Ms. Bradley asked the applicant if there are other signs on the street as close to the centerline of Union Avenue as the proposed Braum's sign. Mr. Hersh replied that there are signs on the

Case No. 13813 (continued)

adjoining property to the south that are as close to the street as the one in question.

Copies of the minutes were circulated which reflected the granting of a variance for the business to the south .

Ken Bode, Protective Inspections, stated that the Sign Inspector reported that he found no reason why the sign could not be placed at the proper setback.

Ms. Bradley asked Mr. Bode if there would be an obstructed to prevent the visibility of the sign if it were set back the required 50'. Mr. Bode answered that the determination of the Sign Inspector was that the sign would be visible at the 50' setback unless the tree was preserved which is on the lot at this time.

Ms. Bradley asked the applicant if the tree on the lot will be preserved, and he replied that it is partially dead and will be removed, but pointed out that their sign needs to be as close to the street as possible.

Protestants: None.

Board Action:

A motion for denial by Ms. Wilson died for lack of a second. On MOTION of BRADLEY and SECOND by CLUGSTON, the Board voted 1-3-0 (Bradley, "aye"; Chappelle, Clugston, Wilson, "nay"; no "abstentions"; White, "absent") to *APPROVE a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1221) of setback from the centerline of Union Avenue to 26' to allow for a sign; on the following described property:

Lot 1, Block 7, Greenfield Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

*The application was denied for lack of 3 affirmative votes, because of lack of a hardship as defined by the Zoning Code.

Case No. 13814

Action Requested:

Special Exception - Section 440 - Special Exception Uses in Residential Districts - Use Unit 1213 - Request a special exception for a home occupation to allow a garage sale on a continual basis on weekends in a residential districts, located at 1448 North Birmingham Place.

Presentation:

The applicant, Claude Frew, 1448 North Birmingham Place, Tulsa, Oklahoma, stated that he is retired and would like to have a garage sale to supplement his income.

Case No. 13814 (continued)

Comments and Questions:

Ms. Wilson asked the applicant if he is operating a garage sale on his property, and he replied that he operated a sale a few years ago, but not at this time.

Mr. Chappelle asked Mr. Frew if the sale will be on Saturday and Sunday, and he replied that he preferred to have them from 10:00 a.m. until dark on Friday and Saturday.

Mr. Jackere inquired as to the outside storage of the articles for sale, and Mr. Frew stated that his merchandise is stored under the carport. Mr. Jackere informed that the applicant needs a variance for the outside storage.

Mr. Jones stated that Staff was not aware that Mr. Frew planned to store his merchandise outside and if the applicant wishes, he can readvertise for a Use Variance.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to DENY a Special Exception (Section 440 - Special Exception Uses in Residential Districts - Use Unit 1213) for a home occupation to allow a garage sale on a continual basis on weekends in a residential districts; finding that a garage sale of this nature would not be compatible with the neighborhood and finding that the special exception request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

N/2 , Lot 1, Block 3, Friendly Homes Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13815

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1227 - Request a use variance to allow for an existing automobile salvage, located at 2412 East Mohawk Blvd.

Presentation:

The applicant, Jack DeShong, was represented by Dwight Smith, 35 East 18th Street, Tulsa, Oklahoma, who submitted photographs (Exhibit N-1) of the area. Mr. Smith asked that the Board allow the existing auto salvage to remain at the present location. He pointed out that there is a flea market across the street from the subject tract and various other salvage yards operating in the area. Mr. Smith noted that his client, Mr. DeShong, is the owner of the property and it is leased at this time. He informed that in July of

Case No. 13815 (continued)

1985 the Board granted a use variance to allow an existing salvage operation on the southwest corner of 36th Street and Lewis, which is in close proximity to the subject property.

Comments and Questions:

Ms. Wilson asked Mr. Smith how long a salvage business has been conducted at the present location. He replied that it has been in operation approximately 6 or 7 years.

Mr. Gardner informed that the salvage use which was approved on the corner of 36th Street and Lewis had been there at least 11 years, as supported by aerial photographs. Mr. Gardner pointed out that the Board might ask for proof of the length of time automobiles have been on the subject property.

Mr. Smith stated that he is certain that automobiles were stored on the lot in 1980 and fairly confident that they were there prior to that time.

Mr. Chappelle submitted photographs and a letter from Code Enforcement (Exhibit N-2) stating that there have been complaints about the operation.

Ms. Wilson asked the applicant how many cars are on the lot at the present time, and he replied that there are approximately 20 to 30 cars on the property.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 3-0-1 (Bradley, Clugston, Wilson, "aye"; no "nays"; Chappelle, "abstaining"; White, "absent") to APPROVE a Use Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1227) to allow for an existing automobile salvage; subject to the salvage business being screened and no storage of automobiles outside the screening fence; subject to the cars being stacked no higher than 6'; finding that the salvage business has been at the present location for approximately 5 years and that there are numerous salvage operations already in the area; on the following described property:

A certain tract of land lying in the NW/4, NW/4 of Section 20,- Township 20 North, Range 13 East, Tulsa County, Oklahoma, described as follows, to-wit: Beginning at a point on the southerly right-of-way line of Mohawk Boulevard, said point of beginning being 50' east of the west line of said Section 20; thence northeasterly along said southerly right-of-way line of Mohawk Boulevard a distance of 220' to the point of beginning; thence continuing northeasterly along said southerly

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Case No. 13815 (continued)

right-of-way line a distance of 150' to a point; thence southeasterly at a right angle a distance of 140' to a point; thence southwesterly along a line parallel to said southerly right-of-way line of Mohawk Boulevard a distance of 150' to a point; thence northwesterly at a right angle a distance of 140' to the point of beginning.

Case No. 13816

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of Sheridan Avenue from 85' to 65', located at 6097 East 56th Street.

Presentation:

The applicant, Sidney Presley, was represented by Tom Presley, 6097 East 56th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit 0-1) and photographs (Exhibit 0-2) and stated that he is proposing an 8' by 10' addition to his home. He explained that the construction would be 10' toward Sheridan and that the 4th house to the north of his property is closer to the street than the planned addition.

Comments and Questions:

There was discussion as to whether the applicant would have access to his garage if the City required the right-of-way and it was determined that there would be sufficient space to drive to the rear of the property after the addition was constructed.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 3-1-0 (Bradley, Chappelle, Wilson, "aye"; Clugston, "nay"; no "abstentions"; White, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of Sheridan Avenue from 85' to 65'; finding a hardship imposed on the applicant by the design of the house and the corner location with setbacks from both Sheridan and 56th Street; on the following described property:

Lot 1, Block 1, Sheridan Plaza Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13817

Action Requested:

Special Exception - Section 410 - Permitted Uses in the Residential Districts - Use Unit 1202 - Request a special exception to allow a church carnival in an RS-3 zoned district, located on the NW/c of 25th West Avenue and 46th Street.

10.24.85:450(21)

Case No. 13817 (continued)

Presentation:

The applicant, Dale Davis, requested by letter (Exhibit P-1) that Case No. 13817 be withdrawn.

Board Action:

On MOTION of BRADLEY and SECOND by CLUGSTON, the Board voted 3-0-0 (Bradley, Chappelle, Clugston, "aye"; no "nays"; no "abstentions"; Wilson, White, "absent") to WITHDRAW Case No. 13817.

Case No. 13818

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for an existing day care center as a home occupation, located at 1518 North Evanston Avenue.

Presentation:

The applicant, Eva Scott, 1518 North Evanston, Tulsa, Oklahoma, informed that she plans to move from her present home and convert the house to a day care center. Ms. Scott noted that she is currently operating a day care home. She explained that the center would accommodate 15 children, which she could serve without doing any structural changes to the house.

Comments and Questions:

Mr. Chappelle asked Ms. Scott to state the days and hours of operation for her business, and she replied that it would be open Monday through Friday from 7:00 a.m. to 6:30 p.m.

Ms. Wilson asked the applicant if her neighbors were in support of the day care center in the neighborhood, and she replied that he has spoken with some of the older residents in the area and they had no objection to the business.

Mr. Jackere informed that the applicant is not properly advertised for a day care center, but has made application for a home occupation. He pointed out that the owner must live in the home to qualify for a home occupation.

Mr. Gardner affirmed that the applicant could readvertise for a day care center with employees, or she could increase the number of children to the amount allowed by the State without an employee. He pointed out that the Board should determine if they would be inclined to approve a day care center in the residential area if Ms. Scott did readvertise. He informed that, with some interior changes, she could have a maximum of 26 children in the center, or she could keep approximately 15 children as a home occupation, live in the home and have no employees.

Case No. 13818 (continued)

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for an existing day care center as a home occupation; finding that the granting of the special exception request for a day care center, as proposed, would not be compatible with the residential neighborhood and violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 7, Block 2, Anelen Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13819

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1221 - Request a variance of setback from 10' to 0' from abutting R district (I-44) to allow for a sign.

Variance - Section 1221.4(a) - CS District Use Conditions of Business Signs - Use Unit 1221 - Request a variance to allow a 50' sign height with 0' setback.

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request a variance of lot frontage on South Yale Avenue from 150' to 56.8' and on I-44 service road from 150' to 74.63' to allow for a lot split, located at 4717 South Yale Avenue.

Comments and Questions:

Mr. Jones informed that the Technical Advisory Committee recommended (Exhibit Q-1) denial of the lot split because of the need for additional right-of-way, 10' on Yale, and impending intersection improvements and widening, per Commissioner Metcalf.

Presentation:

The applicant, Bryan Todd, 3140 South Winston, Tulsa, Oklahoma, who represented Whitco, submitted a plot plan (Exhibit Q-2) and stated that the Technical Advisory Committee does not have an objection to the subject sign, but does object to the setback on Yale. Mr. Todd asked the Board to allow 0' setback from the north property line, as there are no residences in that area.

Additional Comments:

Mr. Jackere pointed out that, if the lot split is approved, every lot would be entitled to a sign. He suggested that the Board may want to know what determination TMAPC makes before the sign issue is addressed.

Case No. 13819 (continued)

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to CONTINUE Case No. 13819 until November 7, 1985, to allow hearing by TMAPC.

SPECIAL REQUEST

Case No. 13781 - Clarence Stites - Request refund of filing fee.

Comments and Questions:

Mr. Jones informed that this application was withdrawn by Mr. Stites on October 10, 1985 and processing had been completed at that time. Staff recommended that the public hearing portion of \$25.00 be refunded.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to REFUND \$25.00, the public hearing portion of the application; finding that processing had been completed previous to the withdrawal of the case.

Ms. Bradley requested that a date be set for a Policy Committee meeting. It was determined by the Board to have a Policy Committee meeting on November 14, 1985, at 3:00 p.m., Center Office Building, 4th Floor Conference Room, 707 South Houston.

Ms. Wilson noted that it has come to her attention that a committee has been meeting to discuss group homes and asked, if Mr. Chappelle is representing the Board at these meetings, why the Board members had not notified that he is their representative.

Mr. Gardner pointed out that Mr. Chappelle was asked to serve on the committee, but is just an individual from the Board, and not representing the Board.

There being no further business, the meeting was adjourned at 5:20 p.m.

Date Approved

11.7.85

Charles J. Wilson
Chairman

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